

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF DECEMBER 10, 2021

Item 4, Report No. 54, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on December 10, 2021.

**4. PRIMA VISTA ESTATES INC. DRAFT PLAN OF CONDOMINIUM FILE
19CDM-20V002 VICINITY OF PINE VALLEY DRIVE AND TESTON
ROAD**

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Deputy City Manager, Planning and Growth Management, dated November 30, 2021:

Recommendations

1. THAT Draft Plan of Condominium (Common Elements) File 19CDM-20V002 BE APPROVED, to create a common elements condominium tenure, 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

DATE: Tuesday, November 30, 2021

WARD: 3

TITLE: PRIMA VISTA ESTATES INC.

**DRAFT PLAN OF CONDOMINIUM FILE 19CDM-20V002
VICINITY OF PINE VALLEY DRIVE AND TESTON ROAD**

FROM:

Haiqing Xu, Deputy City Manager, Planning and Growth Management

ACTION: DECISION

Purpose

To seek approval from the Committee of the Whole for Draft Plan of Condominium (Common Elements) File 19CDM-20V002 for the subject lands shown on Attachment 2 to create a common elements condominium tenure for an approved townhouse development shown on Attachments 3 to 5.

Report Highlights

- The Owner has submitted a Draft Plan of Condominium (Common Elements) Application to create a common elements condominium tenure for an approved townhouse development.
- The Development Planning Department supports the Draft Plan of Condominium File 19CDM-20V002, subject to conditions, as it will implement a Council approved development.

Recommendation

1. THAT Draft Plan of Condominium (Common Elements) File 19CDM-20V002 BE APPROVED, to create a common elements condominium tenure, as shown on Attachment 3, subject to the Conditions of Draft Plan of Condominium Approval identified in Attachment 1.

Background

The 3.11 ha subject lands (the 'Subject Lands') shown on Attachment 2 are located east of Pine Valley Drive and south of Teston Road. The Subject Lands and surrounding land uses are shown on Attachment 2.

The Ontario Land Tribunal approved the Implementing Zoning By-law and Draft Plan of Subdivision for the Subject Lands

The Ontario Municipal Board ('OMB'), now the Ontario Land Tribunal ('OLT') on April 6, 2016, issued a decision (Case No. PL150868) to conditionally approve Zoning By-law Amendment File Z.03.024 ('Zoning Amendment') and Draft Plan of Subdivision 19T03V05 ('Draft Plan') which included the Subject Lands.

The Local Planning Appeal Tribunal ('LPAT') (previously the OMB), on May 14, 2020 issued a final order approving the Zoning By-law Amendment as By-law 60-2020, to rezone the Subject Lands from "A Agricultural Zone" to "RT1(H) Residential Townhouse Zone" with the addition of the Holding Symbol "(H)".

Council, on October 21, 2020, approved Zoning By-law Amendment File Z.20.021 to remove the Holding Symbol "(H)" from the Subject Lands, effectively zoning the Subject Lands "RT1 Residential Townhouse Zone" as shown on Attachment 2.

On April 27, 2021, the LPAT (now OLT) issued revised conditions of approval for the Draft Plan. The Subject Lands, located within Phase 4 of the Draft Plan, were registered on February 3, 2021 as Block 7 on Registered Plan 65M-4681.

Council approved Site Development Application File DA.18.029 to permit townhouse and semi-detached dwelling units on the Subject Lands

Council, on May 27, 2020, approved Site Development File DA.18.029 ('Site Plan') to facilitate 66 townhouse and 2 semi-detached dwelling units serviced by 6 m wide private common-element condominium roads with 16 visitor parking spaces, 423 m² of amenity space and 11,031 m² of landscaped open space ('Development') as shown on Attachments 3 to 5. In June 2021, the Site Plan Letter of Undertaking for the Site Plan was executed for the Subject Lands.

Previous Reports/Authority

Previous reports related to the Subject Lands can be found at the following links:

[June 17, 2014, Committee of the Whole \(Item 57, Report 30\)](#)

[May 5, 2015, Committee of the Whole \(Item 4, Report 20\)](#)

[July 16, 2015, Special Committee of the Whole \(Item 11, Report 29\)](#)

[May 20, 2020, Committee of the Whole \(Item 7, Report 20\)](#)

Analysis and Options

A Draft Plan of Condominium (Common Elements) Application was submitted to create a condominium tenure for the Subject Lands

Prima Vista Estates Inc. (the 'Owner') has submitted Draft Plan of Condominium File 19CDM-20V002 (the 'Application') to create a common elements condominium tenure for the Development. The common elements include the internal private roads, visitor parking, pedestrian walkways, a community mailbox, landscaping elements, service connections and infrastructure, as shown on Attachments 3 and 4.

