

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

<u>Distributed January 14, 2022</u>	<u>Item(s)</u>
C1 Rose Rubino, Hunterwood Chase, Vaughan, dated January 7, 2022	2
C2 E. John De Luca, Maple, dated January 7, 2022	2
C3 Perry Bender, dated January 7, 2022	2
<u>Distributed January 17, 2022</u>	
C4 Presentation Material	2
C5 Vitaliy P, dated January 17, 2022	2
C6 Hadi Afrasiabi, Hunterwood Chase, Maple, dated January 16, 2022	2
C7 Li Family, dated January 15, 2022	2
C8 Robert Kenedy, MacKenzie Ridge Ratepayers' Association, dated January 16, 2022	2
C9 Sue, dated January 15, 2022	2
C10 Rose Rubino, Hunterwood Chase, Vaughan, dated January 15, 2022	2
C11 Removed – Administrative Error	
C12 Joseph Vukman, Germana Place, Vaughan, dated January 15, 2022	2
C13 Douglas E. Carl, Kootenay Ridge, Maple, dated January 16, 2022	2
C14 E. John De Luca, Maple, dated January 7, 2022	2
C15 Meredith Baker, Turkstra Mazza Associates, Bold Street, Hamilton, dated January 17, 2022	2

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COMMITTEE OF THE WHOLE (PUBLIC MEETING) – JANUARY 18, 2022

COMMUNICATIONS

Distributed January 17, 2022 cont'd

C16	Michael Melling, Davies Howe LLP, Adelaide Street West, Toronto, dated January 17, 2022	3
C17	Michael Melling, Davies Howe LLP, Adelaide Street West, Toronto, dated January 17, 2022	3
C18	Michael Melling, Davies Howe LLP, Adelaide Street West, Toronto, dated January 17, 2022	3
C19	Michael Melling, Davies Howe LLP, Adelaide Street West, Toronto, dated January 17, 2022	3
C20	Michael Melling, Davies Howe LLP, Adelaide Street West, Toronto, dated January 17, 2022	3
C21	Michael Melling, Davies Howe LLP, Adelaide Street West, Toronto, dated January 17, 2022	3
C22	Michael Melling, Davies Howe LLP, Adelaide Street West, Toronto, dated January 17, 2022	3
C23	Mark McConville, Humphries Planning Group Inc., Pippin Road, Vaughan, dated January 17, 2022	3
C24	Mark McConville, Humphries Planning Group Inc., Pippin Road, Vaughan, dated January 17, 2022	3
C25	Rosemarie Humphries, Humphries Planning Group Inc., Pippin Road, Vaughan, dated January 17, 2022	3
C26	Rosemarie Humphries, Humphries Planning Group Inc., Pippin Road, Vaughan, dated January 17, 2022	3

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COMMUNICATIONS

Distributed January 17, 2022 cont'd

C27	Rosemarie Humphries, Humphries Planning Group Inc., Pippin Road, Vaughan, dated January 17, 2022	3
C28	Rosemarie Humphries, Humphries Planning Group Inc., Pippin Road, Vaughan, dated January 17, 2022	3
C29	Mark Yarranton, KLM Planning Partners Inc., Jardin Drive, Concord, dated January 17, 2022	3
C30	Kevin Bechard, Weston Consulting, Millway Avenue, Vaughan, dated January 17, 2022	3
C31	Michael Melling, Davies Howe LLP, Adelaide Street West, Toronto, dated January 17, 2022	3
C32	Michael Melling, Davies Howe LLP, Adelaide Street West, Toronto, dated January 17, 2022	3
C33	Michael Melling, Davies Howe LLP, Adelaide Street West, Toronto, dated January 17, 2022	3
C34	Michael Melling, Davies Howe LLP, Adelaide Street West, Toronto, dated January 17, 2022	3
C35	John M. Alati, Davies Howe LLP, Adelaide Street West, Toronto, dated January 17, 2022	3
C36	John M. Alati, Davies Howe LLP, Adelaide Street West, Toronto, dated January 17, 2022	3
C37	John M. Alati, Davies Howe LLP, Adelaide Street West, Toronto, dated January 17, 2022	3

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COMMUNICATIONS

Distributed January 17, 2022 cont'd

C38	Michael Melling, Davies Howe LLP, Adelaide Street West, Toronto, dated January 17, 2022	3
C39	Michael Melling, Davies Howe LLP, Adelaide Street West, Toronto, dated January 17, 2022	3
C40	Marshall Smith, KLM Planning Partners Inc., Jardin Drive, Concord, dated January 17, 2022	3
C41	Susan Sigrist, Mark Hubbard and Family, Vaughan, dated January 17, 2022	2

Distributed January 18, 2022

C42	Christopher Noel Gabriel, Germana Place, Vaughan, dated January 17, 2022	2
C43	Mark Flowers, Davies Howe LLP, Adelaide Street West, Toronto, dated January 17, 2022	3
C44	Patricia Miglietta-Susin, dated January 17, 2022	2
C45	Ted and Helen Traicus, Hunterwood Chase, Maple, dated January 15, 2022	2
C46	Catherine Lazaric, dated January 17, 2022	2
C47	Aaron I. Platt, Davies Howe LLP, Adelaide Street West, Toronto, dated January 17, 2022	3
C48	Aaron I. Platt, Davies Howe LLP, Adelaide Street West, Toronto, dated January 17, 2022	3
C49	Presentation Material	1

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COMMUNICATION C1

ITEM NO. 2

**COMMITTEE OF THE WHOLE
(PUBLIC MEETING)**

January 18, 2022

From: Rose Rubino [REDACTED]

Sent: Friday, January 07, 2022 12:01 AM

To: Clerks@vaughan.ca; Council@vaughan.ca

Subject: [External] 1600 Teston Important Meeting on Tuesday January 18, 2022 at 7pm - City of Vaughan Notice of Public Meeting - Z.21.036_19T-21V007

I agree with the Mackenzie Ridge rate payers president Mr Kennedy in opposing this application for all the reasons he mentions, specifically

We have a signed LPAT agreement of 90 units on 1600 Teston, with a proper storm management pond, and a plan that was based on clear and thoughtful recommendations from the TRCA

It was the **TRCA that determined that the OS1-H area was not to be developed, as it was supposed to be left as natural heritage land due to it being at "top of bank"** (the top of a high slope), a significant part of the Oak Ridges Moraine, and therefore logically should have a storm management pond at the bottom/low point in the southern part of the development.

Storm management tanks have **not ever been used in Vaughan residential developments and I am concerned with flooding**

Rose Rubino

[REDACTED] Hunterwood Chase

COMMUNICATION C2
ITEM NO. 2
COMMITTEE OF THE WHOLE
(PUBLIC MEETING)
January 18, 2022

-----Original Message-----

From: JOHN DELUCA [REDACTED]
Sent: Friday, January 07, 2022 9:25 AM
To: Clerks@vaughan.ca; Council@vaughan.ca
Subject: [External] Public Meeting re 1600 Teston Rd on Tuesday January 18th at 7pm

Please note our family is opposing the application re 1600 Teston Rd and welcome your support. There are many issues as brought to your attention by many neighbours including myself and many members of the Mackenzie Ridge Rate Payers Association.

