

COMMITTEE OF THE WHOLE (1) – JANUARY 18, 2022**COMMUNICATIONS**

<u>Distributed January 14, 2022</u>	<u>Item No.</u>
C1. Ms. Andrea Caruso dated January 4, 2022	4
C2. Mr. Hiten Patel, Thornhill Woods Drive, Vaughan dated January 13, 2022	7
C3. Memorandum from the City Clerk / Returning Officer, dated January 14, 2022	7
C4. Mr. John M. Alati, Davies Howe LLP, Adelaide Street West, Toronto dated January 17, 2022	3
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C14. Mr. Michael Melling, Davies Howe LLP, Adelaide Street West, Toronto dated January 17, 2022	3
C15. Mr. Michael Melling, Davies Howe LLP, Adelaide Street West,	3

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Please note there may be further Communications.

COMMITTEE OF THE WHOLE (1) – JANUARY 18, 2022**COMMUNICATIONS**

Toronto dated January 17, 2022

- | | | |
|------|---|---|
| C16. | Mr. Michael Melling, Davies Howe LLP, Adelaide Street West,
Toronto dated January 17, 2022 | 3 |
| C17. | Mr. John M. Alati, Davies Howe LLP, Adelaide Street West, Toronto
dated January 17, 2022 | 3 |
| C18. | Mr. John M. Alati, Davies Howe LLP, Adelaide Street West, Toronto
dated January 17, 2022 | 3 |
| C19. | Mr. John M. Alati, Davies Howe LLP, Adelaide Street West, Toronto
dated January 17, 2022 | 3 |
| C20. | Mr. Michael Melling, Davies Howe LLP, Adelaide Street West,
Toronto dated January 17, 2022 | 3 |
| C21. | Mr. Michael Melling, Davies Howe LLP, Adelaide Street West,
Toronto dated January 17, 2022 | 3 |

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Please note there may be further Communications.

Communication : C 1
Committee of the Whole (1)
January 18, 2022
Agenda Item # 4

From: [REDACTED]
To: Clerks@vaughan.ca
Subject: [External] Re: Belmont properties (Weston Inc): files DA.20.009Z.20.003 Block 188, 65M-4145 (Part of lot22, Concession 6)
Date: Tuesday, January 4, 2022 7:12:37 PM

Hello,


we are writing on behalf of the Wardlaw place neighbourhood behind this proposed build to oppose this zoning change and potential build of this new sub-division. Myself and our neighbours are strongly opposed to having a giant subdivision built right behind our houses, invading our backyard privacy and disrupting our families lives! This land was zoned for commercial when we moved in and to have this change will also result in devaluing our properties, not to mention further congesting this area with more traffic and population. We are prepared to stand together as neighbours to oppose this and keep the zoning as is. We would like these complaints to be heard at this meeting. We can provide a petition signed by all opposed to this also, please let me know where I can send this

we hope our voices are heard, for our families and neighbourhood sake.

Andrea Caruso
Certified STOTT Pilates Instructor
CYA 200H Yoga Instructor
Total Barre Instructor
Personal Trainer
Bellydance Instructor and performer

[REDACTED]
[REDACTED]
[REDACTED]

Communication : C 2
Committee of the Whole (1)
January 18, 2022
Agenda Item # 7

From: 
To: Council@vaughan.ca; Clerks@vaughan.ca
Cc: [Evan Read](#)
Subject: [External] Contribution Rebate Program (CRP) Report Item# 75 on January 18th CW meeting @1pm
Date: Thursday, January 13, 2022 9:03:25 AM

Dear CoV Council,

The middle of the second page of the four-page report states as follows;

“Candidates, their spouse, siblings, parents, grandparents, children and grandchildren were not eligible to receive a rebate”

I am pleased that grandchildren and grandparents are excluded from the CRP. However, the report does not speak to in-laws of the candidate such as parents-in-law and siblings-in-law. Do they qualify for the CRP? Or would qualification be decided on a case by case basis?

Hiten Patel
Thornhill Woods Drive



memorandum

Communication : C 3
Committee of the Whole (1)
January 18, 2022
Agenda Item # 7

DATE: JANUARY 14, 2022

TO: MAYOR AND MEMBERS OF COUNCIL

FROM: TODD COLES, CITY CLERK / RETURNING OFFICER

RE: COMMUNICATION – COMMITTEE OF THE WHOLE (1) – JANUARY 18, 2022
ITEM #7
2022 CONTRIBUTION REBATE PROGRAM

This communication is being provided to respond to the question posed in Communication: C2.

Under the existing provisions for the Contribution Rebate Program as previously approved for the 2018 Municipal Election, contributions from parents-in-law and siblings-in-law of candidates are not prohibited from being issued with a rebate payment.

From its first adoption in 2010, the Contribution Rebate Program has prohibited the issuance of rebate payments to contributors with a direct familial relationship to the candidate to whom they have contributed. This limitation includes the candidate themselves, as well as their spouse, siblings, parents, grandparents and grandchildren.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'T. Coles', written over a horizontal line.

Todd Coles
City Clerk / Returning Officer

John M. Alati
johna@davieshowe.com
Direct: 416.263.4509
Main: 416.977.7088
Fax: 416.977.8931
File No. 702614-4

January 17, 2022

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

His Worship Mayor Maurizio Bevilacqua and Members of Council
The Corporation of the City of Vaughan
2141 Major Mackenzie Drive
Vaughan, Ontario L6A 1T1

Attention: Todd Coles, City Clerk

Your Worship and Members of Council:

**Re: Committee of the Whole, January 18, 2022
City-Wide Comprehensive Zoning By-law 001-2021 (the “New ZBL”)
Inconsistencies and Administrative Amendments
Submission of 243127 Ontario Ltd. (the “Company”)**

We are counsel to the Company, the owner of the lands located at the southeast corner of Jane Street and Highway 7, and municipally known as 7725 Jane Street (the “**Subject Lands**”).

The Company is an Appellant in the Ontario Land Tribunal proceeding concerning the New ZBL.

On behalf of the Company, we have reviewed the proposed modifications to the New ZBL, as contained in two separate Staff Reports dated January 18, 2022, respectively addressing transition provisions and technical revisions.

The purpose of this letter is to express our client’s concern regarding the proposed revisions to the technical provisions of the New ZBL (the “**Proposed Amendments**”).

Our client’s concerns regarding the Proposed Amendments relate to the site-specific zoning permissions of the New ZBL.

In particular, Schedule A inappropriately applies Exception 1031 to the easterly portion of the Subject Lands. However, this exception states that it applies to lands legally described

as 180-190 Maplecrete Road and 2851-2951 Highway 7. As such, Schedule A of the New ZBL should be revised as part of the technical revisions being completed.

Conclusion

We thank you for the opportunity to provide comments and kindly request confirmation of receipt of these written submissions, along with, notice of all future steps in this matter.

Yours truly,
DAVIES HOWE LLP



John M. Alati

JMA: go

copy: Ms. Wendy Law, Deputy City Manager, Legal and Administrative Services & City Solicitor
Ms. Caterina Facciolo, Deputy City Solicitor, Planning and Real Estate
Ms. Candace Tashos, Legal Counsel
Mr. Nick Spensieri, City Manager
Mr. Haiqing Xu, Deputy City Manager, Planning and Growth Management
Mr. Brandon Correia, Manager of Special Projects, Planning and Growth Management
Mr. Elvio Valente, Building Standards, Manager, Zoning Services and Zoning Administrator

TRANSPORTATION SERVICES CAPITAL INFRASTRUCTURE UPDATE CITY OF VAUGHAN

Salim Alibhai, P.Eng., PMP

Director, Capital Planning and Delivery, York Region, Transportation Services

January 18, 2022

PRESENTATION OBJECTIVES:

- 2021 Accomplishments
- 2022 New and Continuing Projects
- Future Projects

2021 ACCOMPLISHMENTS

MAJOR MACKENZIE DRIVE

Highway 50 to Highway 400



BEFORE

CP Rail Crossing on Major Mackenzie Drive



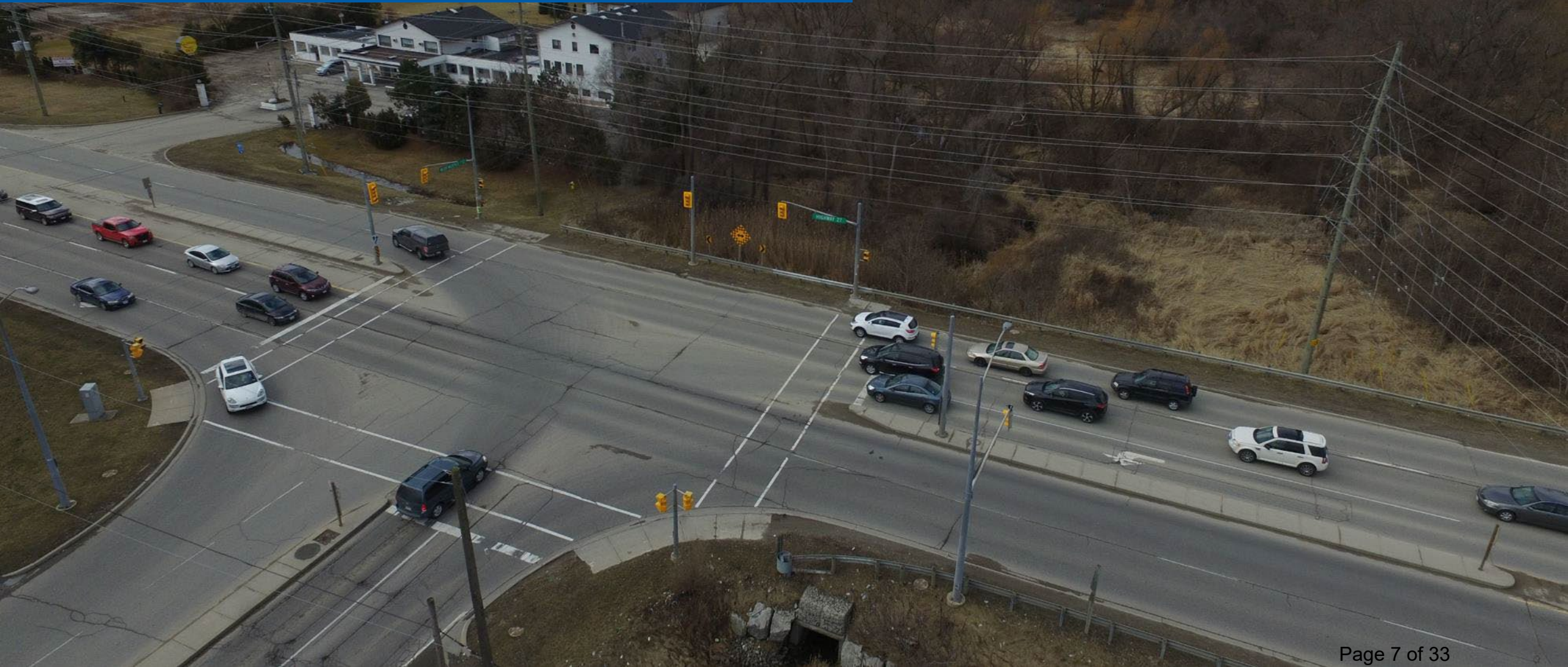
AFTER

New CP Rail Grade Separation on Major Mackenzie Drive



BEFORE

Major Mackenzie Drive at Highway 27



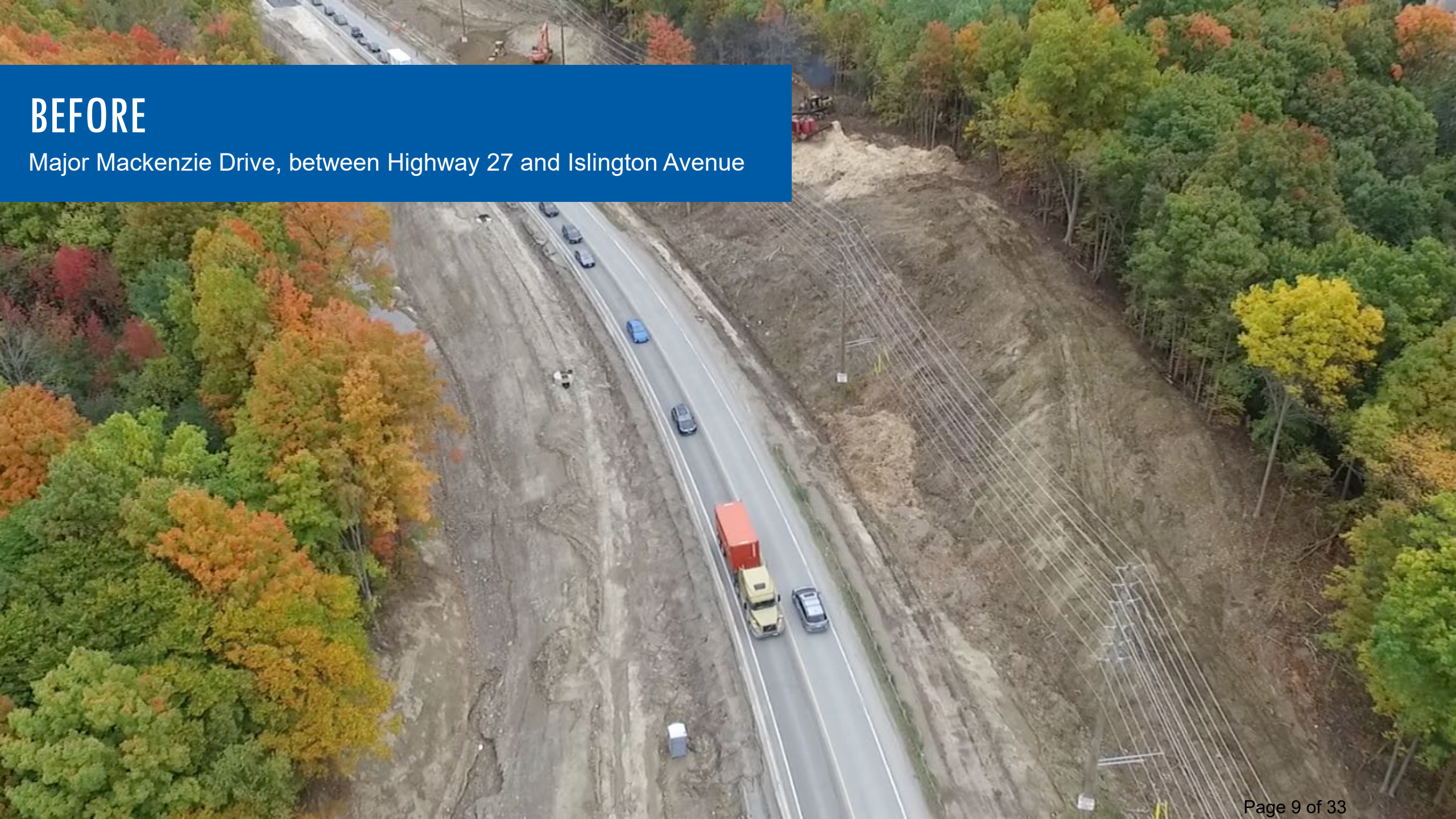
AFTER

New alignment of Major Mackenzie Drive at Highway 27



BEFORE

Major Mackenzie Drive, between Highway 27 and Islington Avenue



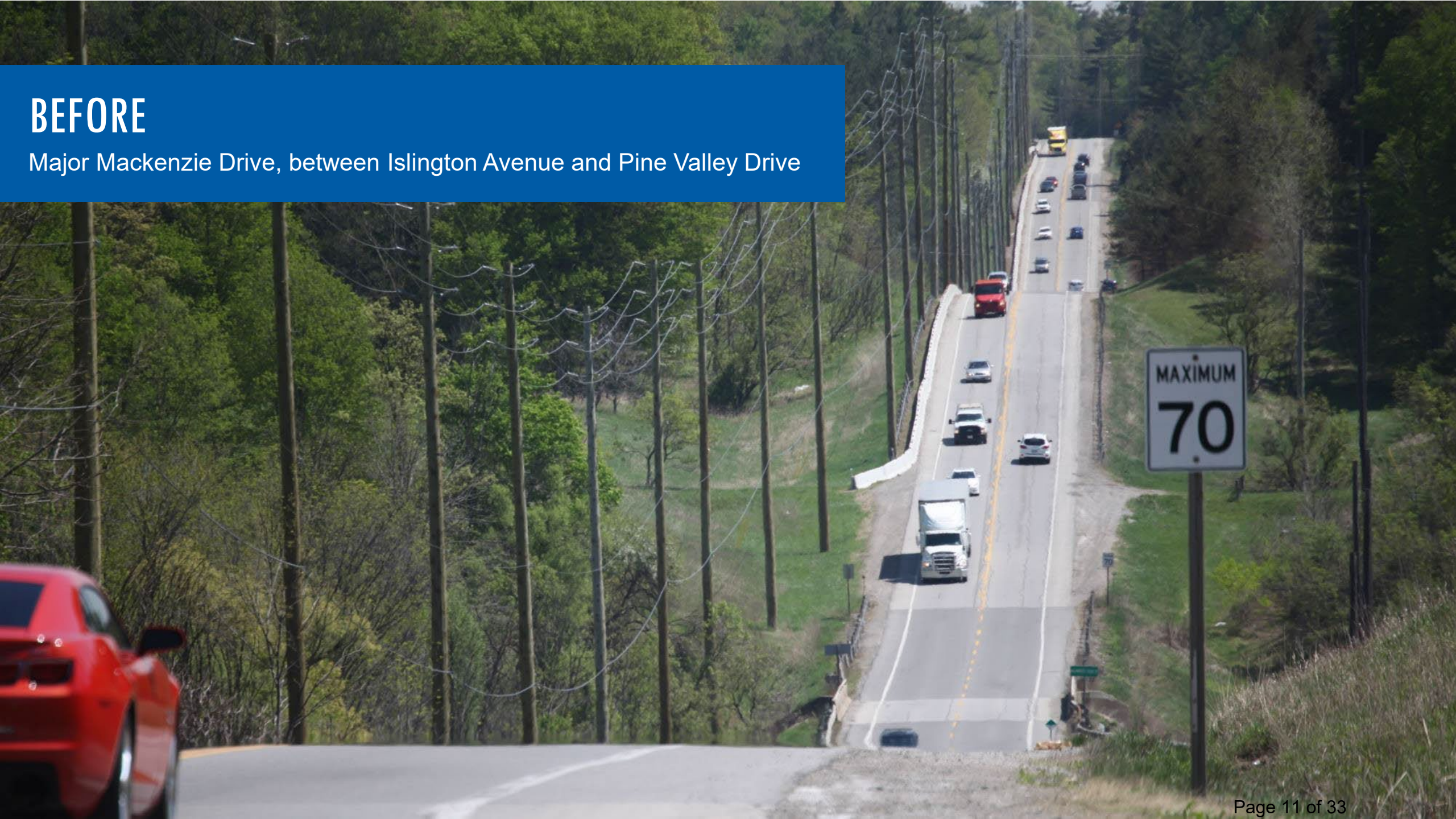
AFTER

Major Mackenzie Drive, between Highway 27 and Islington Avenue



BEFORE

Major Mackenzie Drive, between Islington Avenue and Pine Valley Drive



AFTER

Major Mackenzie Drive, between Islington Avenue and Pine Valley Drive



ROAD REHABILITATION



Weston Road, Steeles Avenue to Highway 407

Completed rehabilitation at 3 locations, including improvements at 6 intersections:

- Rutherford Road
(Pine Valley Drive to Highway 400)
- Rutherford Road
(Highway 400 to Jane Street)
- Weston Road
(Steeles Avenue to Highway 407)

INTERSECTION MODERNIZATION

Completed improvements at **7** locations



Major Mackenzie Drive, at Vaughan City Hall

Completed improvements Intersection 7 locations:

- Major Mackenzie Drive at Vaughan City Hall
- Rutherford Road and Via Campanile/Babak Boulevard
- Rutherford Road and St Clare Boulevard/Velmar Drive
- Rutherford Road and Fossil Hill Road
- Rutherford Road and Weston Road
- Rutherford Road and Vellore Woods Boulevard
- Weston Road and Aviva Park Drive/Century Place

ENVIRONMENTAL ASSESSMENT

LANGSTAFF ROAD, WESTON ROAD TO HIGHWAY 7



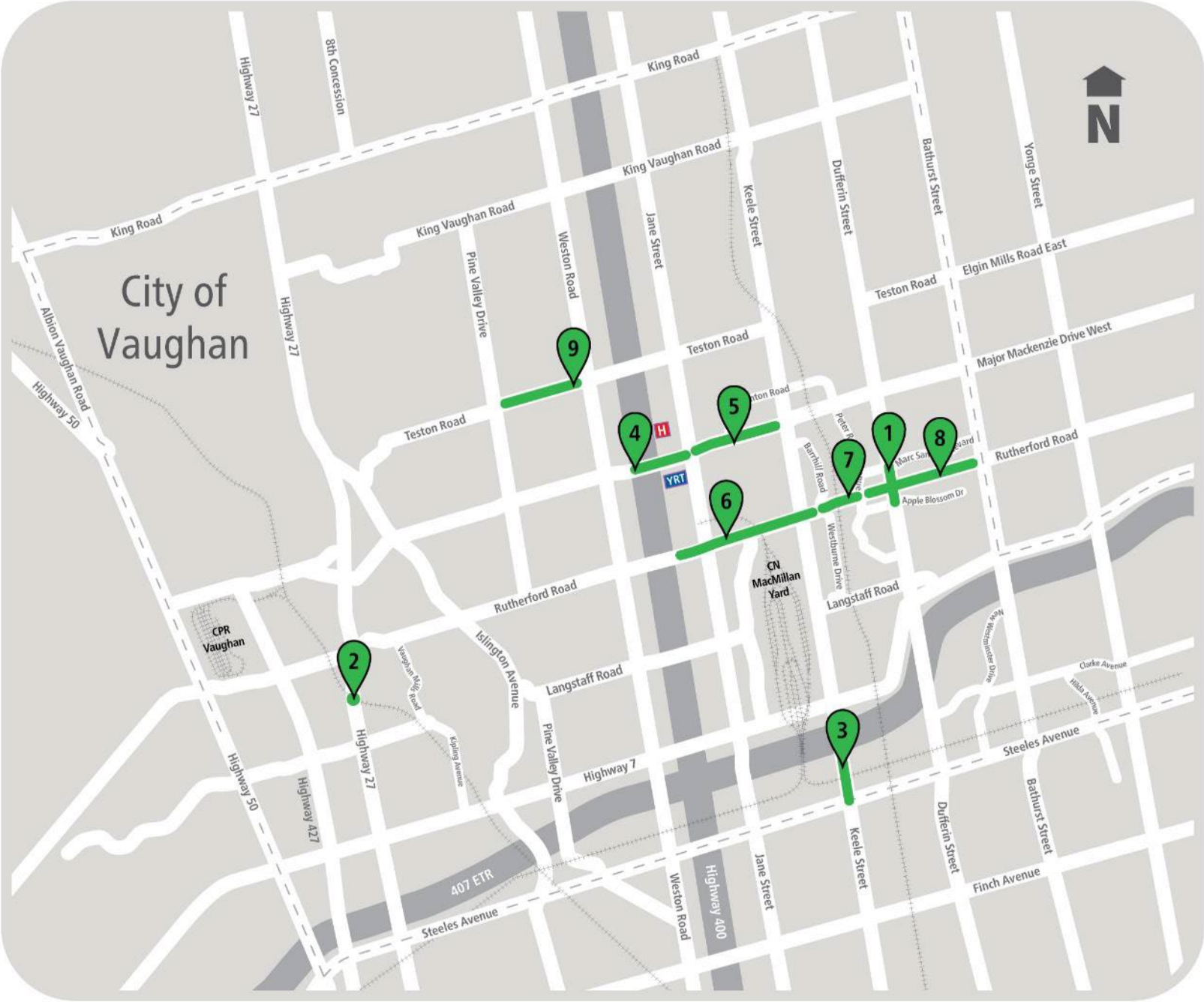
2022 NEW AND CONTINUING PROJECTS

2022 GROWTH PROJECTS

Growth Projects

2022 

Municipal Boundary 



HIGHWAY 27

Canadian Pacific Railway Bridge Replacement
1.6 kilometres north of Langstaff Road



Total Cost:
\$31.6M



Completion:
2022



Newly constructed rail bridge, Highway 27

KEELE STREET

Steeles Avenue to Snidercroft Road /
Great Gulf Drive (South of Highway 407)

Reconstructing and widening to 6 lanes
including a new, wider structure over CN Rail