The Application is consistent with the Provincial Policy Statement, 2020 and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended

The Provincial Policy Statement, 2020 ('PPS') provides policy direction on matters of provincial interest related to land use planning and development. In accordance with Section 3(5) of the *Planning Act*, all land use decisions in Ontario "shall be consistent with" the PPS. The Application is consistent with the PPS, specifically Section 1.1.3 to encourage development within Settlement Areas and the efficient use of land by supporting intensification and redevelopment. The Application will efficiently use planned and existing infrastructure and services in accordance with Section 1.6.6 of the PPS.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended ('Growth Plan') guides decision making on the development of land and includes encouraging compact built form, transit supportive communities, diverse land uses. In accordance with Section 3(5) of the *Planning Act*, Council's planning decisions shall conform to the Growth Plan. The Application is located within a Settlement Area and Delineated Built-up Area providing residential lands with existing and planned municipal water and wastewater systems, in accordance with Section 2.2.1 of the Growth Plan.

The Subject Lands are located within a "Community Area" on Schedule 1 - Urban Structure, in Volume 1 of Vaughan Official Plan 2010 ('VOP 2010') and are located within the Block 40/47 Planning Area. The Application makes efficient use of land by adding to the range of residential building forms that contribute to establishing a complete community in accordance with Sections 2.2.1.4 and 2.2.6.2 of the Growth Plan. In consideration of the above, the Application conforms to the Growth Plan.

Consistency with the PPS and conformity with the Growth Plan were established through the approvals of the Zoning Amendment, Draft Plan and Site Plan for the Subject Lands. Accordingly, the PPS and Growth Plan have been satisfied through the Development. The Application is consistent with the PPS and conforms to the Growth Plan.

The Application conforms to the York Region Official Plan 2010

The York Region Official Plan 2010 ('YROP') guides economic, environmental and community building decisions across York Region. The Subject Lands are designated "Urban Area" by the YROP. Section 5.0 of the YROP states that "Growth will also occur

in new community areas...throughout the Region.” Section 3.5.4 of the YROP, requires that “local municipal official plans and zoning by-laws permit a mix and range of housing types, lot sizes, unit sizes, functions, tenures and levels of affordability within each community.” It also states that “the mix and range of housing shall be consistent with Regional forecasts, and intensification and density requirements.”

The Application, through the Development, will add to the range of housing forms in the community including semi-detached and townhouse dwellings, and will establish an internal pedestrian linkage to the public pedestrian walkways that connect to a neighbourhood park. The Application conforms to the YROP.

The Application conforms to VOP 2010

The Subject Lands are located in a “Community Area” on Schedule 1 - Urban Structure of VOP 2010, and are designated “Medium Density Residential/Commercial” by VOP 2010, Volume 2, Section 12.13 Block 40/47. The “Medium Density Residential/Commercial” designation permits semi-detached and townhouse dwelling units between 11 to 80 units per net residential hectare in accordance with Section 12.13.2.7 of VOP 2010. The Development yields a density of 24.9 units per hectare. The Application, through the Development, conforms to VOP 2010.

The Condominium Plan is consistent with Site Development File DA.18.029

The Draft Plan of Condominium (Common Elements) shown on Attachment 3 is consistent with the approved Site Plan for the Subject Lands shown on Attachments 4 and 5. 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 Development Engineering (‘DE’) Department has no objection to the Application, subject to the inclusion of warning clauses pertaining to the Teston Road improvements and realignment, as well as other noise levels in the area such as the commercial use to the west, in the Condominium Declaration. Conditions to this effect are included in Attachment 1.

The Condominium Corporation is responsible for waste collection services and snow removal

All waste and recycling collection services, and snow removal 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 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.

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, subject to their conditions identified in Attachment 1.

Conclusion

The Development Planning Department supports the Application to create a common elements condominium tenure for the Development, subject to the conditions identified in Attachment 1, as it is consistent with the PPS, conforms to the Growth Plan, the YROP and VOP 2010 and implements a Council approved development.