Thank you and look forward to your many responses on this very important matter.

E. John De Luca
Maple ON

COMMUNICATION C3

ITEM NO. 2

**COMMITTEE OF THE WHOLE
(PUBLIC MEETING)**

January 18, 2022

-----Original Message-----

From: Perry Bender [REDACTED]

Sent: Friday, January 07, 2022 9:46 PM

To: Clerks@vaughan.ca

Subject: [External] Milani application

I very much oppose any changes to the original legal agreement between Milani and the MacKenzie Ridge Ratepayer Association. There is a municipal election coming up in the near future and we need our municipal council to look after the needs of our community. All of us are concerned with the storm management proposed changes. This is fraught with future problems. Also our area has terrible congestion and no public transportation. The existing roads cannot handle the traffic as is. Proper planning is needed. Please do not give in to a developer who doesn't care about the environment or the people who will be adversely affected. Thanks

Sent from my iPhone

COMMUNICATION C4

ITEM NO. 2

**COMMITTEE OF THE WHOLE
(PUBLIC MEETING)**

January 18, 2022

Teston Sands Subdivision 1600 Teston Road

**Plan of Subdivision Amendment
Zoning By-law Amendment
Public Meeting
January 18, 2022**

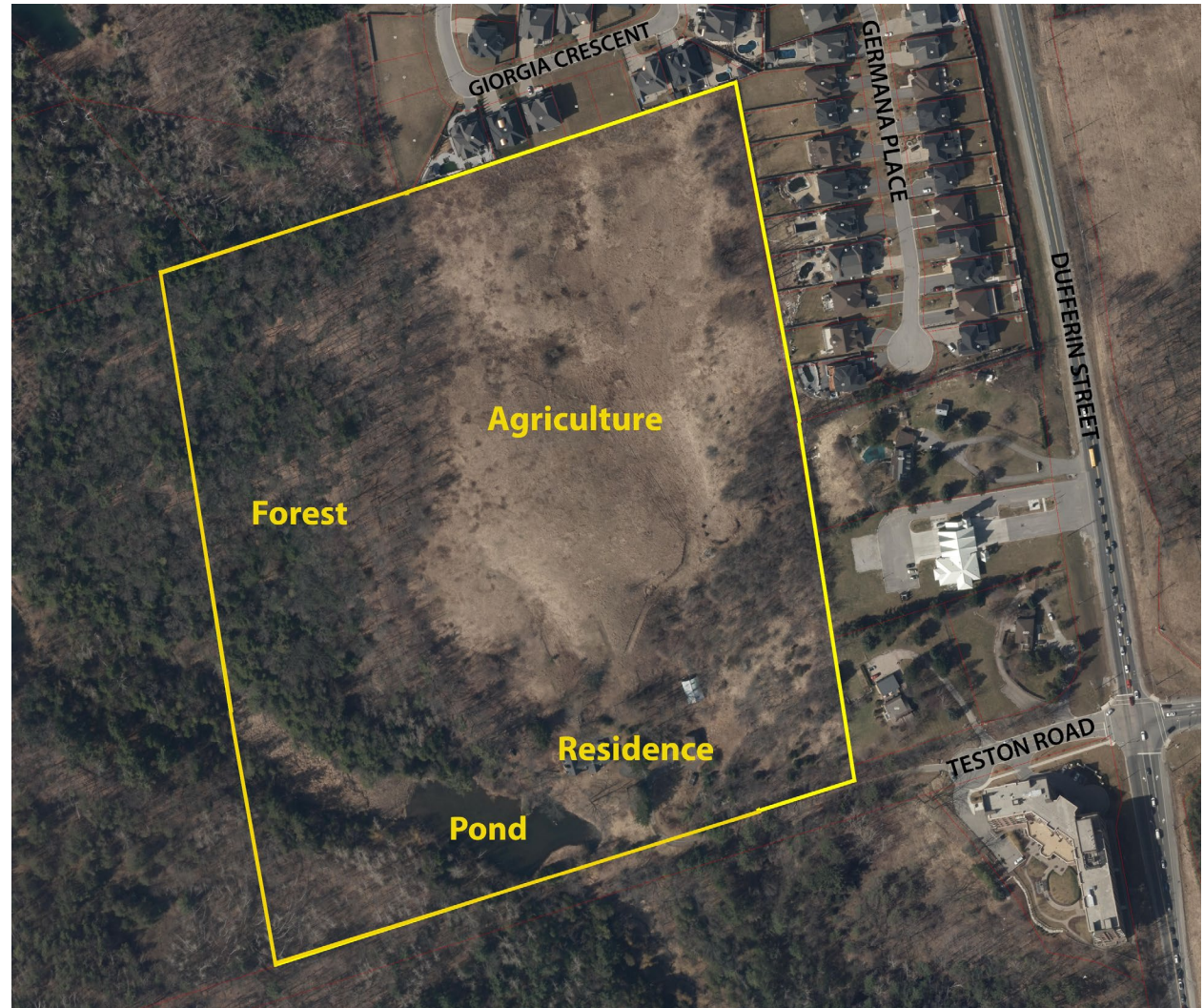
Purpose of the Public Meeting

To review an application to amend the draft approval of a proposed Plan of Subdivision and the implementing Zoning By-law Amendment for lands located at 1600 Teston Road.