Total Cost:
\$42.4M

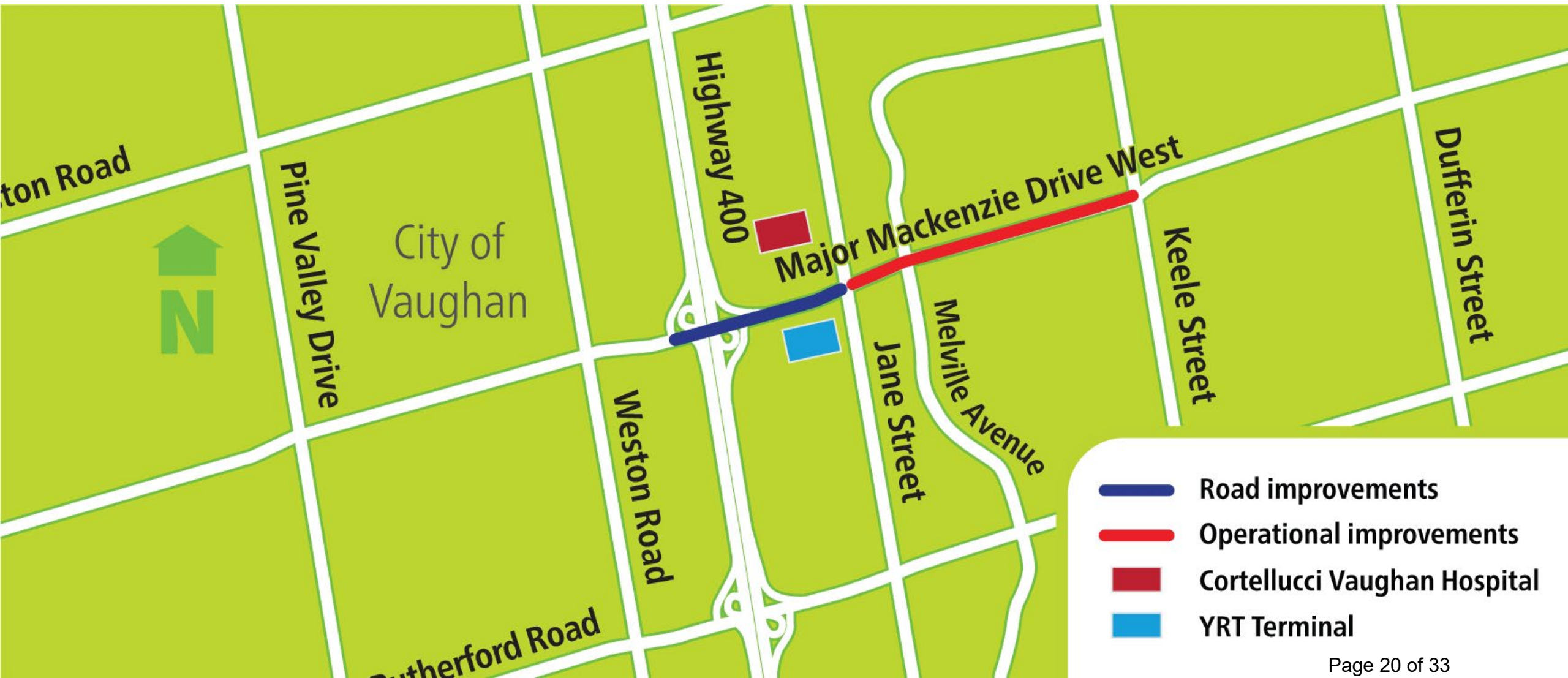


Completion:
2024



Keele Street widening

MAJOR MACKENZIE DRIVE



MAJOR MACKENZIE DRIVE

Highway 400 to Jane Street



Total Cost:
\$39.2M



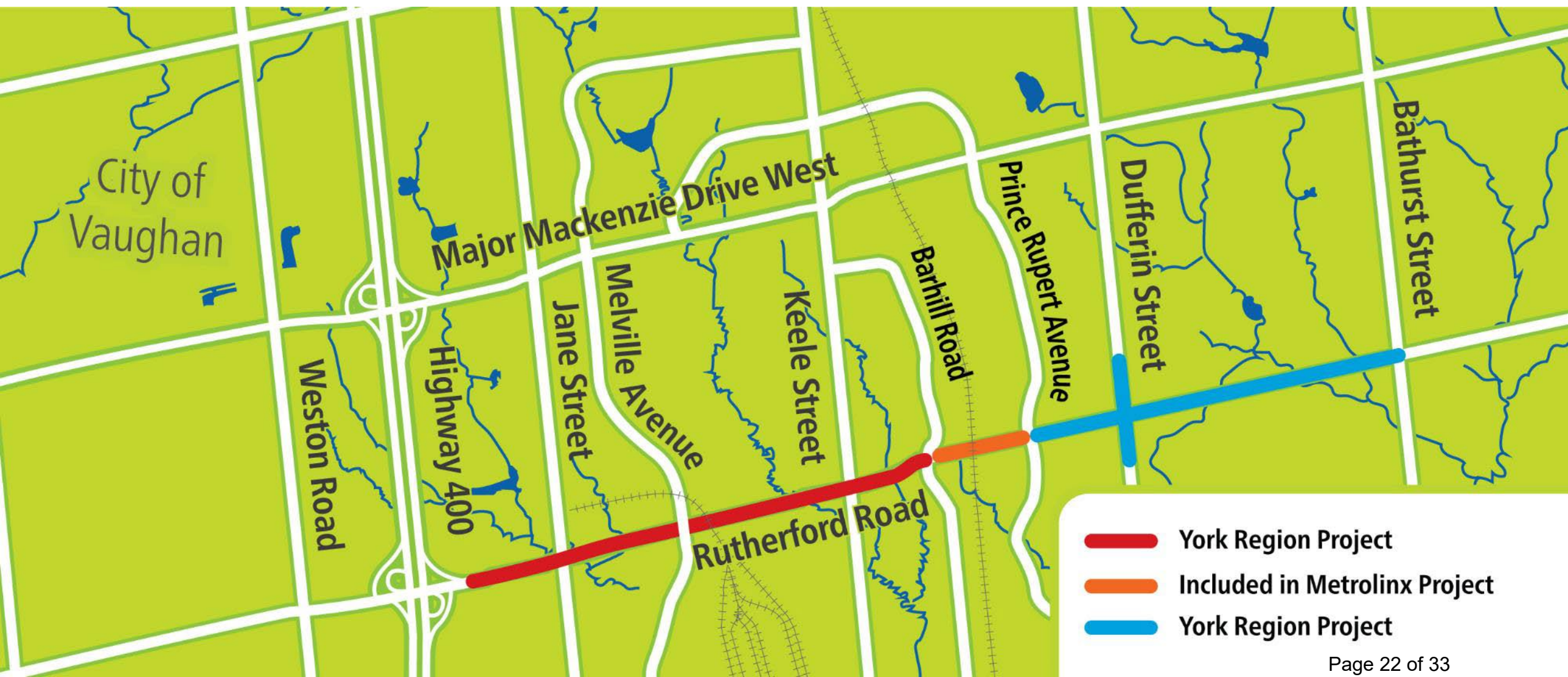
Completion:
2023



Major Mackenzie Drive, looking east

RUTHERFORD ROAD

Highway 400 to Bathurst Street



RUTHERFORD ROAD

Highway 400 to Westburne Drive

Road rehabilitation, reconstruction and widening to 6 lanes, including a new, wider structure over CN Rail



Total Cost:
\$66.6M



Completion:
2024



RUTHERFORD ROAD

Westburne Drive to Peter Rupert Avenue

Widening and Grade Separation
(Delivered by Metrolinx)



Total Cost:
\$18.3M*
*Region's portion



Completion:
2022



TESTON ROAD

Pine Valley Drive to Weston Road



Total Cost:
\$46.9M



Completion:
2025



CONSTRUCTION:

- 2022 Asset Management Program

2022 ASSET MANAGEMENT PROJECTS

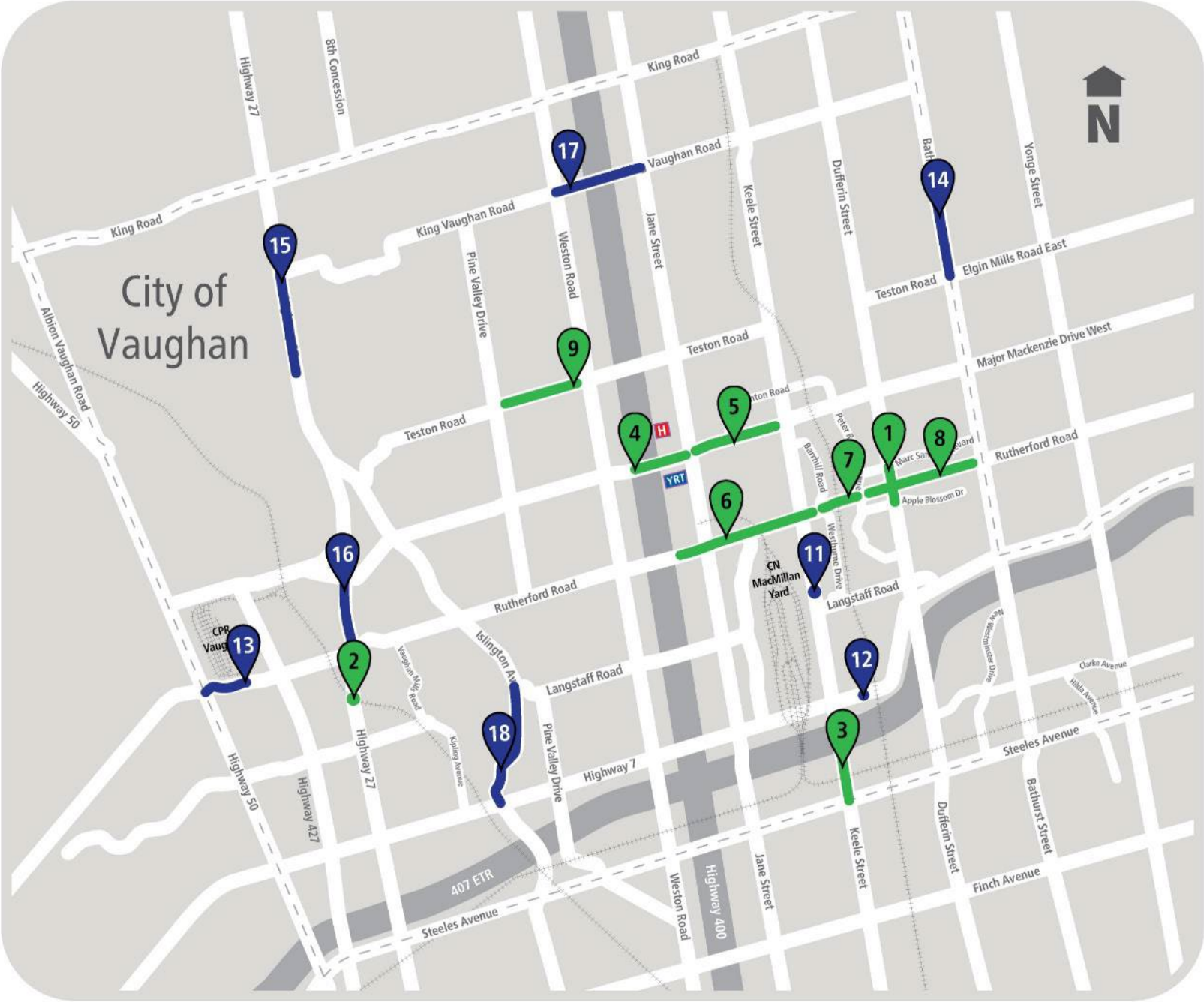
Growth Projects

2022 

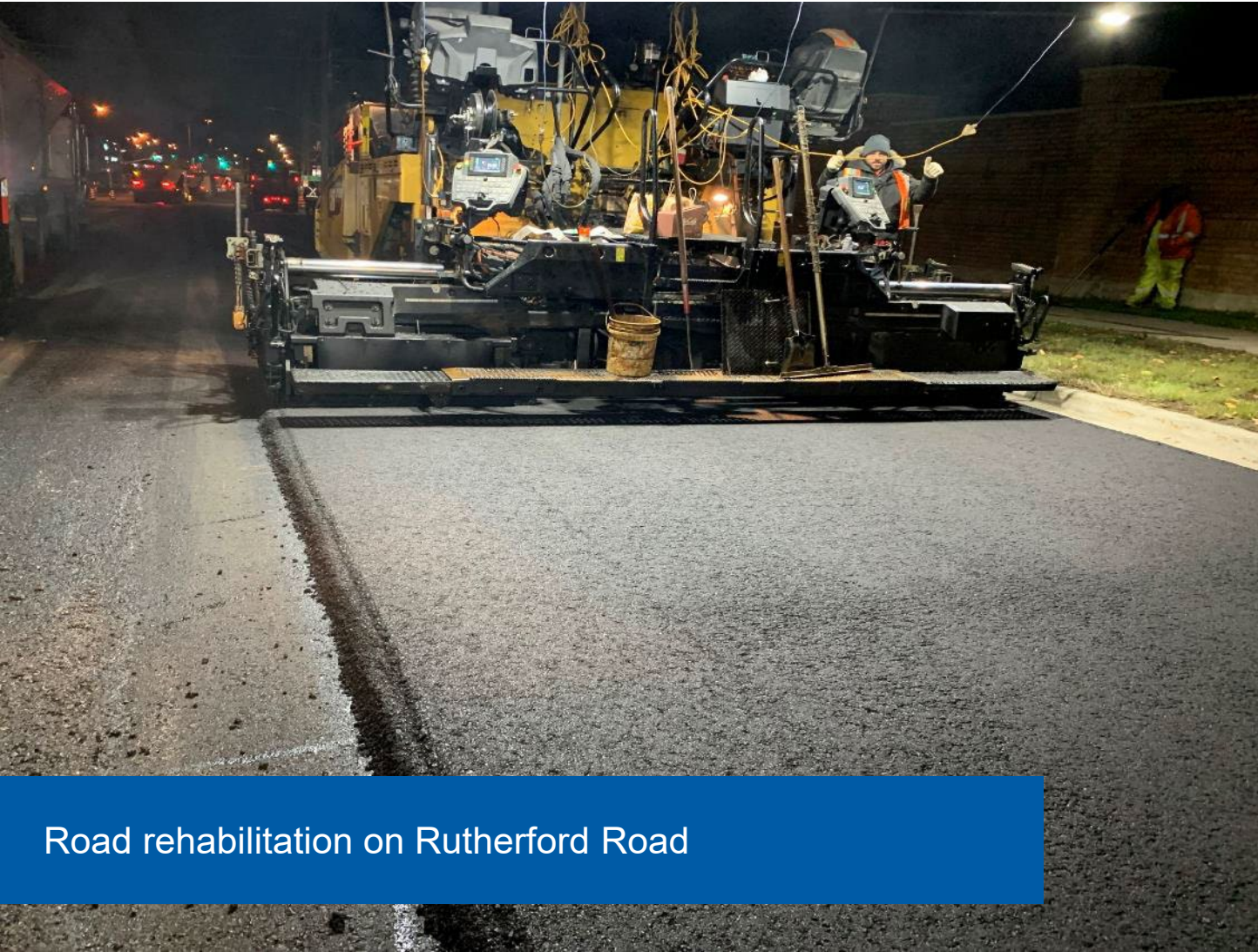
Asset Management Projects

2022 

Municipal Boundary

ROAD REHABILITATION AND PRESERVATION



Road rehabilitation on Rutherford Road

Road preservation at 1 location:

- Rutherford Road
(Highway 50 to Huntington Road)

Road rehabilitation at 5 locations:

- Bathurst Street
(Teston Road/Elgin Mills Road to Gamble Road)
- Highway 27
(Kirby Road to King Vaughan Road)
- Highway 27
(Rutherford Road to Major Mackenzie Drive W)
- King Vaughan Road
(Weston Road to Jane Street)
- Islington Avenue
(Highway 7 to Langstaff Road)

INTERSECTION MODERNIZATION

Improve 11 Intersections



Rutherford Road and Babak Boulevard

Intersection Improvements at 11 locations:

- Highway 7 and Bowes Road
- Bathurst St. and Queen Filomena Ave.
- Bathurst St. and Lady Nadia Dr.
- Bathurst St. and Lady Dolores Ave.
- Bathurst St. and Teston Rd.
- Bathurst St. and Woodland Acres Cres.
- Islington Ave. and Woodbridge Ave.
- Islington Ave. and Thistlewood Ave.
- Islington Ave. and Willis Road
- Islington Ave. and Hayhoe Lane
- Islington Ave. and Langstaff Road

