

## CITY OF VAUGHAN

### **EXTRACT FROM COUNCIL MEETING MINUTES OF SEPTEMBER 27, 2021**

Item 14, Report No.39, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on September 27, 2021.

**14. PALA BUILDERS (BT) INC. DRAFT PLAN OF CONDOMINIUM  
(COMMON ELEMENT) FILE 19CDM-20V008 VICINITY OF DUFFERIN  
STREET AND RUTHERFORD ROAD**

**The Committee of the Whole recommends approval of the recommendation contained in the report of the Deputy City Manager, Planning and Growth Management dated September 14, 2021:**

**Recommendation**

1. That Draft Plan of Condominium (Common Element) File 19CDM-20V008 (Pala Builders (BT) Inc.) BE APPROVED, to establish the condominium tenure and the common element for the townhouse development, as shown on Attachment 3, subject to the Conditions of Draft Plan of Condominium Approval identified in Attachment 1.

## Committee of the Whole (1) Report

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**DATE:** Tuesday, September 14, 2021

**WARD:** 4

**TITLE:** PALA BUILDERS (BT) INC.  
DRAFT PLAN OF CONDOMINIUM (COMMON ELEMENT)  
FILE 19CDM-20V008  
VICINITY OF DUFFERIN STREET AND RUTHERFORD ROAD

**FROM:**

Haiqing Xu, Deputy City Manager, Planning and Growth Management

**ACTION:** DECISION

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**Purpose**

To seek approval from the Committee of the Whole for Draft Plan of Condominium (Common Element) File 19CDM-20V008 for the subject lands shown on Attachment 2 to establish the condominium tenure and the common elements for the approved townhouse development shown on Attachment 3.

**Report Highlights**

- The Owner has submitted Draft Plan of Condominium (Common Element) Application to establish condominium tenure and the common elements for a development consisting of 114 townhouse dwellings
- The Development Planning Department supports the Draft Plan of Condominium File 19CDM-20V008, subject to conditions, as it is consistent with the Site Development File DA.18.046 endorsed by Council and approved by the Ontario Land Tribunal

**Recommendation**

1. That Draft Plan of Condominium (Common Element) File 19CDM-20V008 (Pala Builders (BT) Inc.) BE APPROVED, to establish the condominium tenure and the

common element for the townhouse development, as shown on Attachment 3, subject to the Conditions of Draft Plan of Condominium Approval identified in Attachment 1.

## **Background**

The 2.4 ha subject lands (the 'Subject Lands') shown on Attachment 2 are located on the southeast corner of Crimson Forest Drive and Marc Santi Boulevard. The Subject lands and surrounding land uses are shown on Attachment 2.

### ***Zoning By-law Amendment and Site Development Applications were approved for the Subject Lands***

The Subject lands were previously identified as a surplus elementary school site within Block 11. The Owner submitted Zoning Amendment and Site Development Files Z.17.037 and DA.18.046 to the City and then appealed them to the Ontario Land Tribunal (the 'OLT') due to the failure of Council to make a decision within the statutory time frames. The appeals and the local residents' association concerns with the Development were resolved through refinements to these applications prior to the OLT hearing.

Council on June 12, 2019 endorsed the recommendation in the Committee of the Whole report to approve Zoning By-law Amendment Z.17.037 and Site Development File DA.18.046. The OLT issued the final Order on September 2, 2020 approving the rezoning of the Subject Lands from "RD3 Residential Detached Three" to "RT1 Residential Townhouse Zone" on a site-specific basis and approving the Site Plan for 114 townhouse units, private roads, visitor parking areas, landscaping, and shared common elements (the 'Development') to be developed in accordance with the final Site Plan approved under File DA.18.046.