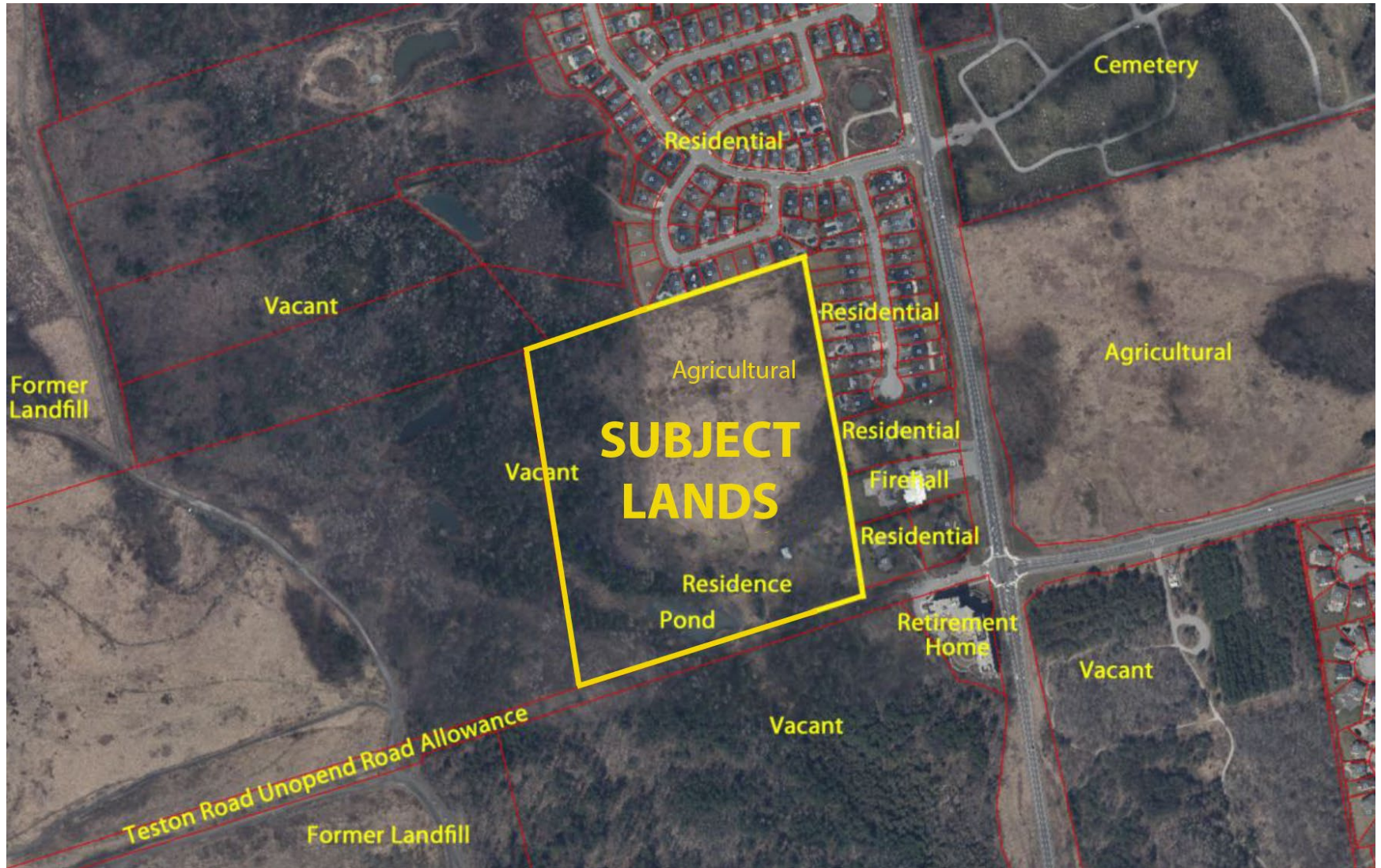


Property Description

- Legally described as Part 26, Concession 3.
- Located northwest of the Dufferin Street and Teston Road intersection.
- Subject lands have an area of 13.69 ha (33.83 acres).
- Approx. 62 m frontage on Teston Road.
- Subject lands were used for agricultural purposes and contain a residence and several accessory buildings.
- Western portion of the lands are forested and include a pond.

