

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 (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