## **Previous Reports/Authority**

[March 20, 2018, Committee of the Whole \(Public Meeting\) \(Item 5, Report 11\)](#)

[June 12, 2019, Council Extract \(Item 9, Report 20 \(pages 412-475\)\)](#)

[September 2, 2020 LPAT Decision - Approving Zoning](#)

## **Analysis and Options**

### ***A Draft Plan of Condominium (Common Element) Application was submitted to establish tenure and the common elements for the Subject Lands***

Pala Builders (BT) Inc. (the 'Owner') has submitted Draft Plan of Condominium (Common Element) File 19CDM-20V008 (the 'Application'). The Application proposes to establish the common elements for the Development, which include the internal private

roads, visitor parking, pedestrian walkways, a community mailbox, landscaping elements, service connections and infrastructure, as shown on Attachment 3.

***The application is Consistent and Conforms with Provincial, Region of York and Vaughan Official Plan 2010***

In accordance with Section 3 of the *Planning Act*, all land use decisions in Ontario “shall be consistent” with the Provincial Policy Statement, 2020 (the ‘PPS’). Council’s planning decisions are also required by the *Planning Act* to conform, or not conflict with, the Provincial Growth Plan” A Place to Grow – Growth Plan for the Greater Golden Horseshoe 2019, as amended (the ‘Growth Plan’).

Consistency with the PPS and conformity with the Growth Plan were confirmed through Council’s June 12, 2019 endorsement of the recommendations in the June 4, 2019 Committee of the Whole report and the OLT Decision on September 2, 2020 to approve the Zoning Amendment and the related Site Development Application Files Z.17.03 and DA.18.046 for the Subject Lands. The Subject Lands are designated “Urban Area” by the York Region Official Plan which permits a range of residential uses. The Development is in close proximity to existing transit network and adds to the mix and range of housing type and tenure within the community. The Subject Lands are located within the Oak Ridges Moraine Conservation Plan (the ‘ORMCP’) area and conforms to the settlement area policies of the ORMCP. The Application conforms to the York Region and City of Vaughan Official Plans.

***The condominium plan is consistent with the Ontario Land Tribunal approved and Council endorsed Site Development File DA.18.046***

The Draft Plan of Condominium (Common Element) shown on Attachment 3 is consistent with the approved site plan for the Subject Lands. The Development Planning Department has no objection to the Application, subject to the Conditions identified in Attachment 1.

***The Development Engineering Department has no objection to the Application***

The Subject Lands are located near Rutherford Road and Dufferin Street and noise levels in the area may exceed the City’s and the Ministry of the Environment, Conservation and Parks (“MECP”) noise criteria. The Development Engineering (“DE”) Department has no objection to the Application, subject to the inclusion of warning clauses within the Condominium Declaration pertaining to the protentional noise levels in the area. Conditions to this effect are included in Attachment 1.

Three small portions of the sidewalk (being Part 79, Part 80, and Part 81) on the Condominium Plan shown on Attachment 3 are located within privately owned Parcels

of Tied Land (POLTs) within Part 99, Part 100, and Part 114 respectively. The Owner has identified this to the purchasers and an easement in favour of the Condominium Corporation will be registered on the title for these three POLTs. The DE Department has no concerns with the easements. A condition to this effect is included in Attachment 1 and a condition has been added in Attachment 1 to address the Condominium Corporation's responsibilities regarding snow removal.

***The Development may be eligible for municipal waste collection services***

The Development may be eligible for municipal waste collection services upon a successfully completed application, site inspection and executed agreement, as determined by the City. Should the future Condominium Corporation be deemed ineligible by the City or choose not to enter into an agreement with the city for municipal waste collection service, all waste collection services shall be privately administered and shall be the responsibility of the Condominium Corporation. A condition to this effect shall be included in the Condominium Agreement, as identified in Attachment 1.

***The various utilities have no objection to the Application***

Hydro One, Enbridge Gas, Alectra Utilities Corporation, Bell Canada, and Rogers Communications Inc. have no objection to the Application, subject to the Owner coordinating servicing, connections, easements and locates with the required utility company prior to the commencement of any site works. A condition to this effect is included in Attachment 1.

***Canada Post has no objection to the Application***

The Development will be serviced by centralized mail delivery provided through Canada Post Community Mailboxes. Canada Post has no objection to the Application, subject to their conditions identified in Attachment 1.