For more information, please contact: Judy Jeffers, Planner, at extension 8645.

Attachments

1. Conditions of Draft Approval
2. Context and Location Map
3. Draft Plan of Condominium (Common Elements) File 19CDM-20V002
4. Approved Site Plan File DA.18.029
5. Approved Building Elevations Block 1 (Typical) File DA.18.029

Prepared by


Judy Jeffers, Planner, ext. 8645

Mark Antoine, Senior Planner, ext. 8212

Nancy Tuckett, Director 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-20V002 ('PLAN')
PRIMA VISTA ESTATES INC. ('OWNER')
VICINITY OF PINE VALLEY DRIVE AND TESTON ROAD
BLOCK 7, PLAN 65M-4681
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 ELEMENTS) FILE 19CDM-20V002, ARE AS FOLLOWS:

City of Vaughan Conditions

1. The Plan shall relate to the Draft Plan of Condominium prepared by R-PE Surveying Ltd., Ontario Land Surveyors, Drawing File No. 18-834-DR PLAN E, dated June 24, 2021.
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 conditions with respect to such matters as landscaping and site development, and any other matters that the City may consider necessary that may be outstanding as part of related Site Development File DA.18.029.
4. The Condominium Agreement shall be registered on title against the lands to which it applies, at the Owner's expense.
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 and 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 to the Development Planning Department 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 by the Financial Planning and Development Finance Department. The Owner also certifies acknowledgement of responsibility for the payment of all taxes levied to date, both interim and final, and all taxes

levied upon the land after execution of this Condominium Agreement, if required, until each unit covered under this Condominium Agreement is separately assessed.

8. The following provisions shall be included in the Condominium Agreement:
- a) the Condominium Corporation shall be responsible to regularly clean and maintain all driveway catch basins;
 - b) waste and recycling collection as approved by the Environmental Services Department and snow ploughing/removal will be privately administered and shall be the responsibility of the Condominium Corporation;
 - c) the Owner and/or Condominium Corporation shall supply, install and maintain a centralized mailbox facility to the satisfaction of Canada Post; and
 - d) The Owner shall include the following warning clauses in the Condominium Declaration, advising the purchasers or tenants that:
 - 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 Commission ('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) "Purchasers and/or tenants are advised that despite the inclusion of noise control features within this development area and within the building units, sound levels due to increasing road traffic may continue to be of concern, occasionally interfering with some activities of the dwelling occupants as the sound level may exceed the City's and the Ministry of Environment, Conservation and Parks ('MECP') noise criteria."

- v) "Air conditioner units are to be located on the lot in compliance with the provisions of Zoning By-law 1-88.";
- vi) "The Owner has made a contribution towards recycling and green bin containers for each residential unit as a requirement of this 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";
- vii) "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"; and
- viii) "This development will be serviced by a private waste and recycling collection system and snow ploughing/removal services."

York Region Conditions

- 9. Prior to final approval of the Plan, the Owner shall satisfy the following conditions, to the satisfaction of York Region:
 - a) Prior to final approval of the Plan, the Owner shall provide confirmation that all conditions of site plan approval issued on July 7, 2020 for the Subject Lands under Regional File No. SP-18-V-0176 have been satisfied.
 - b) Prior to final approval of the Plan, the Owner shall execute all Regional Agreements and obtain all the necessary permits required as part of site plan approval issued in June 2016 for the subject lands under Regional File No. SP-V-028-09.
 - c) Prior to final approval of the Plan, the Owner shall confirm that all of the works within the Regional right-of-way have been completed to the satisfaction of the Region or that the Region holds sufficient securities to cover the cost of the remaining works. Should there be insufficient security to cover the cost of the remaining works, the Owner shall arrange for the deposit of additional securities in an amount sufficient to cover the cost of all outstanding works.

- d) Prior to final approval of the Plan, the Owner shall provide confirmation that all transfers of obligation have been completed where Regional Agreements require responsibility to change from the Owner to the Condominium Corporation.

Utilities Condition

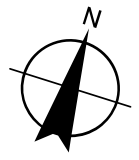
10. Prior to final approval of the Plan, the Owner shall confirm that all required easements and rights-of-way for each utility have been granted to the appropriate authority. The Owner further agrees to convey any easement(s) as deemed necessary by utility corporations at no cost to the utility corporation.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

Canada Post Condition

11. The Owner and/or Condominium Corporation shall install and maintain a centralized mailbox facility to the satisfaction of Canada Post.