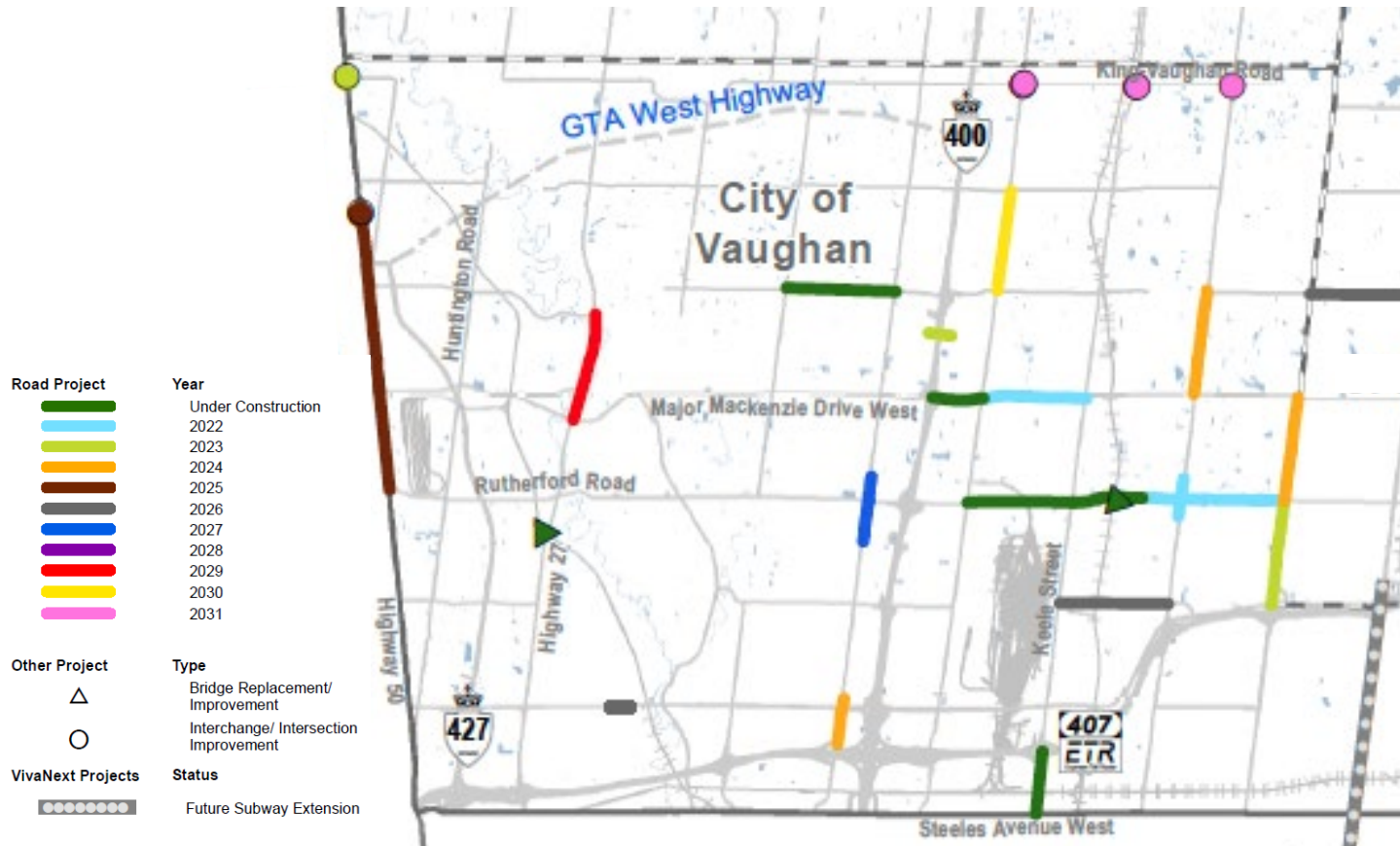
CULVERT REPLACEMENT

Keele Street, North of Langstaff Road



FUTURE PROJECTS

2022 10-YEAR ROADS CAPITAL CONSTRUCTION PROGRAM



Future Projects:

- Bathurst Street, Highway 7 to Major Mackenzie Drive – *Design Underway*
- Weston Road, Highway 407 to North of Highway 7 – *Design Underway*
- Dufferin Street, Major Mackenzie Drive to Teston Road – *Design Underway*
- Highway 7, West of Kipling Avenue
- Langstaff Road, Keele Street to Dufferin Street – *Design Underway*
- Weston Road, North and South of Rutherford Road – *Design Underway*
- Highway 27, Major Mackenzie Drive to Nashville Road
- Jane Street, Teston Road to Kirby Road
- King Vaughan Road at Dufferin Street, Keele Street, Jane Street

QUESTIONS/DISCUSSION

FOR MORE INFORMATION

Salim Alibhai, P.Eng., PMP
Director, Capital Planning and Delivery
1-877-464-9675 ext. 75229
Salim.Alibhai@york.ca



January 17, 2022

Communication : C 6
Committee of the Whole (1)
January 18, 2022
Agenda Item # 3

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

His Worship Mayor Maurizio Bevilacqua and Members of Council
The Corporation of the City of Vaughan
2141 Major Mackenzie Drive
Vaughan, Ontario L6A 1T1

Attention: Todd Coles, City Clerk

Your Worship and Members of Council:

**Re: Committee of the Whole, January 18, 2022
City-Wide Comprehensive Zoning By-law 001-2021 (the “New ZBL”)
Transition Provision Amendments, File No. Z.21.052
Inconsistencies and Administrative Amendments
Submission of Mosaik Pinewest Inc. (“Mosaik”)**

We are counsel to Mosaik, who have an interest in lands on the east side of Pine Valley Drive, north of Major Mackenzie Drive and south of Teston Road, legally described as Part of Lot 23, Concession 6, City of Vaughan, Regional Municipality of York and 11, 15, 23 and 27 of Lansdowne Avenue. Mosaik is an Appellant in the Ontario Land Tribunal proceeding concerning the New ZBL.

On behalf of Mosaik, we have reviewed the proposed modifications to the New ZBL, as contained in two separate Staff Reports dated January 18, 2022, respectively addressing transition provisions and technical revisions.

The purpose of this letter is to express our client’s concern regarding the proposed revisions to the transitional provisions of the New ZBL (the “**Proposed Amendments**”).

Our client’s concerns regarding the Proposed Amendments relate to the failure of the City to carry forward its site-specific zoning approval into the New ZBL; the failure of the New ZBL to account for possible future zoning relief; and the ten year limit on transition rights.

Site Specific Exemptions

It appears that s. 1.6.2.6 has been introduced to address situations where site specific approvals have not been addressed by the New ZBL. Problematically, the new clause

fails to account for situations where an exception has been incorrectly transposed into the New By-law.

A provision clarifying that the original site-specific approval prevails in the event of a conflict with the New By-law should be added.

Related and Future Applications

The transition provisions seem to allow applications (excluding Official Plan Amendments) that implement a zoning approval to be assessed under By-law 1-88 (the “**Former ZBL**”) under certain conditions, as provided for in s. 1.6.2.8.1 of the New ZBL.

However, this provision does not function as intended, because building permit applications arising from applications transitioned under s. 1.6.2.8.1 will still be subject to the Former ZBL “as it read on October 20, 2021”. This limiting language is also found in the Preamble to the transition provisions. Furthermore, it is not clear that a minor variance arising from a site plan application intended to implement an existing zoning amendment could “comply” with Zoning By-law 1-88, where compliance is a precondition to the application of 1.6.2.8.1.

Ten Year Time Limit

The proposed revisions in s. 1.6.4.2, which as written repeals the transition provisions of the New ZBL after 10 years, do not address the fundamental problem of indeterminate liability for property owners, and are arbitrary. Our client urges the City to adopt a more measured approach by converting the 10 year sunset date to a *review* of the transition provisions in 10 years.

Conclusion

We thank you for the opportunity to provide comments and kindly request confirmation of receipt of these written submissions, along with, notice of all future steps in this matter.

Yours sincerely,



Michael Melling
MWM: al

copy: Ms. Wendy Law, Deputy City Manager, Legal and Administrative Services, and City Solicitor
Ms. Caterina Facciolo, Deputy City Solicitor, Planning and Real Estate
Ms. Candace Tashos, Legal Counsel
Mr. Nick Spensieri, City Manager
Mr. Haiqing Xu, Deputy City Manager, Planning and Growth Management
Mr. Brandon Correia, Manager of Special Projects, Planning and Growth Management
Mr. Elvio Valente, Building Standards, Manager, Zoning Services and Zoning Administrator

Communication : C 7
Committee of the Whole (1)
January 18, 2022
Agenda Item # 3

January 17, 2022

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

His Worship Mayor Maurizio Bevilacqua and Members of Council
The Corporation of the City of Vaughan
2141 Major Mackenzie Drive
Vaughan, Ontario L6A 1T1

Attention: Todd Coles, City Clerk

Your Worship and Members of Council:

Re: Committee of the Whole, January 18, 2022
City-Wide Comprehensive Zoning By-law 001-2021 (the “New ZBL”)
Transition Provision Amendments, File No. Z.21.052
Inconsistencies and Administrative Amendments
Submission of 3911 Teston Road Inc. (the “Company”)

We are counsel to the Company, the owner of the property located near the southwest corner of Teston Road and Weston Road, municipally known as 3911 Teston Road.

The Company is an Appellant in the Ontario Land Tribunal proceeding concerning the New ZBL.

On behalf of the Company, we have reviewed the proposed modifications to the New ZBL, as contained in two separate Staff Reports dated January 18, 2022, respectively addressing transition provisions and technical revisions.

The purpose of this letter is to express our client’s concern regarding the proposed revisions to the transitional provisions of the New ZBL (the “**Proposed Amendments**”).

Our client’s concerns regarding the Proposed Amendments relate to its in-process zoning by-law, official plan and subdivision approval applications which were deemed complete on May 19, 2021. Our client is also concerned about the treatment of its in-process site plan application which was filed after October 20, 2021. Lastly, our client is concerned that the Proposed Amendments still impose a 10 year time limit on transition rights.

Zoning By-law Amendments and Concurrent Applications

The proposed changes in s. 1.6.3.3.1 do not clarify whether a zoning by-law amendment deemed complete as of October 20, 2021 would amend Zoning By-law 1-88 (the “**Former ZBL**”), the New ZBL, or both.

If the intent is to amend the Former ZBL, there is a conflict with the Preamble to the transition provisions, which indicates that assessments of transition issues will be determined under the Former ZBL “as it read on October 20, 2021”, which would negate an approval obtained after that date.

There seems to be an intent to allow certain applications that implement a zoning by-law amendment filed on or before October 20, 2021, but not yet approved, to be assessed under the Former ZBL (see s. 1.6.3.3.2). However, that flexibility does not apply where a related application is filed concurrently with a zoning by-law amendment application prior to October 20, 2021, as is the case here, but it should.

The flexibility afforded by s. 1.6.3.3.2 is ultimately negated by the requirement to comply with the Former ZBL “as it read on October 20, 2021”. While such limiting language is present, it is not clear that our client’s site plan application would be transitioned.

Section 1.6.3.3.5, which allows for approval of applications filed on or before October 20, 2021, omits Official Plan and Site Plan approvals, which should be included, and is also affected by the “as it read on October 20, 2021” issue.

Ten Year Time Limit

The proposed revisions in s. 1.6.4.2, which as written repeals the transition provisions of the New ZBL after 10 years, do not address the fundamental problem of indeterminate liability for property owners, and are arbitrary. Our client urges the City to adopt a more measured approach by converting the 10 year sunset date to a *review* of the transition provisions in 10 years.

Conclusion

We thank you for the opportunity to provide comments and kindly request confirmation of receipt of these written submissions, along with, notice of all future steps in this matter.

Yours sincerely,

DAVIES HOWE LLP



Michael Melling

MWM: al

copy: Ms. Wendy Law, Deputy City Manager, Legal and Administrative Services, and City Solicitor
Ms. Caterina Facciolo, Deputy City Solicitor, Planning and Real Estate
Ms. Candace Tashos, Legal Counsel
Mr. Nick Spensieri, City Manager
Mr. Haiqing Xu, Deputy City Manager, Planning and Growth Management
Mr. Brandon Correia, Manager of Special Projects, Planning and Growth Management
Mr. Elvio Valente, Building Standards, Manager, Zoning Services and Zoning Administrator

January 17, 2022

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

His Worship Mayor Maurizio Bevilacqua and Members of Council
The Corporation of the City of Vaughan
2141 Major Mackenzie Drive
Vaughan, Ontario L6A 1T1

Attention: Todd Coles, City Clerk

Your Worship and Members of Council:

**Re: Committee of the Whole, January 18, 2022
City-Wide Comprehensive Zoning By-law 001-2021 (the “New ZBL”)
Transition Provision Amendments, File No. Z.21.052
Inconsistencies and Administrative Amendments
Submission of Lindvest Properties (Pine Valley) Limited *et al.***

We are counsel to Lindvest Properties (Pine Valley) Limited, Lindvest Properties (Pine Valley RB) Limited, 1387700 Ontario Limited and Roybridge Holdings Limited (the “**Companies**”), which have an interest in the lands listed in **Appendix A**. The Companies are an Appellant in the Ontario Land Tribunal proceeding concerning the New ZBL.

On behalf of the Companies, we have reviewed the proposed modifications to the New ZBL, as contained in two separate Staff Reports dated January 18, 2022, respectively addressing the transition provisions and technical revisions.

The purpose of this letter is to express our client’s concern regarding the proposed revisions to the transitional provisions of the New ZBL (the “**Proposed Amendments**”).

Our client’s concerns regarding the Proposed Amendments relate to the failure of the New ZBL to accurately carry forward its site-specific zoning approval that was approved under Zoning By-law 1-88 (the “**Former ZBL**”). Also, the Proposed Amendments do not account for possible future amendments to the zoning approval, and the transition rights are still limited to ten years.

Site Specific Exemptions

It appears that s. 1.6.2.6 has been introduced to address situations where site-specific approvals have not been addressed in the New ZBL. Problematically, the new clause fails

**Communication : C 8
Committee of the Whole (1)
January 18, 2022
Agenda Item # 3**

to account for situations where an exception has been incorrectly transposed into the New By-law.