***Other City Departments and agencies have no objection to the Application***

Building Standards, By-law and Compliance, Licensing and Permit Services Department, Policy Planning and Environmental Services, Financial Planning and Development Finance Department, Financial Services Department, Parks Infrastructure Planning and Development Department, Real Estate Department, Infrastructure Planning and Corporate Asset Management Department and the York Region School Boards have no objection to the Application.

**Financial Impact**

There are no financial requirements for new funding associated with this report.

## **Broader Regional Impacts/Considerations**

The York Region Community Planning and Development Services Department has no objection to the Application.

## **Conclusion**

The Development Planning Department supports the Application to create a common element condominium tenure and to establish the common elements for the Development, subject to the Conditions of Draft Approval identified in Attachment 1, as it is consistent with the PPS and conforms to the Growth Plan, the YROP and VOP 2010 and would implement an OLT and Council approved development.

**For more information**, please contact Laura Janotta, Planner, Development Planning Department, ext. 8634.

## **Attachments**

1. Conditions of Draft Approval File 19CDM-20V008
2. Context and Location Map File 19CDM-20V008
3. Draft Plan of Condominium (Common Elements) File 19CDM-20V008

## **Prepared by**

Laura Janotta, Planner, ext. 8634

Eugene Fera, Senior Planner, ext. 8003

Nancy Tuckett, Senior Manager of Development Planning, ext. 8529

## **Approved by**



Haiqing Xu, Deputy City Manager,  
Planning and Growth Management

## **Reviewed by**



Nick Spensieri, City Manager



**ATTACHMENT NO. 1**

**CONDITIONS OF DRAFT APPROVAL**

**DRAFT PLAN OF CONDOMINIUM (COMMON ELEMENT)  
FILE 19CDM-20V008 ('PLAN')  
PALA BUILDERS (BT) INC. ('OWNER')  
BLOCK 214, PLAN 65M-4004, CITY OF VAUGHAN ('CITY')**

**THE CONDITIONS OF THE COUNCIL OF THE CITY OF VAUGHAN THAT SHALL BE SATISFIED PRIOR TO THE RELEASE FOR REGISTRATION OF PLAN OF CONDOMINIUM (COMMON ELEMENT) FILE 19CDM-20V008, ARE AS FOLLOWS:**

City of Vaughan

1. The Plan shall relate to a Draft Plan of Condominium, prepared by Holding Jones Vanderveen Inc., drawing File No. 19-2783, dated May 19, 2020.
2. Prior to the execution of the Condominium Agreement, the Owner shall submit a pre-registered Plan of Condominium to the Development Planning Department.
3. The Owner shall enter into a Condominium Agreement with the City and shall agree to satisfy any outstanding conditions that the City may consider necessary as part of related Site Development File DA.18.046.
4. The Condominium Agreement shall be registered on title against the lands to which it applies, at the cost of the Owner.
5. Prior to final approval of the Plan, the Owner shall submit an "as-built" survey to the satisfaction of the Building Standards Department.
6. Prior to final approval of the Plan, the Owner, their Solicitor and Land Surveyor shall confirm that all required easements and rights-of-way for utilities, drainage and construction purposes have been granted to the appropriate authorities.
7. Prior to final approval of the Plan, the Owner shall confirm that they have paid all taxes levied, all additional municipal levies, if applicable, development charges and all financial requirements of this development as may be required to the satisfaction of the Financial Planning and Development Finance Department. The Owner also certifies acknowledgement or responsibility for the payment of all taxes levied to date, both interim and final, and all taxes levied upon the land after execution of the Condominium Agreement, if required, until each unit covered under the Condominium Agreement is separately assessed.