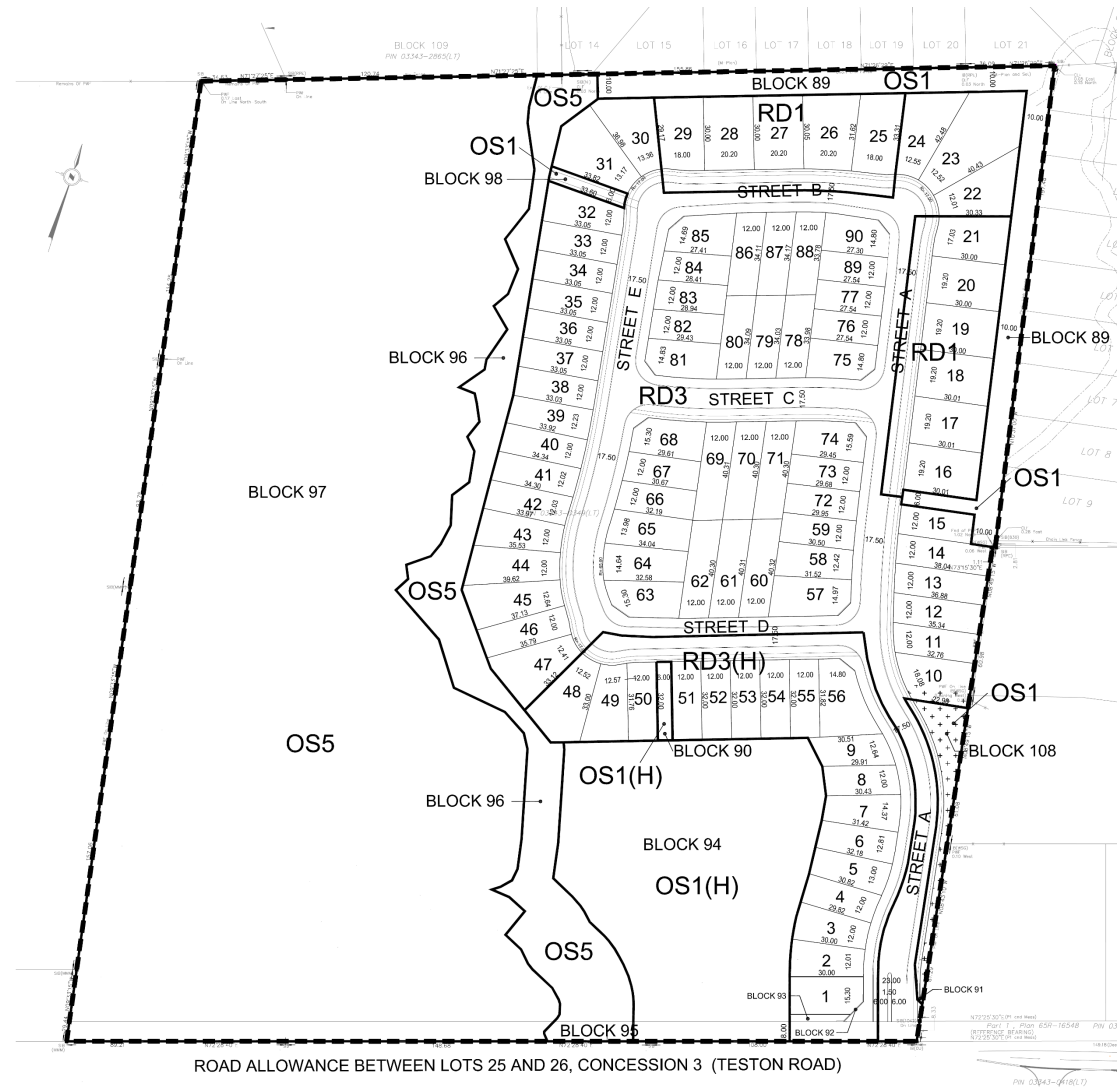


Surrounding Land Use

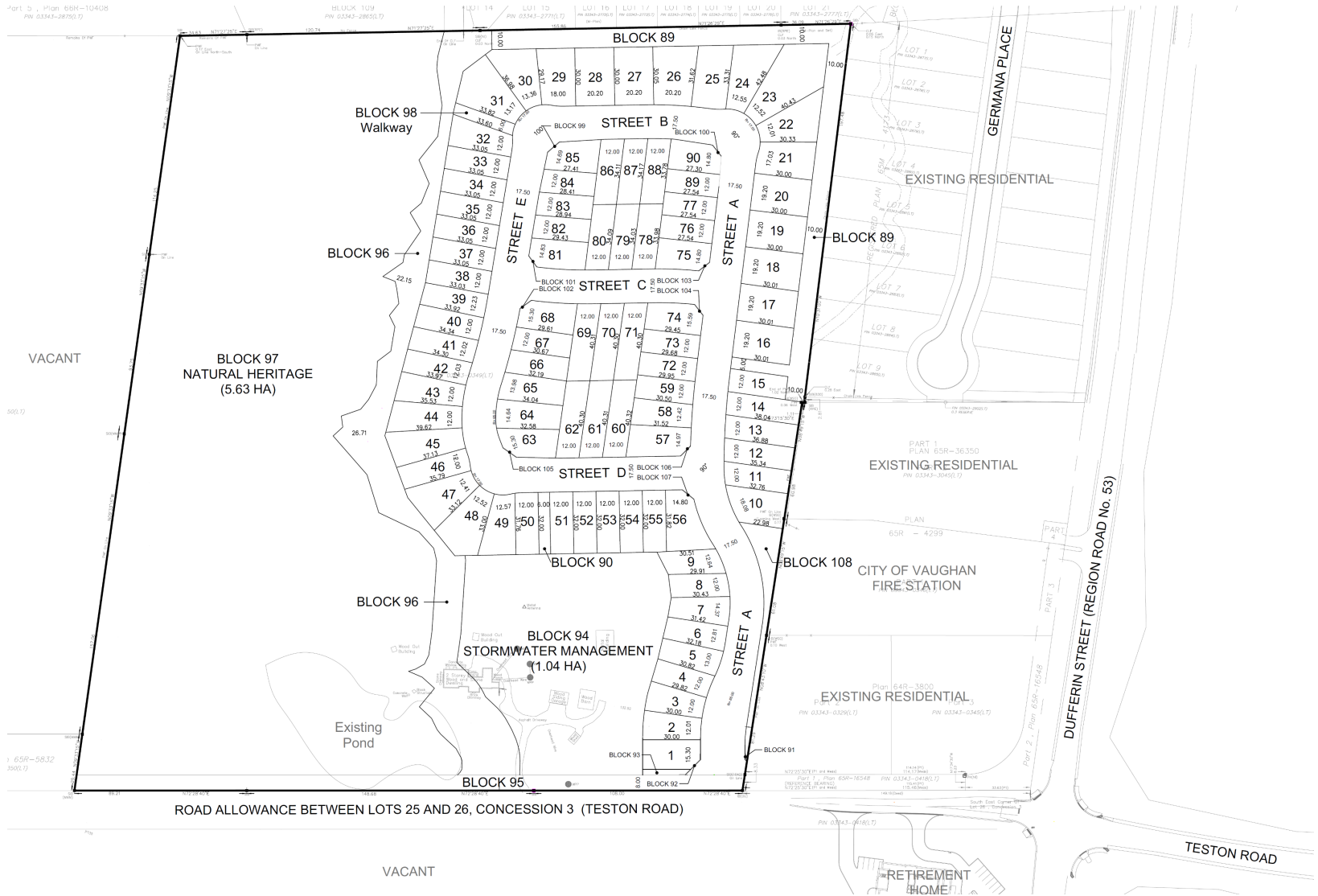


Background

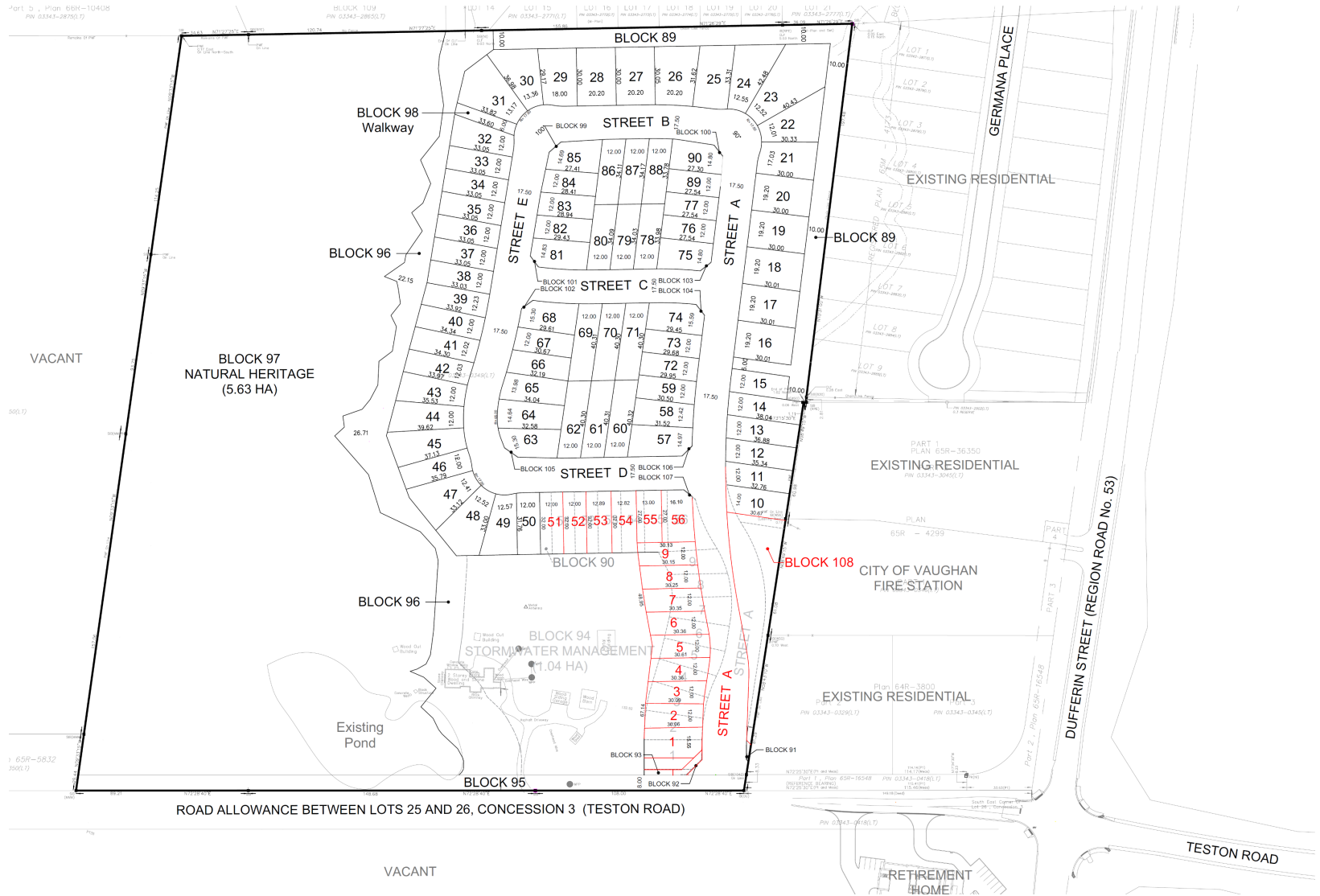
- Applications for an Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision were submitted in 2017.
- Following a LPAT hearing in January 2020, OPA #28, By-law 081-2020 were approved.
- Draft approval was granted to a residential plan of subdivision comprised of 90 single detached residential lots, public roads, open space blocks, and environmental protection blocks.
- Changes to the stormwater management scheme require adjustments to the alignment of Street A and the lots and blocks in the southern portion of the subdivision.
- These changes to the plan require amendments to the draft plan of subdivision approval and the zoning by-law.
- The proposed changes do not require an amendment to the Official Plan.