A provision clarifying that the original site-specific approval prevails in the event of a conflict with the New By-law should be added.

Related and Future Applications

The transition provisions seem to allow applications (excluding Official Plan Amendments) that implement a zoning approval to be assessed under the Former ZBL under certain conditions as provided for in s. 1.6.2.8.1 of the New ZBL.

However, this provision does not function as intended because building permit applications arising from applications transitioned under s. 1.6.2.8.1 will still be subject to the Former ZBL “as it read on October 20, 2021”. This limiting language is also found in the Preamble to the transition provisions.

Ten Year Time Limit

The proposed revisions in s. 1.6.4.2, which as written repeals the transition provisions of the New ZBL after 10 years, do not address the fundamental problem of indeterminate liability for property owners, and are arbitrary. Our client urges the City to adopt a more measured approach by converting the 10 year sunset date to a *review* of the transition provisions in 10 years.

Conclusion

We thank you for the opportunity to provide comments and kindly request confirmation of receipt of these written submissions, along with, notice of all future steps in this matter.

Yours sincerely,

DAVIES HOWE LLP



Michael Melling
MWM: al

copy: Ms. Wendy Law, Deputy City Manager, Legal and Administrative Services & City Solicitor
Ms. Caterina Facciolo, Deputy City Solicitor, Planning and Real Estate
Ms. Candace Tashos, Legal Counsel
Mr. Nick Spensieri, City Manager
Mr. Haiqing Xu, Deputy City Manager, Planning and Growth Management
Mr. Brandon Correia, Manager of Special Projects, Planning and Growth Management
Mr. Elvio Valente, Building Standards, Manager, Zoning Services and Zoning Administrator

Appendix A

- Part of East Half of Lot 24 and 25, Concession 7, City of Vaughan, Regional Municipality of York
- Part of Lots 23 and 24, Concession 7, City of Vaughan, Regional Municipality of York
- Part of Lot 25, Concession 7, City of Vaughan, Regional Municipality of York

January 17, 2022

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

Communication : C 9
Committee of the Whole (1)
January 18, 2022
Agenda Item # 3

His Worship Mayor Maurizio Bevilacqua and Members of Council
The Corporation of the City of Vaughan
2141 Major Mackenzie Drive
Vaughan, Ontario L6A 1T1

Attention: Todd Coles, City Clerk

Your Worship and Members of Council:

**Re: Committee of the Whole, January 18, 2022
City-Wide Comprehensive Zoning By-law 001-2021 (the “New ZBL”)
Transition Provision Amendments, File No. Z.21.052
Inconsistencies and Administrative Amendments
Submission of Rutherford Heights Inc. (“Rutherford”)**

We are counsel to Rutherford, the owner of property located south of Rutherford Road and west of Highway 27, municipally known as 10, 20, and 25 Di Benedetto Lane and 110 Simmons Street. Rutherford is an Appellant in the Ontario Land Tribunal proceeding concerning the New ZBL.

On behalf of Rutherford, we have reviewed the proposed modifications to the New ZBL, as contained in two separate Staff Reports dated January 18, 2022, respectively addressing the transition provisions and technical revisions.

The purpose of this letter is to express our client's concern regarding the proposed revisions to the transitional provisions of the New ZBL (the “**Proposed Amendments**”).

Our client's concerns regarding the Proposed Amendments relate to whether its site-specific zoning permissions have been accurately brought forward into Exception 831 of the New ZBL; the failure of the New ZBL to account for possible future zoning relief; and the ten year limit on transition rights.

Site Specific Exemptions

It appears that s. 1.6.2.6 has been introduced to address situations where site-specific approvals have not been addressed by the New ZBL. Problematically, the new clause

fails to account for situations where an exception has been incorrectly transposed into the New By-law.

A provision clarifying that the original site-specific approval prevails in the event of a conflict with the New By-law should be added.

Related and Future Applications

The transition provisions seem to allow applications (excluding Official Plan Amendments) that implement a zoning approval to be assessed under the Former ZBL under certain conditions as provided for in s. 1.6.2.8.1 of the New ZBL.

However, this provision does not function as intended because building permit applications arising from applications transitioned under s. 1.6.2.8.1 will still be subject to the Former ZBL “as it read on October 20, 2021”. This limiting language is also found in the Preamble to the transition provisions.

Ten Year Time Limit

The proposed revisions in s. 1.6.4.2, which as written repeals the transition provisions of the New ZBL after 10 years, do not address the fundamental problem of indeterminate liability for property owners, and are arbitrary. Our client urges the City to adopt a more measured approach by converting the 10 year sunset date to a *review* of the transition provisions in 10 years.

Conclusion

We thank you for the opportunity to provide comments and kindly request confirmation of receipt of these written submissions, along with, notice of all future steps in this matter.

Yours sincerely,

DAVIES HOWE LLP



Michael Melling
MWM: al

copy: Ms. Wendy Law, Deputy City Manager, Legal and Administrative Services & City Solicitor
Ms. Caterina Facciolo, Deputy City Solicitor, Planning and Real Estate
Ms. Candace Tashos, Legal Counsel
Mr. Nick Spensieri, City Manager
Mr. Haiqing Xu, Deputy City Manager, Planning and Growth Management
Mr. Brandon Correia, Manager of Special Projects, Planning and Growth Management
Mr. Elvio Valente, Building Standards, Manager, Zoning Services and Zoning Administrator

January 17, 2022

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

**Communication : C 10
Committee of the Whole (1)
January 18, 2022
Agenda Item # 3**

His Worship Mayor Maurizio Bevilacqua and Members of Council
The Corporation of the City of Vaughan
2141 Major Mackenzie Drive
Vaughan, Ontario L6A 1T1

Attention: Todd Coles, City Clerk

Your Worship and Members of Council:

**Re: Committee of the Whole, January 18, 2022
City-Wide Comprehensive Zoning By-law 001-2021 (the “New ZBL”)
Transition Provision Amendments, File No. Z.21.052
Inconsistencies and Administrative Amendments
Submission of ZZEN Group of Companies Ltd. (“ZZEN Group”)**

We are counsel to ZZEN Group, which manages the lands listed in **Appendix A**. ZZEN Group is an Appellant in the Ontario Land Tribunal proceeding concerning the New ZBL.

On behalf of ZZEN Group, we have reviewed the proposed modifications to the New ZBL, as contained in two separate Staff Reports dated January 18, 2022, respectively addressing transition provisions and technical revisions.

The purpose of this letter is to express our client’s concern regarding the proposed revisions to the transitional and technical provisions of the New ZBL (the “**Proposed Amendments**”).

Our client’s concerns regarding the Proposed Amendments relate to whether the site-specific provisions on its various lands have been accurately brought forward into the New ZBL. Another concern relates to the continued imposition of a 10-year limit on transition rights. Lastly, our client wishes to specifically request the removal of a Holding (H) symbol that was erroneously reapplied to its lands.

Site Specific Exemptions

It appears that s. 1.6.2.6 has been introduced to address situations where site-specific approvals have not been addressed by the New ZBL. Problematically, the new clause

fails to account for situations where an exception has been incorrectly transposed into the New By-law.

A provision clarifying that the original site-specific approval prevails in the event of a conflict with the New By-law should be added.

Ten Year Time Limit

The proposed revisions in s. 1.6.4.2, which as written repeals the transition provisions of the New ZBL after 10 years, do not address the fundamental problem of indeterminate liability for property owners, and are arbitrary. Our client urges the City to adopt a more measured approach by converting the 10-year sunset date to a *review* of the transition provisions in 10 years.

Holding Symbol Removal

The City has mistakenly replaced Holding (H) symbol to lands located west of Highway 27 on the south side of Milani Boulevard. The Holding (H) symbol was removed on May 18, 2021 through By-law 067-2021. Accordingly, please revise Schedule A of the New ZBL in accordance with By-law 067-2021 as part of the technical revisions being completed.

Conclusion

We thank you for the opportunity to provide comments and kindly request confirmation of receipt of these written submissions, along with, notice of all future steps in this matter.

Yours sincerely,

DAVIES HOWE LLP



Michael Melling

MWM: al

copy: Ms. Wendy Law, Deputy City Manager, Legal and Administrative Services & City Solicitor
Ms. Caterina Facciolo, Deputy City Solicitor, Planning and Real Estate
Ms. Candace Tashos, Legal Counsel
Mr. Nick Spensieri, City Manager
Mr. Haiqing Xu, Deputy City Manager, Planning and Growth Management
Mr. Brandon Correia, Manager of Special Projects, Planning and Growth Management
Mr. Elvio Valente, Building Standards, Manager, Zoning Services and Zoning Administrator

Appendix A

- In the vicinity of Weston Road and Ashberry Boulevard, being described as Block 181, Plan 65M-3391 and also known as Lot 18, Concession 5.
- In the vicinity of Major Mackenzie Drive and Highway 400, being described as Block 223, Draft Approved Plan 19T-97V37 or also known as Part of Lot 20, Concession 5.
- In the vicinity of Zenway Boulevard and Highway 27 being described as Lot 7, Concession 9.
- Lands west of Highway 27 on the south side of Milani Boulevard, being Part of Block 41 and Blocks 2, 3 and 4 on Registered Plan 65M-3627, in Lot 8, Concession 9.
- 6100 - 6260 Highway 7 and 7990 Highway 27.
- 7551 Huntington Road and 6701 Highway 7.
- 6535 Langstaff Road.
- 8631 Highway 50.
- 250 - 251 New Enterprise Way.

January 17, 2022

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

**Communication : C 11
Committee of the Whole (1)
January 18, 2022
Agenda Item # 3**

His Worship Mayor Maurizio Bevilacqua and Members of Council
The Corporation of the City of Vaughan
2141 Major Mackenzie Drive
Vaughan, Ontario L6A 1T1

Attention: Todd Coles, City Clerk

Your Worship and Members of Council:

**Re: Committee of the Whole, January 18, 2022
City-Wide Comprehensive Zoning By-law 001-2021 (the “New ZBL”)
Transition Provision Amendments, File No. Z.21.052
Inconsistencies and Administrative Amendments
Submission of The Q Towers General Partner Inc. (“Q Towers”)**

We are counsel to Q Towers, which has an interest in lands at the southwest corner of Major Mackenzie Drive West and Fossil Hill Road, known as Part of Lot 20, Concession 6 and 77 to 87 Woodstream Boulevard. Q Towers is an Appellant in the Ontario Land Tribunal proceeding concerning the New ZBL.

On behalf of Q Towers, we have reviewed the proposed modifications to the New ZBL, as contained in two separate Staff Reports dated January 18, 2022, respectively addressing transition provisions and technical revisions.

The purpose of this letter is to express our client’s concern regarding the proposed revisions to the transitional provisions of the New ZBL (the “**Proposed Amendments**”).

Our client’s concerns regarding the Proposed Amendments relate to its in-process zoning by-law, official plan and subdivision approval applications (Files OP.21.001, Z.21.002 and 19T-21V001), which were deemed complete on February 25, 2021. Additionally, our client is concerned the City has failed to accurately carry forward its site-specific zoning permissions into Exception 265 of the New ZBL and that the Proposed Amendments still maintain a 10 year time limit on transitional rights.

Site-Specific Exemptions

It appears that s. 1.6.2.6 has been introduced to address situations where site-specific approvals have not been addressed by the New ZBL. Problematically, the new clause fails to account for situations where an exception has been incorrectly transposed into the New By-law.

A provision clarifying that the original site-specific approval prevails in the event of a conflict with the New By-law should be added.

Zoning By-law Amendments and Concurrent Applications

The proposed changes in s. 1.6.3.3.1 do not clarify whether a zoning by-law amendment deemed complete as of October 20, 2021 would amend Zoning By-law 1-88 (the “**Former ZBL**”), or the New ZBL, or both.

If the intent is to amend the Former ZBL, there is a conflict with the Preamble to the transition provisions, which indicates that assessments of transition issues will be determined under the Former ZBL “as it read on October 20, 2021”, which would negate an approval obtained after that date.

There seems to be an intent to allow certain applications that implement a zoning by-law amendment filed on or before October 20, 2021, but not yet approved, to be assessed under the Former ZBL (see s. 1.6.3.3.2). However, that flexibility does not apply where a related application is filed concurrently with a zoning by-law amendment application prior to October 20, 2021, as is the case here.

Furthermore, the flexibility is again negated by the requirement to comply with the Former ZBL “as it read on October 20, 2021”. Similarly, Section 1.6.3.3.5, which allows for approval of applications filed on or before October 20, 2021, omits Official Plan and Site Plan approvals, which should be included, and is also affected by the “as it read on October 20, 2021” issue.

Ten Year Time Limit

The proposed revisions in s. 1.6.4.2, which as written repeals the transition provisions of the New ZBL after 10 years, do not address the fundamental problem of indeterminate liability for property owners, and are arbitrary. Our client urges the City to adopt a more measured approach by converting the 10 year sunset date to a *review* of the transition provisions in 10 years.

Conclusion

We thank you for the opportunity to provide comments and kindly request confirmation of receipt of these written submissions, along with, notice of all future steps in this matter.

Yours sincerely,



MWM: al

copy: Ms. Wendy Law, Deputy City Manager, Legal and Administrative Services, and City Solicitor
Ms. Caterina Facciolo, Deputy City Solicitor, Planning and Real Estate
Ms. Candace Tashos, Legal Counsel
Mr. Nick Spensieri, City Manager
Mr. Haiqing Xu, Deputy City Manager, Planning and Growth Management
Mr. Brandon Correia, Manager of Special Projects, Planning and Growth Management
Mr. Elvio Valente, Building Standards, Manager, Zoning Services and Zoning Administrator
Ms. Rosemarie Humphries, R.P.P., M.C.I.P., Humphries Planning Group Inc.
Client

January 17, 2022

Communication : C 12
Committee of the Whole (1)
January 18, 2022
Agenda Item # 3

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

His Worship Mayor Maurizio Bevilacqua and Members of Council
The Corporation of the City of Vaughan
2141 Major Mackenzie Drive
Vaughan, Ontario L6A 1T1

Attention: Todd Coles, City Clerk

Your Worship and Members of Council:

Re: Committee of the Whole, January 18, 2022
City-Wide Comprehensive Zoning By-law 001-2021 (the “New ZBL”)
Transition Provision Amendments, File No. Z.21.052
Inconsistencies and Administrative Amendments
Submission of Velmar Centre Property Limited (“Velmar”)

We are counsel to Velmar, the owner of lands located at 4101 Rutherford Road. Velmar is an Appellant in the Ontario Land Tribunal proceeding concerning the New ZBL.