8. The following provisions shall be included in the Condominium Agreement to the satisfaction of the City:

- a) The Owner and/or the Condominium Corporation shall be responsible to regularly clean and maintain all driveway catch basins.
- b) The Owner and/or Condominium Corporation shall be responsible for snow removal and clearing and the Condominium Corporation shall not store or deposit snow from the lands/development onto City of Vaughan owned property, including the Carrville Mill Park and the area of Rattenbury Road adjacent to the Carrville Mill Park entrances, as this area is identified for the “100 Year Storm Capture Area” on the Grading Plan for the development and shall be kept free of snow at all times to provide for proper functioning of the “100 Year Storm Capture Area”.
- c) Upon a successfully completed application, a site inspection, and the executed agreement as determined by the City, the Condominium Corporation may be eligible for municipal waste collection services. Should the Condominium Corporation be deemed ineligible by the City or choose not to enter into an agreement with the City for municipal collection service, all waste collection services shall be privately administered and shall be the responsibility of the Condominium Corporation.
- d) The Owner and/or Condominium Corporation shall supply, install, and maintain mail equipment to the satisfaction of Canada Post.
- e) The Owner shall include the following warning clauses in the Condominium Declaration and in all Agreements of Purchase and Sale and/or Lease, advising:
  - i) “This development will function as a common element condominium and all details and associated costs shall be presented in the sales office, and through marketing material etc.”
  - ii) “The *Telecommunications Act* and Canadian Radio television and Telecommunications Commissions (‘CRTC’) authorize telephone and telecommunication facilities and services to be provided by telecommunication carriers other than traditional carriers for such services and that purchasers and tenants are advised to satisfy themselves that such carriers servicing the lands provide sufficient service and facilities to meet their needs”

- iii) “Mail delivery will be from a designated community mailbox as per the requirements of Canada Post. The location of the mailbox shall be shown on the community plan provided by the Owner in its sales office.”
  - iv) “The Owner contributed towards recycling and green bin containers for each residential unit as a requirement of the development agreement. The City of Vaughan has taken this contribution from the Owner to off-set the cost for the recycling and green bin containers, therefore, direct cash deposits from the Purchasers to the Owner for recycling and green bin containers is not a requirement of the City of Vaughan. The intent of this initiative is to encourage the Purchasers to participate in the City of Vaughan’s waste diversion programs and obtain their recycling and green bin containers from the Joint Operation Centre (JOC), 2800 Rutherford Road, Vaughan, Ontario L4K 2N9, (905) 832-8562, the JOC is located on the north side of Rutherford Road, just west of Melville Avenue.”
  - v) “The parkland serving the community may not be fully developed at the time of occupancy. The timing of development, phasing and programming of parkland is at the discretion of the City of Vaughan.”
  - vi) “This development will be serviced by a private waste collection system and snow clearing services.”
- f) The Owner shall include the following warning clauses in the Condominium Declaration and in all Agreements of Purchase and Sale and/or Lease for all Units within Blocks that may abut a public highway, laneway, walkway, park, open space, or similar public space:
- i) “Purchasers and/or tenants are advised that fencing along the lot lines of Lots and Blocks abutting public lands is a requirement of this Site Plan Agreement and that all required fencing, noise attenuation feature and barriers shall be constructed with all fencing materials, including foundations, completely on private lands and totally clear of any 0.3 metre reserve, as shown on the Construction Drawings.

The City has taken a Letter of Credit from the Owner (Pala Builders (BT) Inc.) for the security to ensure all fencing including, but not

limited to privacy fencing, chain link fencing and acoustic fencing, are constructed to the satisfaction of the City.

The maintenance of the noise attenuation feature or fencing shall not be the responsibility of the City. The maintenance of the noise attenuation feature or fencing shall be the sole responsibility of the lot Owner.”

- g) The following warning clause shall be included in the Condominium Declaration and in all Offers of Purchase and Sale or Lease for dwelling unit on Parts 1 to 20 Inclusive, being units that abut the City’s Carrville Mill Park:

“Purchasers and/or tenants are advised that the lot abuts a neighbourhood park, and that lighting and noise should be expected from the use of the park for recreation purposes. A 1.5 m high black vinyl chain link fence is to be constructed on the lots abutting the park block boundary with all fencing material, including foundations, wholly located on the lot to delineate the boundary of the park. The installation of any gate access point from the unit/lot to the adjacent municipal park and any encroachments and/or dumping from the lot to the park are prohibited.”