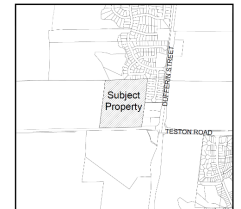
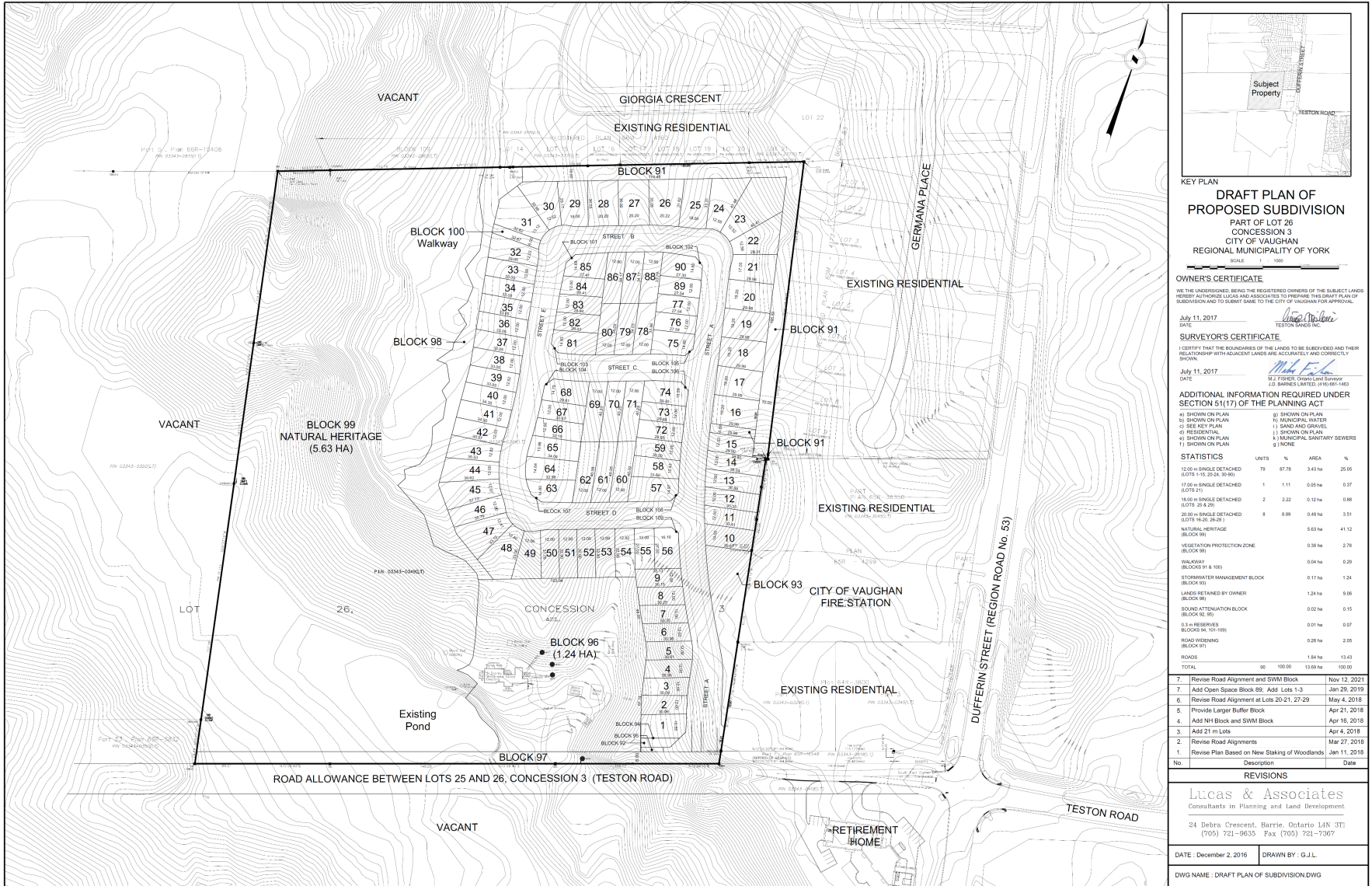
Current Draft Approved Plan of Subdivision



Proposed Changes to Plan of Subdivision



Proposed Plan of Subdivision



DRAFT PLAN OF PROPOSED SUBDIVISION
 PART OF LOT 26
 CONCESSION 3
 CITY OF VAUGHAN
 REGIONAL MUNICIPALITY OF YORK
 SCALE: 1" = 100'

OWNER'S CERTIFICATE
 WE, THE UNDERSIGNED, BEING THE REGISTERED OWNERS OF THE SUBJECT LANDS HEREBY AUTHORIZE LOCALS AND ASSOCIATES TO PREPARE THIS DRAFT PLAN OF SUBDIVISION AND TO SUBMIT SAME TO THE CITY OF VAUGHAN FOR APPROVAL.
 DATE: July 11, 2017
 SIGNED: *Angela Pollock*
 TESTON SANDS INC.

SURVEYOR'S CERTIFICATE
 I CERTIFY THAT THE BOUNDARIES OF THE LOTS TO BE SUBDIVIDED AND THEIR RELATIONSHIP WITH ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN.
 DATE: July 11, 2017
 SIGNED: *Mike Fisher*
 M.F. FISHER, CIVIL & LAND SURVEYOR
 22 BARNES LANE, UNIT #10-102

ADDITIONAL INFORMATION REQUIRED UNDER SECTION 51(17) OF THE PLANNING ACT

- a) SHOWN ON PLAN
- b) SHOWN ON PLAN
- c) SEE SEE PLAN
- d) RESIDENTIAL
- e) SHOWN ON PLAN
- f) SHOWN ON PLAN
- g) SHOWN ON PLAN
- h) RESIDENTIAL WATER
- i) SAND AND GRAVEL
- j) SHOWN ON PLAN
- k) MUNICIPAL SANITARY SEWERS
- l) NONE

STATISTICS

UNITS	% AREA	%		
1200 m SINGLE DETACHED (LOTS 1-15, 20-24, 30-36)	79	87.78	3.43	26.65
1700 m SINGLE DETACHED (LOTS 37)	1	1.11	0.05	0.37
1800 m SINGLE DETACHED (LOTS 25 & 29)	2	2.22	0.12	0.89
2000 m SINGLE DETACHED (LOTS 16-23, 26-29)	8	8.89	0.48	3.51
NATURAL HERITAGE (BLOCK 99)			5.63	41.12
VEGETATION PROTECTION ZONE (BLOCK 98)			0.38	2.78
WALKWAY (BLOCKS 98 & 100)			0.04	0.29
STORMWATER MANAGEMENT BLOCK (BLOCK 91)			0.17	1.24
LANDS RETAINED BY OWNER (BLOCK 96)			1.24	9.06
SOILS ATTENUATION BLOCK (BLOCK 92, 95)			0.02	0.15
0.3 m RESERVES (BLOCKS 94, 95, 99)			0.01	0.07
ROAD WIDENING (BLOCK 97)			0.28	2.05
ROADS			1.64	12.43
TOTAL	90	100.00	13.69	100.00