On behalf of Velmar, we have reviewed the proposed modifications to the New ZBL, as contained in two separate Staff Reports dated January 18, 2022, respectively addressing transition provisions and technical revisions.

The purpose of this letter is to express our client’s concern regarding the proposed revisions to the transitional provisions of the New ZBL (the “**Proposed Amendments**”).

Our client’s concerns regarding the Proposed Amendments relate to ensuring its existing zoning application, which was deemed complete on June 13, 2019 and is before the Tribunal as Case No. OLT-21-001045 (along with related Site Plan and Official Plan Amendments), will be recognized under the New ZBL. Additionally, our client is concerned that the Proposed Amendments still maintain a 10 year time limit on transitional rights.

Zoning By-law Amendments and Concurrent Applications

The proposed changes in s. 1.6.3.3.1 do not clarify whether a zoning by-law amendment deemed complete as of October 20, 2021 would amend Zoning By-law 1-88 (the “**Former ZBL**”), or the New ZBL, or both.

If the intent is to amend the Former ZBL, there is a conflict with the Preamble to the transition provisions, which indicates that assessments of transition issues will be determined under the Former ZBL “as it read on October 20, 2021”, which would negate an approval obtained after that date.

There seems to be an intent to allow certain applications that implement a zoning by-law amendment filed on or before October 20, 2021, but not yet approved, to be assessed under the Former ZBL (see s. 1.6.3.3.2). However, that flexibility does not apply where a related application is filed concurrently with a zoning by-law amendment application prior to October 20, 2021, as is the case here.

Furthermore, the flexibility is again negated by the requirement to comply with the Former ZBL “as it read on October 20, 2021”. Similarly, Section 1.6.3.3.5, which allows for approval of applications filed on or before October 20, 2021, omits Official Plan and Site Plan approvals, which should be included, and is also affected by the “as it read on October 20, 2021” issue.

Ten Year Time Limit

The proposed revisions in s. 1.6.4.2, which as written repeals the transition provisions of the New ZBL after 10 years, do not address the fundamental problem of indeterminate liability for property owners, and are arbitrary. Our client urges the City to adopt a more measured approach by converting the 10 year sunset date to a *review* of the transition provisions in 10 years.

Conclusion

We thank you for the opportunity to provide comments and kindly request confirmation of receipt of these written submissions, along with, notice of all future steps in this matter.

Yours sincerely,



Michael Melling

copy: Ms. Wendy Law, Deputy City Manager, Legal and Administrative Services, and City Solicitor

Ms. Caterina Facciolo, Deputy City Solicitor, Planning and Real Estate
Ms. Candace Tashos, Legal Counsel
Mr. Nick Spensieri, City Manager
Mr. Haiqing Xu, Deputy City Manager, Planning and Growth Management
Mr. Brandon Correia, Manager of Special Projects, Planning and Growth Management
Mr. Elvio Valente, Building Standards, Manager, Zoning Services and Zoning Administrator
Ms. Rosemarie Humphries, R.P.P., M.C.I.P., Humphries Planning Group Inc.

MWM: al

January 17, 2022

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

His Worship Mayor Maurizio Bevilacqua and Members of Council
The Corporation of the City of Vaughan
2141 Major Mackenzie Drive
Vaughan, Ontario L6A 1T1

Attention: Todd Coles, City Clerk

Your Worship and Members of Council:

**Re: Committee of the Whole, January 18, 2022
City-Wide Comprehensive Zoning By-law 001-2021 (the “New ZBL”)
Transition Provision Amendments, File No. Z.21.052
Inconsistencies and Administrative Amendments
Submission of York Major Holdings Inc. (“York Major”)**

We are counsel to York Major, which has an interest in lands listed in **Appendix A**. York Major is an Appellant in the Ontario Land Tribunal proceeding concerning the New ZBL.

On behalf of York Major, we have reviewed the proposed modifications to the New ZBL, as contained in two separate Staff Reports dated January 18, 2022, respectively addressing transition provisions and technical revisions.

The purpose of this letter is to express our client’s concern regarding the proposed revisions to the transitional provisions of the New ZBL (the **“Proposed Amendments”**).

Our client’s concerns regarding the Proposed Amendments relate to the failure of the City to correctly transpose its site-specific zoning permissions into the New ZBL. Specifically, the Proposed Amendments omit site-specific zoning definitions for “Residence Suite” and “Dwelling, Apartment” as included in the City’s former Zoning By-law 1-88 (the **“Former ZBL”**).

Site-Specific Exemptions

It appears that s. 1.6.2.6 has been introduced to address situations where site-specific approvals have not been addressed by the New ZBL. Problematically, the new clause fails to account for situations where an exception has been incorrectly transposed into the New By-law.

**Communication : C 13
Committee of the Whole (1)
January 18, 2022
Agenda Item # 3**

A provision clarifying that the original site-specific approval prevails in the event of a conflict with the New By-law should be added.

Conclusion

We thank you for the opportunity to provide comments and kindly request confirmation of receipt of these written submissions, along with, notice of all future steps in this matter.

Yours sincerely,



Michael Melling

MWM: al

copy: Ms. Wendy Law, Deputy City Manager, Legal and Administrative Services, and City Solicitor
Ms. Caterina Facciolo, Deputy City Solicitor, Planning and Real Estate
Ms. Candace Tashos, Legal Counsel
Mr. Nick Spensieri, City Manager
Mr. Haiqing Xu, Deputy City Manager, Planning and Growth Management
Mr. Brandon Correia, Manager of Special Projects, Planning and Growth Management
Mr. Elvio Valente, Building Standards, Manager, Zoning Services and Zoning Administrator
Mr. Ryan Mino-Leahan, B.U.R.P.I., M.C.I.P., R.P.P., KLM Planning Partners Inc.
Client

Appendix A

- 10500 Dufferin Street.
- 10000 Dufferin Street.
- 1500, 1520, 1530 and 1540 Major Mackenzie Drive.
- 1840, 1850, 1860 and 1900 Major Mackenzie Drive.
- 150, 170, 190, 200 McNaughton Road East.
- 191 McNaughton Road East.
- 211 McNaughton Road East.
- 225 McNaughton Road East.
- 245 McNaughton Road East.
- 99, 100, 110, 111 and 120 Eagle Rock Way.
- 200, 211, 220, 250, 251, 270, 271, 290, 291, 310, 311, 330, 331, 370, 401, 420, 421, 471, 480, 520, 521 Rodinea Road.

January 17, 2022

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

Communication : C 14
Committee of the Whole (1)
January 18, 2022
Agenda Item # 3

His Worship Mayor Maurizio Bevilacqua and Members of Council
The Corporation of the City of Vaughan
2141 Major Mackenzie Drive
Vaughan, Ontario L6A 1T1

Attention: Mr. Todd Coles, City Clerk

Your Worship and Members of Council:

Re: Committee of the Whole (Public Meeting), January 18, 2022
City-Wide Comprehensive Zoning By-law 001-2021 (the “New ZBL”)
Transition Provision Amendments, File No. Z.21.052
Inconsistencies and Administrative Amendments
Submission of Zepco Holdings Inc. (“Zepco”)

We are counsel to Zepco, owner of the property known municipally as 3500 King Vaughan Road and legally described as Part of Lot 1, Concession 5, Reference Plan 65R-26586, in the City of Vaughan, in the Regional Municipality of York. Zepco is an Appellant in the Ontario Land Tribunal proceeding concerning the New ZBL. Zepco’s appeal has been assigned Appeal No. 55.

On behalf of Zepco, we have reviewed the proposed modifications to the New ZBL, as contained in two separate Staff Reports dated January 18, 2022, respectively addressing transition provisions and technical revisions.

The purpose of this letter is to express our client’s concern regarding the proposed revisions to the transitional provisions of the New ZBL (the “**Proposed Amendments**”).

Our client’s concerns regarding the Proposed Amendments relate to the following issues:

Zoning By-law Amendments and Concurrent Applications

The proposed changes in s.1.6.3.3.1 do not clarify whether a zoning by-law amendment deemed complete as of October 20, 2021 would amend Zoning By-law 1-88 (the “**Former ZBL**”), or the New ZBL, or both.

If the intent is to amend the Former ZBL, there is a conflict with the Preamble to the transition provisions, which indicates that assessments of transition issues will be determined under the Former ZBL “as it read on October 20, 2021”, which would negate an approval obtained after that date.

There seems to be an intent to allow certain applications that implement a zoning by-law amendment filed on or before October 20, 2021, but not yet approved, to be assessed under the Former ZBL (see s. 1.6.3.3.2). However, that flexibility does not apply where a related application is filed concurrently with a zoning by-law amendment application prior to October 20, 2021, as is the case here.

Furthermore, the flexibility is again negated by the requirement to comply with the Former ZBL “as it read on October 20, 2021”. Similarly, Section 1.6.3.3.5, which allows for approval of applications filed on or before October 20, 2021, omits Official Plan and Site Plan approvals, which should be included, and is also affected by the “as it read on October 20, 2021” issue.

Related and Future Applications

The transition provisions seem to allow applications (excluding Official Plan Amendments) that implement a zoning approval to be assessed under the Former ZBL under certain conditions as provided for in s. 1.6.2.8.1 of the New ZBL.

However, this provision does not function as intended because building permit applications arising from applications transitioned under s. 1.6.2.8.1 will still be subject to the Former ZBL “as it read on October 20, 2021”. This limiting language is also found in the Preamble to the transition provisions.

Ten Year Time Limit

The proposed revisions in s.1.6.4.2, which as written repeals the transition provisions of the New ZBL after 10 years, do not address the fundamental problem of indeterminate liability for property owners and are arbitrary. Our client urges the City to adopt a more measured approach by converting the 10-year sunset date to a *review* of the transition provisions in 10 years.

Conclusion

Zepco has been participating in the ADR process with City staff and looks forward to the opportunity to continue to work toward the satisfactory resolution of these issues with staff in that process, prior to Committee’s consideration of the recommended follow-up staff report currently contemplated in March 2022.

We thank you for the opportunity to provide comments and kindly request confirmation of receipt of these written submissions, along with, notice of all future steps in this matter.

Yours sincerely,

DAVIES HOWE LLP



Michael Melling

MWM: rm

copy: Ms. Wendy Law, Deputy City Manager, Legal and Administrative Services & City Solicitor
Ms. Caterina Facciolo, Deputy City Solicitor, Planning and Real Estate
Ms. Candace Tashos, Legal Counsel
Mr. Nick Spensieri, City Manager
Mr. Haiqing Xu, Deputy City Manager, Planning and Growth Management
Mr. Brandon Correia, Manager of Special Projects, Planning and Growth Management
Mr. Elvio Valente, Building Standards, Manager, Zoning Services and Zoning Administrator

January 17, 2022

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

His Worship Mayor Maurizio Bevilacqua and Members of Council
The Corporation of the City of Vaughan
2141 Major Mackenzie Drive
Vaughan, Ontario L6A 1T1

Attention: Mr. Todd Coles, City Clerk

Your Worship and Members of Council:

**Re: Committee of the Whole, January 18, 2022
City-Wide Comprehensive Zoning By-law 001-2021 (the "New ZBL")
Transition Provision Amendments, File No. Z.21.052
Inconsistencies and Administrative Amendments
Submission of Gatehollow Estates Inc. ("Gatehollow")**

We are counsel to Gatehollow, the owner of the lands municipally known as 9681 Islington Avenue. Gatehollow is an Appellant in the Ontario Land Tribunal (the "**Tribunal**") proceeding concerning the New ZBL.

On behalf of Gatehollow, we have reviewed the proposed modifications to the New ZBL, as contained in two separate Staff Reports dated January 18, 2022, respectively addressing transition provisions and technical revisions.

The purpose of this letter is to express our client's specific concerns regarding the proposed revisions to the transitional provisions of the New ZBL (the "**Proposed Amendments**").

Our client's concerns regarding the Proposed Amendments relate to how the New ZBL will affect its existing zoning by-law amendment, which was approved in principle pursuant to a settlement and Tribunal Order, but is awaiting finalization. In particular, our client is concerned that the Proposed Amendments do not include official plan amendments in the "Other Approvals" section, do not account for possible future amendments, and continue to impose a 10-year limit on transition rights.

**Communication : C 15
Committee of the Whole (1)
January 18, 2022
Agenda Item # 3**

Zoning By-law Amendments and Concurrent Applications

The proposed changes in s. 1.6.3.3.1 do not clarify whether a zoning by-law amendment deemed complete as of October 20, 2021 would amend Zoning By-law 1-88 (the “**Former ZBL**”), or the New ZBL, or both.

If the intent is to amend the Former ZBL, there is a conflict with the Preamble to the transition provisions. The latter indicate that assessments of transition issues will be determined under the Former ZBL “as it read on October 20, 2021”, which would negate an approval obtained after that date.

There seems to be an intent to allow certain applications that implement a zoning by-law amendment filed on or before October 20, 2021, but not yet approved, to be assessed under the Former ZBL (see s. 1.6.3.3.2). However, that flexibility does not apply where a related application is filed concurrently with a zoning by-law amendment application prior to October 20, 2021, as is the case here.

Furthermore, the flexibility is again negated by the requirement to comply with the Former ZBL “as it read on October 20, 2021”. Similarly, s. 1.6.3.3.5, which allows for approval of applications filed on or before October 20, 2021, omits Official Plan and Site Plan approvals, which should be included, and is also affected by the “as it read on October 20, 2021” issue.