- h) The following warning clause shall be included in the Condominium Declaration and in all Offers of Purchase and Sale or Lease for all units:

“Purchasers and/or tenants are advised that despite the inclusion of noise control features within both the development area and the individual building units, noise levels, including from construction activities, may be of concern and occasionally interfere with some activities of the dwelling occupants.”

- i) The following warning clause shall be included in the Condominium Declaration and in all Offers of Purchase and Sale or Lease for units on Part 1, Part 39 and Part 40, and all units on Parts 87 to Part 114 inclusive:

“Purchasers and/or tenants are advised that, despite the inclusion of noise control features within the development area, road noise will continue to increase occasionally interfering with some activities of the dwelling occupants. This dwelling has, therefore, been equipped with forced air heating and ducting, etc. sized to accommodate the future installation of air conditioning by the

purchaser and/or tenant. The location of the air conditioning unit on the lot shall comply with the provisions of City of Vaughan By-Law 1-88.”

- j.) The following warning clause shall be included in the Condominium Declaration and all Offers of Purchase and Sale or Lease for the unit on Part 1 and the unit on Part 40:

“Purchasers and/or tenants are advised that sound levels due to increasing road traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels exceed the sound limits of the Municipality and the Ministry of the Environment, Conservation and Parks.”

- k.) The following warning clause shall be included in the Condominium Declaration all Offers of Purchase and Sale or Lease all units on Parts 1 to 20 inclusive:

“Purchasers and/or tenants are advised that the lot abuts a neighbourhood park and park noise and/or lighting may be of concern due to the nature of the park for active recreation and the park may be subject to future development resulting in additional/revised and/or renewed recreational opportunities that may result in lighting and/or noise.”

- l.) The Owner shall identify the retaining walls and servicing infrastructure, tot lot, urban square, seating areas and the sidewalks considered to be common elements and/or for the exclusive use of the Condominium Corporation on the related future Draft Plan of Condominium, and in the future Condominium Agreement, prior to the registration of the final Plan of Condominium, to the satisfaction of Vaughan.

- m.) The following warning clause shall be included in the Condominium Declaration and all Offers of Purchase and Sale or Lease for units on Part 99, Part 100, and Part 114:

- i) “Purchasers and/or tenants are advised that a section of the common element sidewalk is located on Part 99, Part 100 and Part 114 and an easement in favour of the Condominium Corporation has been registered on the title for these units

- n.) The Owner/Condominium Corporation agrees that the underground storage tank will be located on private property and maintained by the Owner/Condominium Corporation.
- o). The following warning clause shall be included in the Condominium Declaration and all Offers of Purchase and Sale or Lease for all units;
  - i) “Purchasers and/or tenants are advised that the Condominium Corporation shall not store or deposit snow from the Lands/development onto City of Vaughan owned property, including the Carrville Mill Park and the area of Rattenbury Road adjacent to the Carrville Mill Park entrances, as this area is identified for the “100 Year Storm Capture Area” on the Grading Plan for the development and shall be kept free of snow at all times to provide for proper functioning of the “100 Year Storm Capture Area”.

#### Canada Post

- 9. The Owner will consult with Canada Post to determine suitable permanent locations for the placement of Community Mailboxes and to indicate these locations on appropriate servicing plans.
- 10. The Owner will confirm to Canada Post that the final secured permanent locations for the Community Mailboxes will not be in conflict with any other utility; including hydro transformers, bell pedestals, cable pedestals, flush to grade communication vaults, landscaping enhancement (tree planting) and bus pads.
- 11. The Owner will install concrete pads at each of the Community Mailbox locations as well as any required walkways across the boulevard any and required curb depressions for wheelchair access as per Canada Post’s concrete pad specification drawings.
- 12. The Owner will agree to prepare and maintain an area of compacted gravel to Canada Post’s specifications to serve as a temporary Community Mailbox location. This location will be in a safe area away from construction activity in order that Community Mailboxes may be installed to service addresses that have occupied prior to the pouring of the permanent mailbox pads. This area will be required to be prepared a minimum of 30 days prior to the date of first occupancy.
- 13. The Owner will communicate to Canada Post the excavation date for the first foundation (or first phase) as well as the expected date of first occupancy.