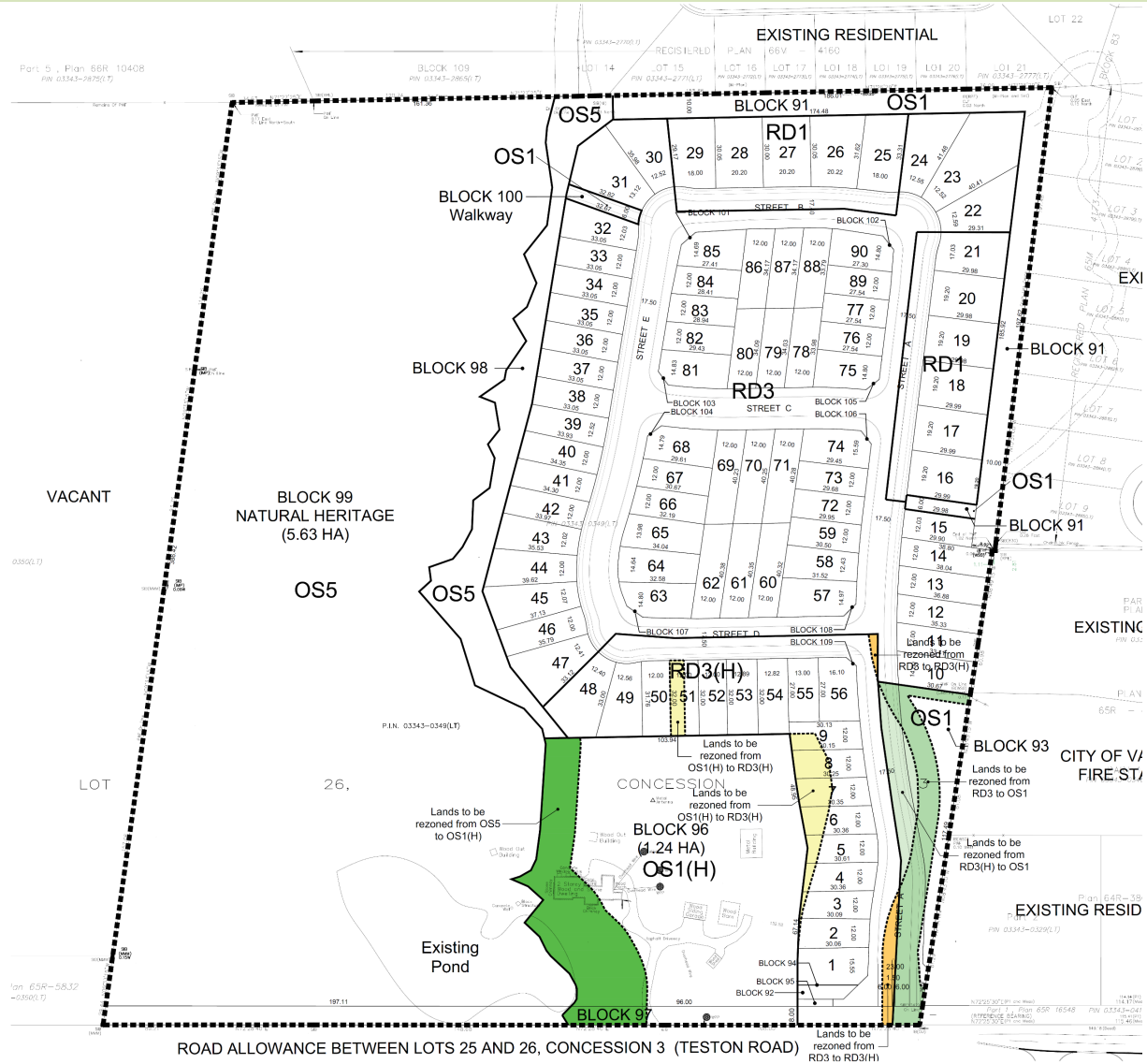
No.	Description	Date
7.	Revise Road Alignment and SWM Block	Nov 12, 2021
	Add Open Space Block 89, Add Lots 1-3	Jan 29, 2019
6.	Revise Road Alignment at Lots 20-21, 27-29	May 4, 2018
5.	Provide Larger Buffer Block	Apr 21, 2018
4.	Add NW Block and SWM Block	Apr 16, 2018
3.	Add 21 m Lots	Apr 4, 2018
2.	Revise Road Alignments	Mar 27, 2018
1.	Revise Plan Based on New Staking of Woodlands	Jan 11, 2018

REVISIONS

Lucas & Associates
 Consultants in Planning and Land Development
 24 Debra Crescent, Barrie, Ontario L4N 3T1
 (705) 721-9635 Fax (705) 721-7367

DATE: December 2, 2016 DRAWN BY: G.J.L.
 DWG NAME: DRAFT PLAN OF SUBDIVISION.DWG

Proposed Zoning By-law Amendment



Teston Sands Subdivision

January 18, 2022 Public Meeting

Existing Zoning By-law Exceptions

The following exceptions were approved with the passing of By-law 081-2020:

- The minimum exterior side yard is 2.4 m.
- The minimum interior side yard on a lot abutting a non-residential use is 1.2m.

Additional Proposed Zoning By-law Exceptions

The following additional exceptions are proposed in the zoning by-law amendment:

- The minimum rear yard be 6.0 m.
- The minimum building height be 13.0 m.
- The minimum width of the driveway at the curb be 9.0 m for lots with triple garages.
- The minimum rear yard for an accessory building or structure shall be 0.6 m.
- A porch shall mean a structure abutting the main wall of a building that is covered by a roof, balcony or enclosed space or room and is open to the air on at least one side, with or without a foundation.

COMMUNICATION C5
ITEM NO. 2
COMMITTEE OF THE WHOLE
(PUBLIC MEETING)
January 18, 2022

From: Vitaliy P [REDACTED]
Sent: Monday, January 17, 2022 12:01 AM
To: Clerks@vaughan.ca; Council@vaughan.ca
Subject: [External] file Z. 21.03619T-21V0007

To whom it may concern:

As you know there is a public meeting coming up regarding 1600 Teston road!

As you are aware, the problematic developer again is trying to change the application that we as a community all agreed upon already a while back. We have spent years dealing with this situation, and AGAIN have to fight the changes that the developer is trying to propose.

We do not want ANY changes to the already previously agreed application and plan. We cannot as residents of this community keep fighting and oppose silly changes that the developer is trying to make regarding adding more units, and changing to some never tested storm management system.

Please somebody there in the city pay attention to us and our beautiful community. I hope you will have our back and not let the developer get all the changes that he wants to make.