Clearances

12. The City of Vaughan Development Planning Department shall advise in writing that Conditions 1 to 8 have been satisfied.
13. York Region shall advise the Development Planning Department in writing that Condition 9 has been satisfied.
14. Hydro One, Enbridge Gas, Alectra Utilities Corporation, Bell Canada, and Rogers Communications Inc. shall advise the Vaughan Development Planning Department in writing that Condition 10 has been satisfied.
15. Canada Post shall advise the Development Planning Department in writing that Condition 11 has been satisfied.




**PART 69
COMMON ELEMENTS**

**PART 69
COMMON ELEMENTS
(OPEN SPACE)**

**PART 69
COMMON ELEMENTS
(PRIVATE ROAD AND
VISITOR PARKING)**

**PART 69
COMMON ELEMENTS
(AMENITY SPACE)**

**PART 69
COMMON ELEMENTS
(AMENITY SPACE)**

 Subject Lands

0 12.5 25 50 Metres

Draft Plan of Condominium (Common Elements) File 19CDM-20V002

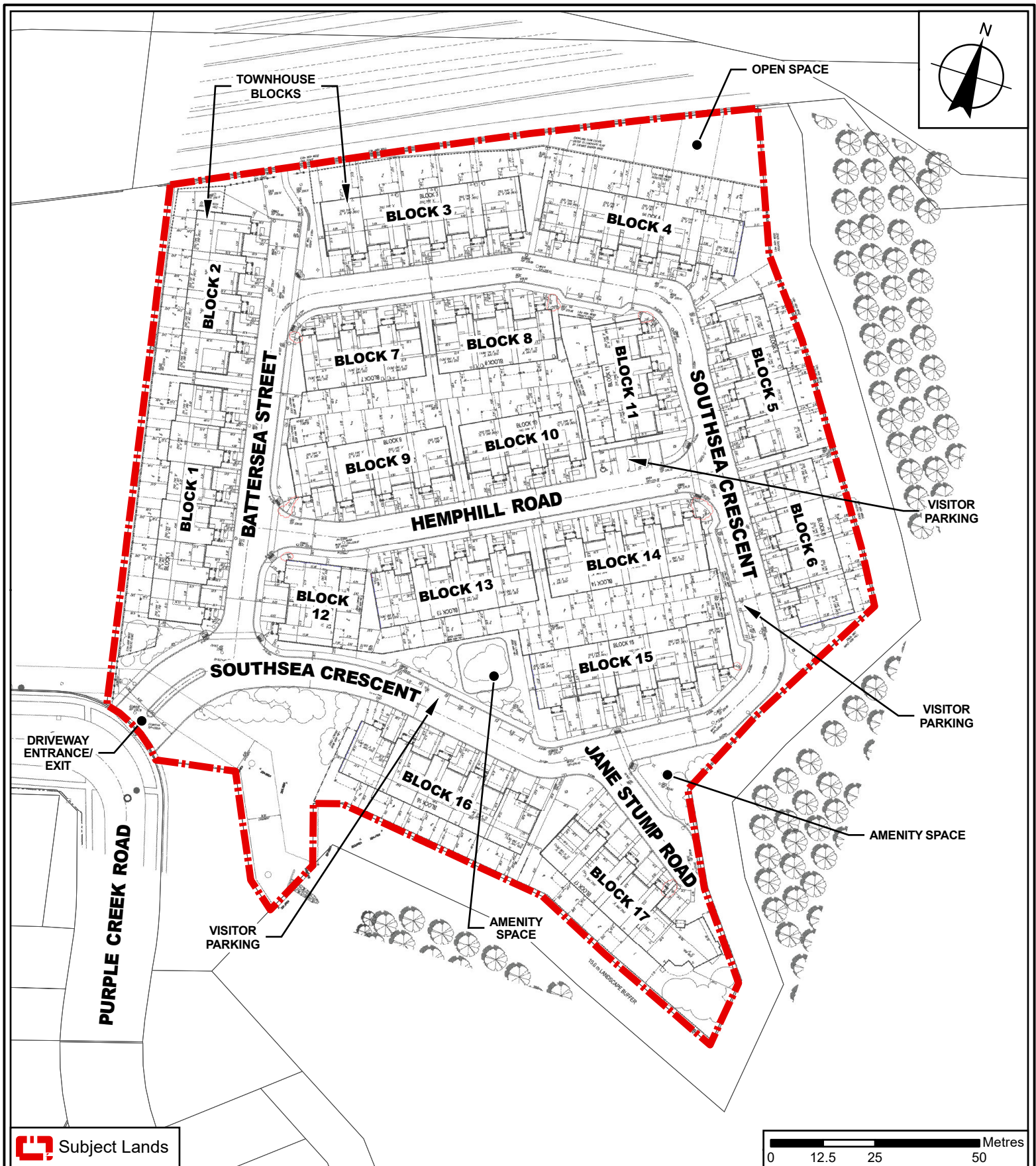
LOCATION:
Block 7, Plan 65M-4681
Part of Lots 24 and 25, Concession 6