14. The Owner shall include in all Agreements of Purchase and Sale and/or Lease, Condominium Agreement, Condominium Declaration the following clause:

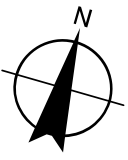
“Despite the inclusion of noise attenuation features within the development area and within the individual building units, noise levels will continue to increase, occasionally interfering with some activities of the building’s occupants”

#### Utilities

15. Prior to final approval of the Plan, the Owner shall confirm that all required easements and rights-of-way for each utility have been granted to the appropriate authority. The Owner further agrees to convey any easement(s) as deemed necessary by utility corporations at no cost to the utility corporation. The Owner agrees that should any conflict arise with the existing utility facilities or easement(s) within the subject area, the Owner shall be responsible for the relocation of such facilities or easements at their own cost.

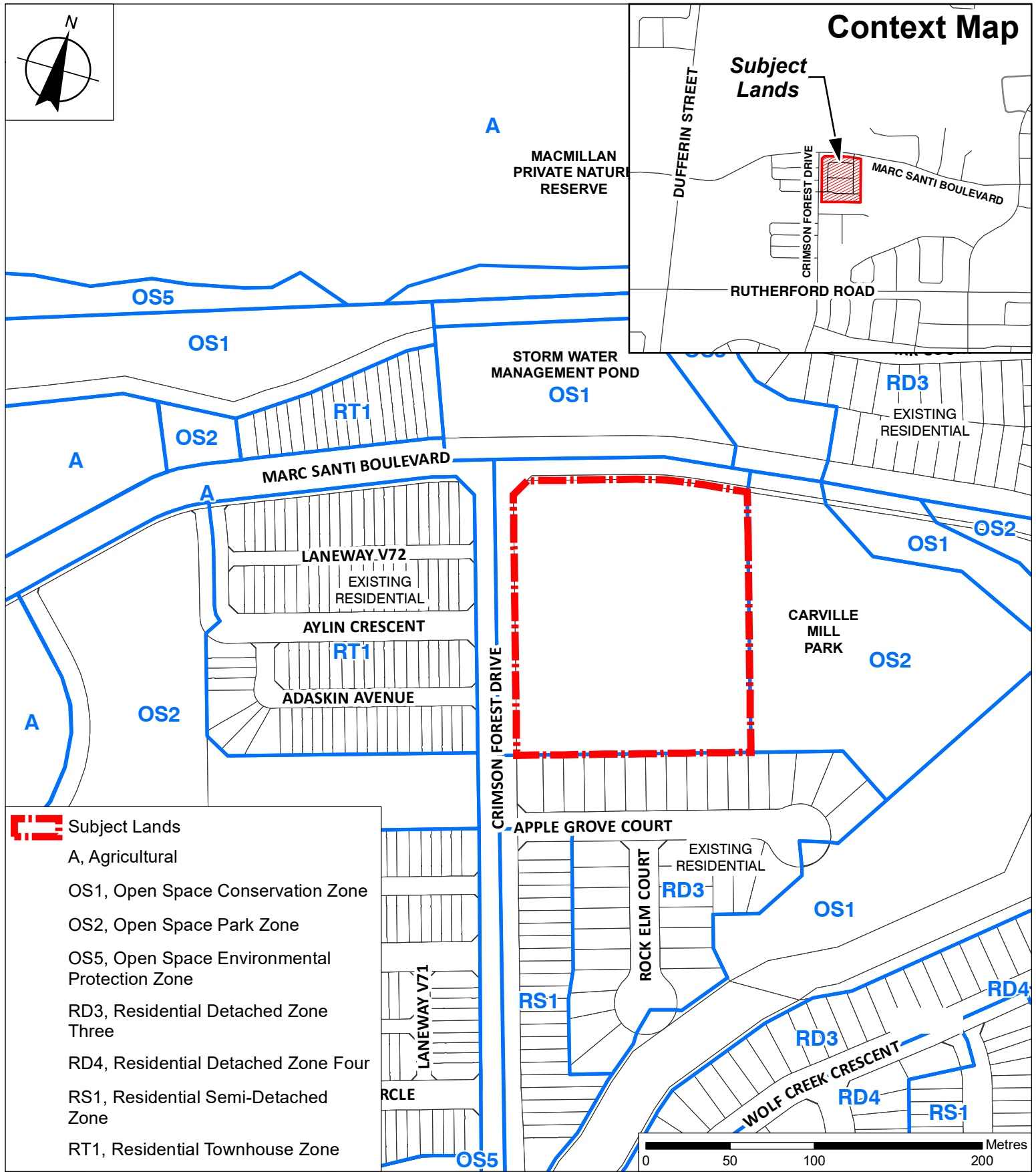
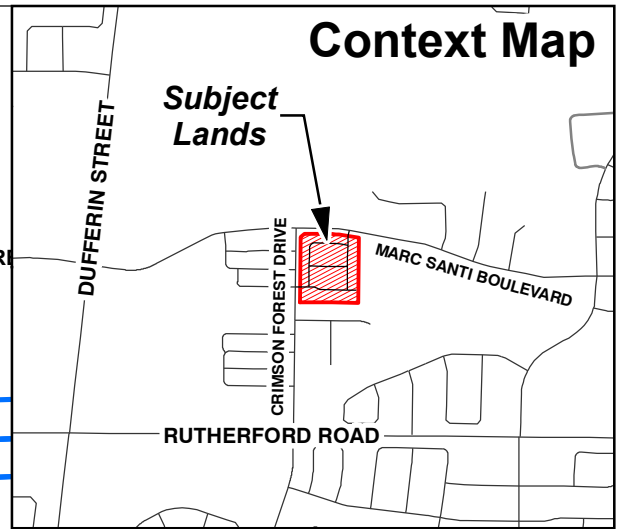
#### Clearances