We as a community will be there at the virtual meeting on Tuesday, and will keep fighting for this all not to go through.

Hope for your understanding.

Thank you.

Vitaliy From Maple Ridge Ratepayers group!!

COMMUNICATION C6
ITEM NO. 2
COMMITTEE OF THE WHOLE
(PUBLIC MEETING)
January 18, 2022

From: Hadi Afrasiabi [REDACTED]
Sent: Sunday, January 16, 2022 11:33 PM
To: Clerks@vaughan.ca; Council@vaughan.ca; Maurizio Bevilacqua <Maurizio.Bevilacqua@vaughan.ca>
Subject: [External] 1600 Teston Rd - file Z. 21.03619T- 21V0007

January 16, 2022

Dear Mayor Bevilacqua and Vaughan Councillors,

We are writing the communication in opposition to Zoning By-law Amendment File Z.21.046 of the Draft Plan of Subdivision Amendment 19T-17V009. Below are the reasons we opposition.

Reasons this is a problematic application:

- 1) We have a **signed LPAT agreement of 90 units on 1600 Teston, with a proper storm management pond, and a plan that was based on clear and thoughtful recommendations from the TRCA.** The city really should not consider these major changes that are far more than "tweaks" (as the Deputy City Manager of Planning noted) but are major and ones that will lead to a series of cascading changes. In short, the city has a fiduciary function of protecting the public from poor development decisions when an LPAT decision is made. The other issue is, **does the city have the authority to make these changes that have major implications significantly impacting this development when there is a clear LPAT agreement?**
- 2) They are **asking for ridiculous exemptions** that I discuss below. **Even with the 90 units that we agreed on in the LPAT minutes of settlement, these will be much larger houses with smaller lots. As it is, there will not be a park, so if a family wants a decent size lot for children, a pool, pets, and other uses, the lots would be very small with a larger house. Of course, this will lead to more water running off from the hard surfaces that need to make its way into a proper storm management pond.**
- 3) It was the **TRCA that determined that the OS1-H area was not to be developed, as it was supposed to be left as natural heritage land due to it being at "top of bank"** (the top of a high slope), a significant part of the Oak Ridges Moraine, and therefore logically should have a storm management pond at the bottom/low point in the southern part of the development. The other major problem with the application is that the city did not include the TRCA comments in the package they sent nor Savanta's natural heritage studies (there are at least 2 studies and possibly more that were not included). Savanta submitted a very substandard and questionable 2019 Environmental Impact Assessment report of the Rizmi lands (11333 Dufferin) at Kirby/Dufferin.
- 4) Storm management tanks have **not ever been used in Vaughan residential developments.** While a couple of these tanks have been used in industrial developments in York Region, one is being piloted and the one in Richmond Hill was studied by TRCA and found to have deficiencies – it was not working as designed. Once built, deficiencies are almost impossible to rectify.

Some studies point out the **benefits of these tanks such as keeping water cool for slow downstream release benefiting some aquatic species**. The **main problem is that the developer wants to put the storage tank on the side of a hill**, whereas the stormwater management pond is always located at a low point in the subdivision such as the Laurentian, Maple Downs, and Mackenzie Ridge ponds.

The **downsides of storm management tanks** are numerous ranging from cost issues to other problems that may be associated with flooding and here are **other reasons not to use storm management tanks**:

a) They are **expensive, difficult and costly to fix, can clog, and empty slowly. This would probably result in flooding.**

b) The TRCA reviewed the water storage tank located in Richmond Hill, which sits underneath the commercial plaza parking lot. It found that water does not drain as it should, did not meet the objectives of the design which means that water ponds and can contribute to West Nile Virus

c) The risk of placing them in residential areas such as a valley land like 1600 Teston are high in terms of malfunctions and flooding. With what are seen as 100 or even 200 year storms on the west coast and east coast seem more frequent and have led to extensive and dramatic flooding. Storm management tanks empty very slowly and do get clogged, as well as difficult to clean. *Storm management ponds* are easily cleaned and maintained. Storm management tanks may have to be taken apart once they stop draining at an enormous expense to taxpayers.

d) Who is **going to compensate those who experience flood damage as a result of irresponsible decisions?** Will councillors and engineers who support using storm management tanks in residential areas share the costs and responsibility when residence and insurance companies sue them?

e) The storm management tank will be on a hill and not at the lowest part of the subdivision, but at one of the highest points. **How will the water get up there? Will there be pumping stations? How about drainage? Will we have flooding issues, since the tank is on a hill above parts of the subdivision? What will be the long range costs of such a ridiculous proposal? Who will cover the costs of maintainence? The storm management was placed where the old house will be torn down because it is one of the lowest parts of the development (in OS1-H) in order to easily draining the Little Don River (next to the proposed storm management pond).**

Proposed Zone Exemptions:

Unfortunately, even though we have a clear LPAT agreement for 90 lots, there is also a request for zone exemptions for the 90 residential lots for building heights, rear yard setbacks, setbacks to accessory structures, yard encroachments and side yard setback reductions adjacent to public walkways and open space blocks. Put simply, they want to build larger units, with a notable footprint (taking up more lot, smaller backyards (which are not too generous relative to our area), and much higher than permitted. **In short, even with the 90 units that we agreed on in the LPAT minutes of settlement, these will be much larger houses with smaller lots. As it is, there will not be a park, so if a family wants a decent size lot for children, a pool, pets, and other uses, the lots would be very small with a larger house. Of course, this will lead to more water running off from the hard surfaces that need to make its way into a proper storm management pond.**

Final Thoughts:

What is most troubling is that **documents are missing such as the TRCA, Savanta, and other reports.** It was the TRCA that determined the OSI-H designation and for that portion not to be developed. We also **do not know what they want to place on what could be “freed up” OS1-H land.** The documentation provided does not say what will happen if this OS1-H land stays in private hands instead of being a storm management pond and hill that would be part of the natural heritage system on the property. Having this green space on the Oak Ridges Moraine (ORM) adds to the area and preserves part of the ORM. Based on the **attached 2017 drawings (see the attachment), we can only guess that it would be a future phase 2 development. This would probably be quite a few townhouses. In addition, my guess that this would also open the possibility of the 90 lots becoming over 250 to 300 townhouses. If the OSI-H land is included, it could be well over 300 townhouses shoehorned into this piece of land. In terms of development, it seems everything goes to maximize intensification. Then, with all these hard surfaces, how would the storm management tank operate on a hill? In addition, there is still NO park being proposed/added to this development and the children of the area must walk at least 1+ km to the closest park.** Moving the stormwater management pond to a storage tank on a hill freeing up OS1-H land (where the pond was supposed to be) and now having the ability to be developed as a future phase, would create a further erosion of the greenspace left. Also, if the storage tanks fail, who will be flooded?

