

October 12, 2021

By E-Mail Only to clerks@vaughan.ca

Committee of the Whole
Vaughan City Hall
2141 Major Mackenzie Drive
Vaughan, ON L6A 1T1

Attention: Mr. Todd Coles, City Clerk

Members of the Committee of the Whole:

**Re: Committee of the Whole Meeting – October 13, 2021 – Item 6.9
City-Wide Comprehensive Zoning By-law Review
2466571 Ontario Inc.
31 and 55 Mounsey Street, City of Vaughan**

**COMMUNICATION C38
ITEM NO. 9
COMMITTEE OF THE WHOLE (2)
October 13, 2021**

We are counsel to 2466571 Ontario Inc. (the “**Owner**”), the owner of the lands municipally known as 31 and 55 Mounsey Street (the “**Subject Lands**”).

Our client and its land use planning consultants have reviewed the Planning Staff Report prepared in respect of the above-noted item and the Final Draft of the proposed Comprehensive Zoning By-law (the “**Comprehensive ZBL**”). Our client has concerns with the Comprehensive ZBL as it applies to the Subject Lands.

In December 2016, the Owner filed applications for an Official Plan Amendment and Zoning By-law Amendment (collectively, the “**Applications**”) to permit the development of a nine-storey residential apartment building consisting of 192 units on the Subject Lands (the “**Proposed Development**”). In 2017, the Owner appealed the Applications to the Ontario Municipal Board (now continued as the Ontario Land Tribunal (the “**Tribunal**”)) due to the City’s failure to make a decision. Since then, the Owner has been working with the City to try to resolve issues; however, the appeals remain outstanding.

The Subject Lands are currently zoned “Residential Zone (R2)” in the City’s Zoning By-law 1-88 (“**By-law 1-88**”). The Applications propose to re-zone the Subject Lands to “Apartment Residential Zone (RA2)” with various site-specific zoning exceptions.

The Comprehensive ZBL proposes to re-zone the Subject Lands “Second Density Residential Zone – Established Neighbourhood (R2A(EN))”. This zoning would not permit the Proposed Development as contemplated in the Applications.

We understand from the Planning Staff Report that their intent was to include transition provisions in the Comprehensive ZBL to provide transition for in-progress development applications. While our client agrees with this intention, in our view, the proposed transition provisions in section 1.6.3 of the Comprehensive ZBL do not achieve the intended objective and do not provide adequate assurance that the Applications could be implemented, if approved by the Tribunal.

In particular, section 1.6.3.3 provides that the Comprehensive ZBL would not apply to prevent the approval of applications filed on or before its effective date, provided the application has been deemed complete and it “was in compliance with Zoning By-law 1-88, as amended, and any finally approved minor variances including minor variances qualified by Section 1.6.3.1”. As drafted, this section would automatically exclude any zoning by-law amendment applications, including the one filed for the Subject Lands, because such applications, by their very nature, do not comply with By-law 1-88.

If approved as proposed, the Comprehensive ZBL would not allow for any in-progress zoning by-law amendment applications, including the Applications, to be approved and implemented in accordance with that approval. Based on the comments in the Planning Staff Report, this appears to be an unintended outcome, which will lead to many unnecessary appeals of the Comprehensive ZBL in order to protect existing applications, or the need to apply for new zoning by-law amendments, which would be inefficient, impractical and prejudicial to applicants.

Given the inadequacy of the proposed transition provisions and the outstanding Applications, the Owner requests that the transition provisions be modified to ensure that the Applications may be approved despite the passing of the Comprehensive ZBL and any subsequent development applications and/or permits required to implement them will be determined in accordance with such approval. Alternatively, the Owner requests that the Subject Lands be excluded from the Proposed By-law until such time as the Applications are determined by the Tribunal.

Our client remains open to working co-operatively with City Staff and would be pleased to discuss these concerns and its proposed modifications further.

We request notice of any future meetings of Council or its Committees and any decisions made by the Committee of the Whole or Council respecting this matter.

Yours truly,
DAVIES HOWE LLP



Meaghan McDermid
copy: Client

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