Related and Future Applications

The transition provisions seem to allow applications (excluding Official Plan Amendments) that implement a zoning approval to be assessed under the Former ZBL under certain conditions as provided for in s. 1.6.2.8.1 of the New ZBL.

However, this provision does not function as intended because building permit applications arising from applications transitioned under s. 1.6.2.8.1 will still be subject to the Former ZBL “as it read on October 20, 2021”. This limiting language is also found in the Preamble to the transition provisions.

Ten Year Time Limit

The proposed revisions in s. 1.6.4.2, which as written repeals the transition provisions of the New ZBL after 10 years, do not address the fundamental problem of indeterminate liability for property owners, and are arbitrary. Our client urges the City to adopt a more measured approach by converting the 10-year sunset date to a *review* of the transition provisions in 10 years.

Conclusion

We thank you for the opportunity to provide comments and kindly request confirmation of receipt of these written submissions, along with, notice of all future steps in this matter.

Yours sincerely,
DAVIES HOWE LLP



Michael Melling

MWM: am

copy: Ms. Wendy Law, Deputy City Manager, Legal and Administrative Services & City Solicitor
Ms. Caterina Facciolo, Deputy City Solicitor, Planning and Real Estate
Ms. Candace Tashos, Legal Counsel
Mr. Nick Spensieri, City Manager
Mr. Haiqing Xu, Deputy City Manager, Planning and Growth Management
Mr. Brandon Correia, Manager of Special Projects, Planning and Growth Management
Mr. Elvio Valente, Building Standards, Manager, Zoning Services and Zoning Administrator

January 17, 2022

Communication : C 16
Committee of the Whole (1)
January 18, 2022
Agenda Item # 3

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

His Worship Mayor Maurizio Bevilacqua and Members of Council
The Corporation of the City of Vaughan
2141 Major Mackenzie Drive
Vaughan, Ontario L6A 1T1

Attention: Mr. Todd Coles, City Clerk

Your Worship and Members of Council:

Re: Committee of the Whole, January 18, 2022
City-Wide Comprehensive Zoning By-law 001-2021 (the "New ZBL")
Transition Provision Amendments, File No. Z.21.052
Inconsistencies and Administrative Amendments
Submission of Kentview Estates Inc. ("Kentview")

We are counsel to Kentview, the owner of lands municipally known as 10398 and 10402 Islington Avenue. Kentview is an Appellant in the Ontario Land Tribunal proceeding concerning the New ZBL.

On behalf of Kentview, we have reviewed the proposed modifications to the New ZBL, as contained in two separate Staff Reports dated January 18, 2022, respectively addressing transition provisions and technical revisions.

The purpose of this letter is to express our client's specific concerns regarding the proposed revisions to the transitional provisions of the New ZBL (the **"Proposed Amendments"**).

Our client's concerns regarding the Proposed Amendments relate to how the New ZBL will treat its zoning by-law and official plan amendment applications, which were deemed complete on November 26, 2018. In particular, our client is concerned that the Proposed Amendments do not include official plan amendments in the "Other Approvals" section, do not account for possible future amendments, and continue to impose a 10-year limit on transition rights.

Zoning By-law Amendments and Concurrent Applications

The proposed changes in s. 1.6.3.3.1 do not clarify whether a zoning by-law amendment deemed complete as of October 20, 2021 would amend Zoning By-law 1-88 (the “**Former ZBL**”), or the New ZBL, or both.

If the intent is to amend the Former ZBL, there is a conflict with the Preamble to the transition provisions. The latter indicate that assessments of transition issues will be determined under the Former ZBL “as it read on October 20, 2021”, which would negate an approval obtained after that date.

There seems to be an intent to allow certain applications that implement a zoning by-law amendment filed on or before October 20, 2021, but not yet approved, to be assessed under the Former ZBL (see s. 1.6.3.3.2). However, that flexibility does not apply where a related application is filed concurrently with a zoning by-law amendment application prior to October 20, 2021, as is the case here.

Furthermore, the flexibility is again negated by the requirement to comply with the Former ZBL “as it read on October 20, 2021”. Similarly, s. 1.6.3.3.5, which allows for approval of applications filed on or before October 20, 2021, omits Official Plan and Site Plan approvals, which should be included, and is also affected by the “as it read on October 20, 2021” issue.

Related and Future Applications

The transition provisions seem to allow applications (excluding Official Plan Amendments) that implement a zoning approval to be assessed under the Former ZBL under certain conditions as provided for in s. 1.6.2.8.1 of the New ZBL.

However, this provision does not function as intended, because building permit applications arising from applications transitioned under s. 1.6.2.8.1 will still be subject to the Former ZBL “as it read on October 20, 2021”. This limiting language is also found in the Preamble to the transition provisions.

Ten Year Time Limit

The proposed revisions in s. 1.6.4.2, which as written repeals the transition provisions of the New ZBL after 10 years, do not address the fundamental problem of indeterminate liability for property owners, and are arbitrary. Our client urges the City to adopt a more measured approach by converting the 10-year sunset date to a *review* of the transition provisions in 10 years.

Conclusion

We thank you for the opportunity to provide comments and kindly request confirmation of receipt of these written submissions, along with, notice of all future steps in this matter.

Yours sincerely,

DAVIES HOWE LLP



Michael Melling

MWM: am

copy: Ms. Wendy Law, Deputy City Manager, Legal and Administrative Services & City Solicitor
Ms. Caterina Facciolo, Deputy City Solicitor, Planning and Real Estate
Ms. Candace Tashos, Legal Counsel
Mr. Nick Spensieri, City Manager
Mr. Haiqing Xu, Deputy City Manager, Planning and Growth Management
Mr. Brandon Correia, Manager of Special Projects, Planning and Growth Management
Mr. Elvio Valente, Building Standards, Manager, Zoning Services and Zoning Administrator

January 17, 2022

**Communication : C 17
Committee of the Whole (1)
January 18, 2022
Agenda Item # 3**

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

His Worship Mayor Maurizio Bevilacqua and Members of Council
The Corporation of the City of Vaughan
2141 Major Mackenzie Drive
Vaughan, Ontario L6A 1T1

Attention: Todd Coles, City Clerk

Your Worship and Members of Council:

**Re: Committee of the Whole, January 18, 2022
City-Wide Comprehensive Zoning By-law 001-2021 (the “New ZBL”)
Transition Provision Amendments, File No. Z.21.052
Inconsistencies and Administrative Amendments
Submission of 2117969 Ontario Inc. (the “Company”)**

We are counsel to the Company, the owner of the lands located at the northeast corner of Jane Street and Highway 7 West, municipally known 2986 & 2966 Highway 7. The Company is an Appellant in the Ontario Land Tribunal (the “**Tribunal**”) proceeding concerning the New ZBL.

On behalf of the Company, we have reviewed the proposed modifications to the New ZBL, as contained in two separate Staff Reports dated January 18, 2022, respectively addressing transition provisions and technical revisions.

The purpose of this letter is to express our client’s specific concerns regarding the proposed revisions to the transitional provisions of the New ZBL (the “**Proposed Amendments**”).

Our client’s concerns regarding the Proposed Amendments relate to how the New ZBL will affect its existing appeals, which are currently in front of the Tribunal. In addition, the Proposed Amendments do not account for possible future amendments and continue to impose a 10-year limit on transition rights.

Zoning By-law Amendments and Concurrent Applications

The proposed changes in s. 1.6.3.3.1 do not clarify whether a zoning by-law amendment deemed complete as of October 20, 2021 would amend Zoning By-law 1-88 (the “**Former ZBL**”), or the New ZBL, or both.

If the intent is to amend the Former ZBL, there is a conflict with the Preamble to the transition provisions. The latter indicates that assessments of transition issues will be determined under the Former ZBL “as it read on October 20, 2021”, which would negate an approval obtained after that date.

There seems to be an intent to allow certain applications that implement a zoning by-law amendment filed on or before October 20, 2021, but not yet approved, to be assessed under the Former ZBL (see s. 1.6.3.3.2). However, that flexibility does not apply where a related application is filed concurrently with a zoning by-law amendment application prior to October 20, 2021, as is the case here.

Furthermore, the flexibility is again negated by the requirement to comply with the Former ZBL “as it read on October 20, 2021”. Similarly, s. 1.6.3.3.5, which allows for approval of applications filed on or before October 20, 2021, omits Official Plan and Site Plan approvals, which should be included, and is also affected by the “as it read on October 20, 2021” issue.

Related and Future Applications

The transition provisions seem to allow applications (excluding Official Plan Amendments) that implement a zoning approval to be assessed under the Former ZBL under certain conditions as provided for in s. 1.6.2.8.1 of the New ZBL.

However, this provision does not function as intended because building permit applications arising from applications transitioned under s. 1.6.2.8.1 will still be subject to the Former ZBL “as it read on October 20, 2021”. This limiting language is also found in the Preamble to the transition provisions.

Ten Year Time Limit

The proposed revisions in s. 1.6.4.2, which as written repeals the transition provisions of the New ZBL after 10 years, do not address the fundamental problem of indeterminate liability for property owners, and are arbitrary. Our client urges the City to adopt a more measured approach by converting the 10-year sunset date to a *review* of the transition provisions in 10 years.

Conclusion

We thank you for the opportunity to provide comments and kindly request confirmation of receipt of these written submissions, along with, notice of all future steps in this matter.

Yours truly,
DAVIES HOWE LLP



John M. Alati

JMA: go

copy: Ms. Wendy Law, Deputy City Manager, Legal and Administrative Services & City Solicitor
Ms. Caterina Facciolo, Deputy City Solicitor, Planning and Real Estate
Ms. Candace Tashos, Legal Counsel
Mr. Nick Spensieri, City Manager
Mr. Haiqing Xu, Deputy City Manager, Planning and Growth Management
Mr. Brandon Correia, Manager of Special Projects, Planning and Growth Management
Mr. Elvio Valente, Building Standards, Manager, Zoning Services and Zoning Administrator

January 17, 2022

Communication : C 18
Committee of the Whole (1)
January 18, 2022
Agenda Item # 3

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

His Worship Mayor Maurizio Bevilacqua and Members of Council
The Corporation of the City of Vaughan
2141 Major Mackenzie Drive
Vaughan, Ontario L6A 1T1

Attention: Todd Coles, City Clerk

Your Worship and Members of Council:

Re: Committee of the Whole, January 18, 2022
City-Wide Comprehensive Zoning By-law 001-2021 (the “New ZBL”)
Transition Provision Amendments, File No. Z.21.052
Inconsistencies and Administrative Amendments
Submission of 7800 Jane Street Inc. / Metrus (Terra) Properties (“Aspen Ridge”)

We are counsel to Aspen Ridge, the owner of the lands municipally known as 7800 Jane Street. Aspen Ridge is an Appellant in the Ontario Land Tribunal proceeding concerning the New ZBL.

On behalf of the Aspen Ridge, we have reviewed the proposed modifications to the New ZBL, as contained in two separate Staff Reports dated January 18, 2022, respectively addressing transition provisions and technical revisions.

The purpose of this letter is to express our client’s specific concerns regarding the proposed revisions to the transitional provisions of the New ZBL (the “**Proposed Amendments**”).

Our client’s concerns regarding the Proposed Amendments relate to how the New ZBL will impact its ability to obtain future amendments to its applications, which were deemed complete in April, 2020. In addition, the Proposed Amendments do not include proposed official plan amendments as part of the transitioned applications, and continue to impose a 10-year limit on transition rights.

Zoning By-law Amendments and Concurrent Applications

The proposed changes in s. 1.6.3.3.1 do not clarify whether a zoning by-law amendment deemed complete as of October 20, 2021 would amend Zoning By-law 1-88 (the “**Former ZBL**”), or the New ZBL, or both.

If the intent is to amend the Former ZBL, there is a conflict with the Preamble to the transition provisions. The latter indicates that assessments of transition issues will be determined under the Former ZBL “as it read on October 20, 2021”, which would negate an approval obtained after that date.

There seems to be an intent to allow certain applications that implement a zoning by-law amendment filed on or before October 20, 2021, but not yet approved, to be assessed under the Former ZBL (see s. 1.6.3.3.2). However, that flexibility does not apply where a related application is filed concurrently with a zoning by-law amendment application prior to October 20, 2021, as is the case here.

Furthermore, the flexibility is again negated by the requirement to comply with the Former ZBL “as it read on October 20, 2021”. Similarly, s. 1.6.3.3.5, which allows for approval of applications filed on or before October 20, 2021, omits Official Plan and Site Plan approvals, which should be included, and is also affected by the “as it read on October 20, 2021” issue.

Related and Future Applications

The transition provisions seem to allow applications (excluding Official Plan Amendments) that implement a zoning approval to be assessed under the Former ZBL under certain conditions as provided for in s. 1.6.2.8.1 of the New ZBL.

However, this provision does not function as intended because building permit applications arising from applications transitioned under s. 1.6.2.8.1 will still be subject to the Former ZBL “as it read on October 20, 2021”. This limiting language is also found in the Preamble to the transition provisions.

Ten Year Time Limit

The proposed revisions in s. 1.6.4.2, which as written repeals the transition provisions of the New ZBL after 10 years, do not address the fundamental problem of indeterminate liability for property owners, and are arbitrary. Our client urges the City to adopt a more measured approach by converting the 10-year sunset date to a *review* of the transition provisions in 10 years.

Conclusion

We thank you for the opportunity to provide comments and kindly request confirmation of receipt of these written submissions, along with, notice of all future steps in this matter.