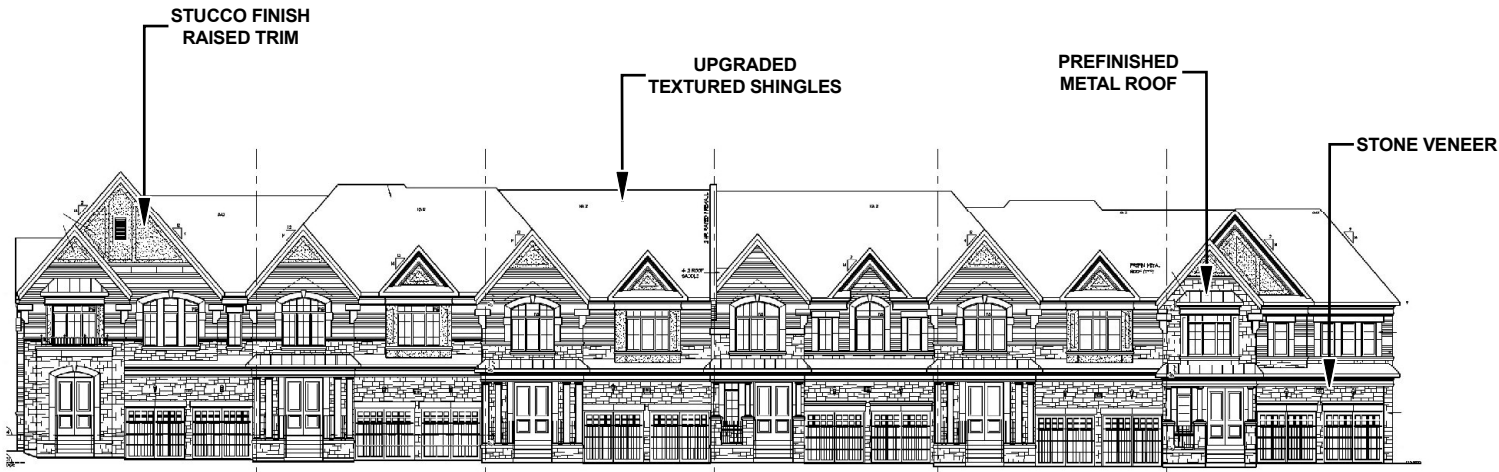
APPLICANT:
Prima Vista Estates Inc.



Attachment
FILE:
19CDM-20V002
RELATED FILE:
DA.18.029
DATE:
November 30, 2021

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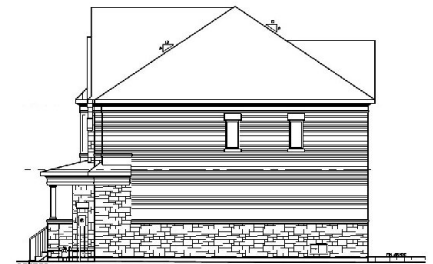
EAST ELEVATION (FRONT)
(FACING BATTERSEA DRIVE)



SOUTH ELEVATION (LEFT)



WEST ELEVATION (REAR)



NORTH ELEVATION (RIGHT)

Not to Scale

Approved Building Elevations Block 1 (Typical) File DA.18.029

LOCATION:
Block 7, Plan 65M-4681
Part of Lots 24 and 25, Concession 6

APPLICANT:
Prima Vista Estates Inc.



Attachment

FILE:
19CDM-20V002
RELATED FILE:
DA.18.029
DATE:
November 30, 2021

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