16. Development Planning Department shall advise that Conditions 3 to 8 and 14 have been satisfied
17. Canada Post shall advise the Development Planning Department in writing when Conditions 9 to 13 have been satisfied
18. Enbridge Gas, Alectra Utilities Corporation, Bell Canada, and Rogers Communications Inc. shall advise the Development Planning Department in writing when Condition 15 has been satisfied

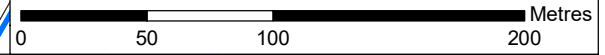


# Context Map

**Subject Lands**



- Subject Lands
- A, Agricultural
- OS1, Open Space Conservation Zone
- OS2, Open Space Park Zone
- OS5, Open Space Environmental Protection Zone
- RD3, Residential Detached Zone Three
- RD4, Residential Detached Zone Four
- RS1, Residential Semi-Detached Zone
- RT1, Residential Townhouse Zone



## Context and Location Map

**LOCATION:**  
Part of Lots 16 and 17, Concession 2; Block 214, 65M-4004

**APPLICANT:**  
Pala Builders (BT) Inc.

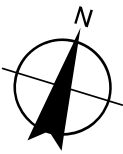


**FILE:**  
19CDM-20V008

**RELATED FILES:**  
Z.17.037, DA.18.046

**DATE:**  
September 14, 2021

# 2

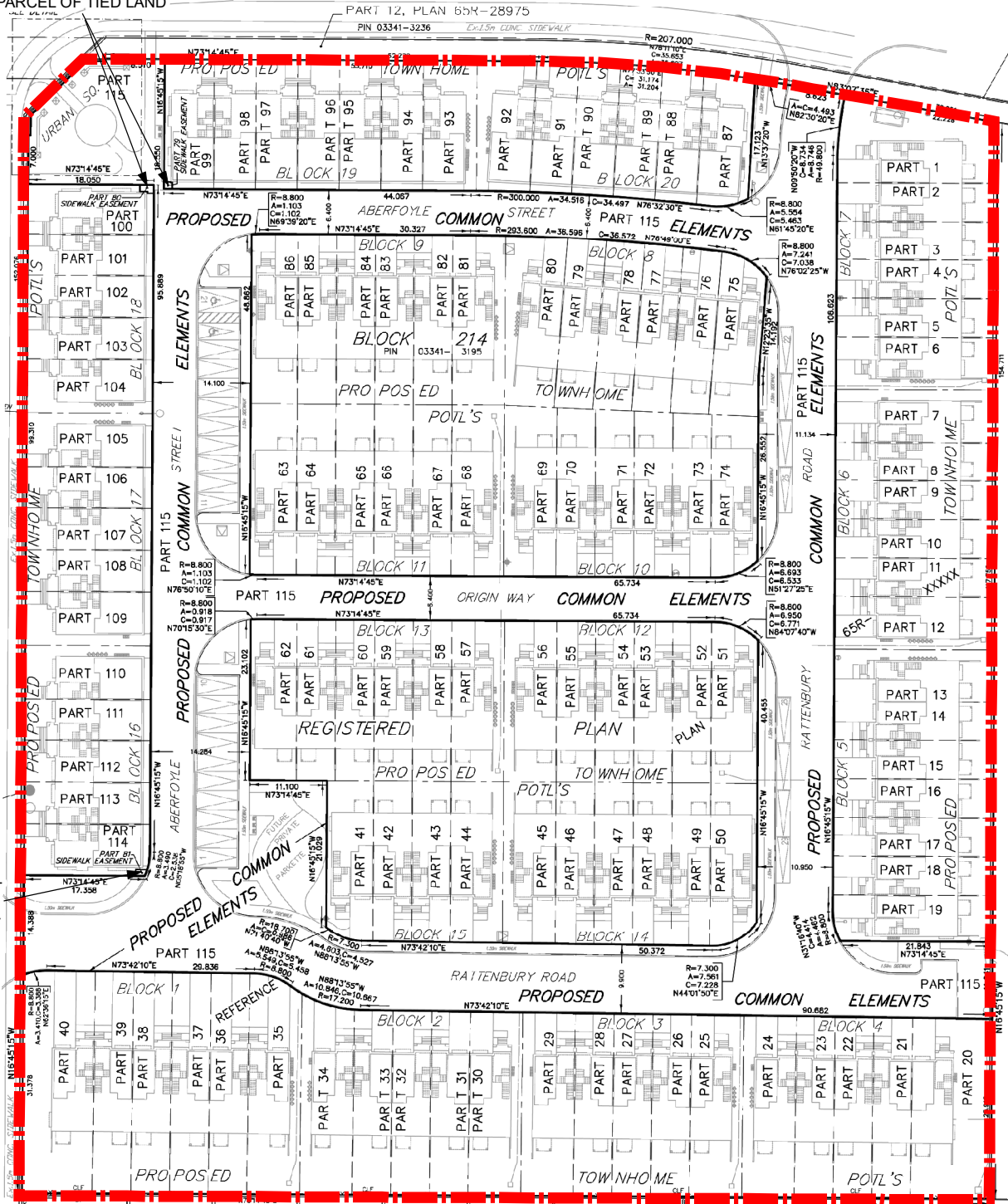



SIDEWALK SUBJECT TO EASEMENT AND PART OF PARCEL OF TIED LAND

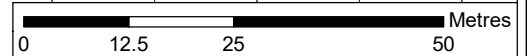
# MARC SANTI BOULEVARD

CRIMSON FOREST DRIVE

SIDEWALK SUBJECT TO EASEMENT AND PART OF PARCEL OF TIED LAND



 Subject Lands



## Draft Plan of Condominium (Common Elements)

## Attachment

**LOCATION:**  
Part of Lots 16 and 17, Concession 2; Block 214, 65M-4004



**FILE:**  
19CDM-20V008

**RELATED FILES:**  
Z.17.037, DA.18.046

**APPLICANT:**  
Pala Builders (BT) Inc.

**DATE:**  
September 14, 2021

# 3