Yours truly,
DAVIES HOWE LLP



John M. Alati

JMA: go

copy: Ms. Wendy Law, Deputy City Manager, Legal and Administrative Services & City Solicitor
Ms. Caterina Facciolo, Deputy City Solicitor, Planning and Real Estate
Ms. Candace Tashos, Legal Counsel
Mr. Nick Spensieri, City Manager
Mr. Haiqing Xu, Deputy City Manager, Planning and Growth Management
Mr. Brandon Correia, Manager of Special Projects, Planning and Growth Management
Mr. Elvio Valente, Building Standards, Manager, Zoning Services and Zoning Administrator

January 17, 2022

By E-Mail Only to clerks@vaughan.ca

Communication : C 19
Committee of the Whole (1)
January 18, 2022
Agenda Item # 3

His Worship Mayor Maurizio Bevilacqua and Members of Council
The Corporation of the City of Vaughan
2141 Major Mackenzie Drive
Vaughan, Ontario L6A 1T1

Attention: Todd Coles, City Clerk

Your Worship and Members of Council:

Re: Committee of the Whole, January 18, 2022
City-Wide Comprehensive Zoning By-law 001-2021 (the “New ZBL”)
Transition Provision Amendments, File No. Z.21.052
Inconsistencies and Administrative Amendments
Submission of Midvale Estates Limited (“Midvale”)

We are counsel to Midvale, the owner of the lands municipally known as 2938 Highway 7. Midvale is an Appellant in the Ontario Land Tribunal (the “**Tribunal**”) proceeding concerning the New ZBL.

On behalf of the Midvale, we have reviewed the proposed modifications to the New ZBL, as contained in two separate Staff Reports dated January 18, 2022, respectively addressing transition provisions and technical revisions.

The purpose of this letter is to express our client’s specific concerns regarding the proposed revisions to the transitional provisions of the New ZBL (the “**Proposed Amendments**”).

Our client’s concerns regarding the Proposed Amendments relate to how the New ZBL will affect its existing appeals, which are currently in front of the Tribunal. In addition, the Proposed Amendments do not account for possible future amendments and continue to impose a 10-yea limit on transition rights.

Zoning By-law Amendments and Concurrent Applications

The proposed changes in s. 1.6.3.3.1 do not clarify whether a zoning by-law amendment deemed complete as of October 20, 2021 would amend Zoning By-law 1-88 (the “**Former ZBL**”), or the New ZBL, or both.

If the intent is to amend the Former ZBL, there is a conflict with the Preamble to the transition provisions. The latter indicates that assessments of transition issues will be determined under the Former ZBL “as it read on October 20, 2021”, which would negate an approval obtained after that date.

There seems to be an intent to allow certain applications that implement a zoning by-law amendment filed on or before October 20, 2021, but not yet approved, to be assessed under the Former ZBL (see s. 1.6.3.3.2). However, that flexibility does not apply where a related application is filed concurrently with a zoning by-law amendment application prior to October 20, 2021, as is the case here.

Furthermore, the flexibility is again negated by the requirement to comply with the Former ZBL “as it read on October 20, 2021”. Similarly, s. 1.6.3.3.5, which allows for approval of applications filed on or before October 20, 2021, omits Official Plan and Site Plan approvals, which should be included, and is also affected by the “as it read on October 20, 2021” issue.

Related and Future Applications

The transition provisions seem to allow applications (excluding Official Plan Amendments) that implement a zoning approval to be assessed under the Former ZBL under certain conditions as provided for in s. 1.6.2.8.1 of the New ZBL.

However, this provision does not function as intended because building permit applications arising from applications transitioned under s. 1.6.2.8.1 will still be subject to the Former ZBL “as it read on October 20, 2021”. This limiting language is also found in the Preamble to the transition provisions.

Ten Year Time Limit

The proposed revisions in s. 1.6.4.2, which as written repeals the transition provisions of the New ZBL after 10 years, do not address the fundamental problem of indeterminate liability for property owners, and are arbitrary. Our client urges the City to adopt a more measured approach by converting the 10-year sunset date to a *review* of the transition provisions in 10 years.

Conclusion

We thank you for the opportunity to provide comments and kindly request confirmation of receipt of these written submissions, along with, notice of all future steps in this matter.

Yours truly,
DAVIES HOWE LLP



John M. Alati

JMA: go

copy: Ms. Wendy Law, Deputy City Manager, Legal and Administrative Services & City Solicitor
Ms. Caterina Facciolo, Deputy City Solicitor, Planning and Real Estate
Ms. Candace Tashos, Legal Counsel
Mr. Nick Spensieri, City Manager
Mr. Haiqing Xu, Deputy City Manager, Planning and Growth Management
Mr. Brandon Correia, Manager of Special Projects, Planning and Growth Management
Mr. Elvio Valente, Building Standards, Manager, Zoning Services and Zoning Administrator

January 17, 2022

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

His Worship Mayor Maurizio Bevilacqua and Members of Council
The Corporation of the City of Vaughan
2141 Major Mackenzie Drive
Vaughan, Ontario L6A 1T1

Attention: Todd Coles, City Clerk

Your Worship and Members of Council:

**Re: Committee of the Whole, January 18, 2022
City-Wide Comprehensive Zoning By-law 001-2021 (the “New ZBL”)
Transition Provision Amendments, File No. Z.21.052
Inconsistencies and Administrative Amendments
Submission of Armland Management Inc. (“Armland”)**

We are counsel to Armland, which manages the lands listed in Appendix A. Armland is an Appellant in the Ontario Land Tribunal proceeding concerning the New ZBL.

On behalf of Armland, we have reviewed the proposed modifications to the New ZBL, as contained in two separate Staff Reports dated January 18, 2022, respectively addressing transition provisions and technical revisions.

The purpose of this letter is to express our client’s concern regarding the proposed revisions to the transitional provisions of the New ZBL (the “**Proposed Amendments**”).

Our client’s concerns regarding the Proposed Amendments relate to the failure of the City to carry forward its site-specific zoning approval into the New ZBL; the failure of the New ZBL to recognize past minor variances and consents; and the ten year limit on transition rights.

Site Specific Exemptions

It appears that s. 1.6.2.6 has been introduced to address situations where site specific approvals have not been addressed by the New ZBL. Problematically, the new clause fails to account for situations where an exception has been incorrectly transposed into the New By-law. A provision clarifying that the original site-specific approval prevails in the event of a conflict with the New By-law should be added.

**Communication : C 20
Committee of the Whole (1)
January 18, 2022
Agenda Item # 3**

Recognition of Past Minor Variance and Consent Applications

As proposed to be revised, s. 1.6.2 of the New ZBL does not account for minor variance and consent applications that pre-date January 1, 2010. Minor variances and lots resulting from consent applications should be recognized, regardless of their approval date.

Ten Year Time Limit

The proposed revisions in s. 1.6.4.2, which as written repeals the transition provisions of the New ZBL after 10 years, do not address the fundamental problem of indeterminate liability for property owners, and are arbitrary. Our client urges the City to adopt a more measured approach by converting the 10 year sunset date to a *review* of the transition provisions in 10 years.

Conclusion

We thank you for the opportunity to provide comments and kindly request confirmation of receipt of these written submissions, along with, notice of all future steps in this matter.

Yours sincerely,



Michael Melling

MWM: al

copy: Ms. Wendy Law, Deputy City Manager, Legal and Administrative Services, and City Solicitor
Ms. Caterina Facciolo, Deputy City Solicitor, Planning and Real Estate
Ms. Candace Tashos, Legal Counsel
Mr. Nick Spensieri, City Manager
Mr. Haiqing Xu, Deputy City Manager, Planning and Growth Management
Mr. Brandon Correia, Manager of Special Projects, Planning and Growth Management
Mr. Elvio Valente, Building Standards, Manager, Zoning Services and Zoning Administrator

Appendix A

Subject Lands

- 11421 & 11455 Weston Road
- 3620 Kirby Road
- 11950 Jane Street
- 12110 Jane Street
- 3210 Kirby Rd
- 3270 Kirby Rd. and
Parts 1 and 2 Plan 65R-27753
- Part of Lot 31, Concession 5
- 11600 Jane Street
- 4100 Teston Road
- 11660 Weston Road
- 3920 King-Vaughan Road
- 2400 Teston Road
- 2615 Kirby Road
- 120 Spinnaker Way
- 9222 Keele St
- 4160 Steeles Avenue
- 1 & 11 Sonoma Blvd
- 3420, 3450, 3500, 3520, 3560 Major
MacKenzie
- 8300 Jane Street
- 8400 Jane Street
- 8700 Dufferin Street
- 101 Bradwick Drive
- 3680 & 3650 Langstaff Road
- 3255 Rutherford Road
- 525, 533, 541, 551 Cityview Blvd.
- 9200 Weston Road
- 5100 Rutherford
- 505 Cityview Blvd.
- 240 Milani Blvd. (Block 6, 65M-4385)
and Block 1 Plan 65M-4386
- 3231 Langstaff Road
- 1867 Major Mackenzie Drive
- 177 Whitmore Road
- 630 Aberdeen Avenue
- 9401 Jane Street
- 9929 Keele Street
- 9070 Jane Street
- 3191 Rutherford Road

January 17, 2022

**Communication : C 21
Committee of the Whole (1)
January 18, 2022
Agenda Item # 3**

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

His Worship Mayor Maurizio Bevilacqua and Members of Council
The Corporation of the City of Vaughan
2141 Major Mackenzie Drive
Vaughan, Ontario L6A 1T1

Attention: Todd Coles, City Clerk

Your Worship and Members of Council:

**Re: Committee of the Whole (Public Meeting) January 18, 2022
City-Wide Comprehensive Zoning By-law 001-2021 (the “New ZBL”)
Transition Provision Amendments, File No. Z.21.052
Inconsistencies and Administrative Amendments
Submission of Condor Properties Ltd. (“Condor”)**

We are counsel to Condor, which manages the Lands listed in **Appendix A**. Condor is an Appellant in the Ontario Land Tribunal proceeding concerning the New ZBL.

On behalf of Condor, we have reviewed the proposed modifications to the New ZBL, as contained in two separate Staff Reports dated January 18, 2022, respectively addressing transition provisions and technical revisions.

The purpose of this letter is to express our client’s concern regarding the proposed revisions to the transitional provisions of the New ZBL (the **“Proposed Amendments”**).

Our client’s position is that the lands listed in Appendix A should not be included in the New ZBL, but rather, should remain subject to By-law 1-88. Alternatively, our client’s concerns regarding the Proposed Amendments relate to the following issues:

Site Specific Exemptions

It appears that s. 1.6.2.6 has been introduced to address situations where site-specific approvals have not been addressed by the New ZBL. Problematically, the new clause fails to account for situations where an exception has been incorrectly transposed into the New By-law. A provision clarifying that the original site-specific approval prevails in the event of a conflict with the New By-law should be added.

Zoning By-law Amendments and Concurrent Applications

The proposed changes in s.1.6.3.3.1 do not clarify whether a zoning by-law amendment deemed complete as of October 20, 2021 would amend Zoning By-law 1-88 (the “**Former ZBL**”), or the New ZBL, or both.

If the intent is to amend the Former ZBL, there is a conflict with the Preamble to the transition provisions, which indicates that assessments of transition issues will be determined under the Former ZBL “as it read on October 20, 2021”, which would negate an approval obtained after that date.

There seems to be an intent to allow certain applications that implement a zoning by-law amendment filed on or before October 20, 2021, but not yet approved, to be assessed under the Former ZBL (see s. 1.6.3.3.2). However, that flexibility does not apply where a related application is filed concurrently with a zoning by-law amendment application prior to October 20, 2021, as is the case here.

Furthermore, the flexibility is again negated by the requirement to comply with the Former ZBL “as it read on October 20, 2021”. Similarly, Section 1.6.3.3.5, which allows for approval of applications filed on or before October 20, 2021, omits Official Plan and Site Plan approvals, which should be included, and is also affected by the “as it read on October 20, 2021” issue.

Related and Future Applications

The transition provisions seem to allow applications (excluding Official Plan Amendments) that implement a zoning approval to be assessed under the Former ZBL under certain conditions as provided for in s. 1.6.2.8.1 of the New ZBL.

However, this provision does not function as intended because building permit applications arising from applications transitioned under s. 1.6.2.8.1 will still be subject to the Former ZBL “as it read on October 20, 2021”. This limiting language is also found in the Preamble to the transition provisions.

Ten Year Time Limit

The proposed revisions in s.1.6.4.2, which as written repeals the transition provisions of the New ZBL after 10 years, do not address the Fundamental problem of indeterminate liability for property owners and are arbitrary. Our client urges the City to adopt a more measured approach by converting the 10 year sunset date to a *review* of the transition provisions in 10 years.

Conclusion

We thank you for the opportunity to provide comments and kindly request confirmation of receipt of these written submissions, along with, notice of all future steps in this matter. We look forward to an opportunity to work with staff toward resolving these issues prior to Committee's consideration of the recommended follow-up staff report currently contemplated in March 2022.

Yours sincerely,

DAVIES HOWE LLP



Michael Melling

MWM: go

copy: Candace Tashos, Legal Counsel
Caterina Facciolo, Deputy City Solicitor, Planning and Real Estate
Brandon Correia, Manager of Special Projects, Planning and Growth Management
Elvio Valente, Building Standards, Manager, Zoning Services and Zoning Administrator
Haiqing Xu, Deputy City Manager, Planning and Growth Management
Wendy Law, Deputy City Manager, Legal and Administrative Services & City Solicitor
Nick Spensieri, City Manager

Appendix A: Subject Lands

1. **Country Wide Homes (Pine Valley Estates) Inc.**
Part of Lots 23 and 24, Concession 7
2. **Country Wide Homes (Teston Road) Inc.**
Part of Lot 25, Concession 7
3. **Country Wide Homes Woodend Place Inc.**
Part of Lot 8, All of Lots 9 and 10, Registered Plan 65M-1191, and Block 42
Registered Plan 65M-4149
4. **Fenmarcon Developments Inc.**
Part of the East Half of Lot 28, Concession 5
5. **Kleindor Developments Inc.**
All of Block 200, Plan 65M-4383
6. **Silverpoint (Peninsula) Inc., Silverpoint Peninsula Inc.**
Blocks 90, 91 and 92, Plan 65M-4266