So far, we **do not have public transportation on Dufferin north of Major Mackenzie. The Kirby GO station is not a reality nor do we have public transportation on Kirby. Dufferin north of Eagle's Nest has two lanes as well as Kirby and Teston. The Teston extension is complicated, going through two former landfills (Toronto and Vaughan), wetlands, and other sensitive areas (not to mention the estimated \$100,000,000.00 bridge over the Little Don). The Kirby extension has been a problematic process, so far costing us almost \$1,000,000.00 extra for the financially botched Kirby Road Environmental Assessment. Our schools will eventually be overflowing again, roads will be again jammed with traffic, and water supply (water pressure) / wastewater will surely become an issue due to the York Region's questionable management and almost 3 billion dollar debt, along with potential flooding problems.**

We will have to hire a lawyer and experts to help navigate through this unnecessary mess. I do blame the city for not stopping the developer for trying to change this LPAT agreement that took us so long to negotiate in terms time and financial resources, all to have this headache of more unnecessary development and the potential townhouses. **Keep in mind that whatever happens at 1600 Teston will set a precedent in Vaughan and will influence development of Rizmi (11333 Dufferin), the property at the northeast corner of Teston and Dufferin, the land north of Kirby by Dufferin, and other land. This developer has already put townhouses in at Grand Trunk and made a Faustian bargain with the city and TRCA, ignoring residents. Once a terrible precedent like this is set, we will have further issues that are far worse with rogue developers and some councilors who continually ignore us, putting us into debt instead of promoting responsible and thoughtful development. I have always said we are not against forward-thinking development and would prefer state-of-the-art planning guided by civic-minded innovators.**

Best Regards,

Hadi Afrasiabi

■ Hunter Woodchase, Maple, On,

January 15, 2022

Dear Mayor Bevilacqua and Vaughan Councillors,

We are a family residing in Mackenzie Ridge of Maple. Given the recent development on 1600 Teston plan, we have become very concerned where this is going. We are also very concerned how the City makes the decisions and the future livability of the city of Vaughan.

We are writing the communication in opposition to Zoning By-law Amendment File Z.21.046 of the Draft Plan of Subdivision Amendment 19T-17V009. Below are the reasons we opposition.

Reasons this is a problematic application:

1) We have a **signed LPAT agreement of 90 units on 1600 Teston, with a proper storm management pond, and a plan that was based on clear and thoughtful recommendations from the TRCA.** The city really should not consider these major changes that are far more than "tweaks" (as the Deputy City Manager of Planning noted) but are major and ones that will lead to a series of cascading changes. In short, **the city has a fiduciary function of protecting the public from poor development decisions when an LPAT decision is made.** The other issue is, **does the city have the authority to make these changes that have major implications significantly impacting this development when there is a clear LPAT agreement?**

2) They are **asking for ridiculous exemptions.** Even with the 90 units that we agreed on in the LPAT minutes of settlement, these will be much larger houses with smaller lots. As it is, **there will not be a park, so if a family wants a decent size lot for children, a pool, pets, and other uses, the lots would be very small with a larger house. Of course, this will lead to more water running off from the hard surfaces that need to make its way into a proper storm management pond.**

3) It was the TRCA that determined that the OS1-H area was not to be developed, as it was **supposed to be left as natural heritage land due to it being at "top of bank"** (the top of a high slope), a significant part of the Oak Ridges Moraine, and therefore logically should have a storm management pond at the bottom/low point in the southern part of the development. The other major problem with the application is that the city did not include the TRCA comments in the package they sent nor Savanta's natural heritage studies (there are at least 2 studies and possibly more that were not included). Savanta submitted a very substandard and questionable 2019 Environmental Impact Assessment report of the Rizmi lands (11333 Dufferin) at Kirby/Dufferin.

4) Storm management tanks have **not ever been used in Vaughan residential developments.** While a couple of these tanks have been used in industrial developments in York Region, one is

being piloted and the one in Richmond Hill was studied by TRCA and found to have deficiencies – it was not working as designed. Once built, deficiencies are almost impossible to rectify.

Some studies point out the **benefits of these tanks such as keeping water cool for slow downstream release benefiting some aquatic species**. The **main problem is that the developer wants to put the storage tank on the side of a hill**, whereas the stormwater management pond is always located at a low point in the subdivision such as the Laurentian, Maple Downs, and Mackenzie Ridge ponds.

The **downsides of storm management tanks** are numerous ranging from cost issues to other problems that may be associated with flooding and here are **other reasons not to use storm management tanks**:

a) They are **expensive, difficult and costly to fix, can clog, and empty slowly. This would probably result in flooding.**

b) The TRCA reviewed the water storage tank located in Richmond Hill, which sits underneath the commercial plaza parking lot. It found that water does not drain as it should, did not meet the objectives of the design which means that water ponds and can contribute to West Nile Virus

c) The risk of placing them in residential areas such as a valley land like 1600 Teston are high in terms of malfunctions and flooding. With what are seen as 100 or even 200 year storms on the west coast and east coast seem more frequent and have led to extensive and dramatic flooding. Storm management tanks empty very slowly and do get clogged, as well as difficult to clean. *Storm management ponds* are easily cleaned and maintained. Storm management tanks may have to be taken apart once they stop draining at an enormous expense to taxpayers.

d) Who is going to compensate those who experience flood damage as a result of **irresponsible decisions**? Will councillors and engineers who support using storm management tanks in residential areas share the costs and responsibility when residence and insurance companies sue them?

e) The storm management tank will be on a hill and not at the lowest part of the subdivision, but at one of the highest points. **How will the water get up there? Will there be pumping stations? How about drainage? Will we have flooding issues, since the tank is on a hill above parts of the subdivision? What will be the long range costs of such a ridiculous proposal? Who will cover the costs of maintenance? The storm management was placed where the old house will be torn down because it is one of the lowest parts of the development (in OS1-H) in order to easily draining the Little Don River (next to the proposed storm management pond).**

Proposed Zone Exemptions:

Unfortunately, even though we have a clear LPAT agreement for 90 lots, there is also a request for zone exemptions for the 90 residential lots for building heights, rear yard setbacks, setbacks to accessory structures, yard encroachments and side yard setback reductions adjacent to public walkways and open space blocks. Put simply, they want to build larger units, with a notable footprint (taking up more lot, smaller backyards (which are not too generous relative to our area), and much higher than permitted. **In short, even with the 90 units that we agreed on in the LPAT minutes of settlement, these will be much larger houses with smaller lots. As it is, there will not be a park, so if a family wants a decent size lot for children, a pool, pets, and other uses, the lots would be very small with a larger house. Of course, this will lead to more water running off from the hard surfaces that need to make its way into a proper storm management pond.**

Final Thoughts:

What is most troubling is that **documents are missing such as the TRCA, Savanta, and other reports.** It was the TRCA that determined the OSI-H designation and for that portion not to be developed. We also **do not know what they want to place on what could be “freed up” OS1-H land.** The documentation provided does not say what will happen if this OS1-H land stays in private hands instead of being a storm management pond and hill that would be part of the natural heritage system on the property. Having this green space on the Oak Ridges Moraine (ORM) adds to the area and preserves part of the ORM. Based on the **attached 2017 drawings, we can only guess that it would be a future phase 2 development. This would probably be quite a few townhouses. In addition, we'd assume that this would also open the possibility of the 90 lots becoming over 250 to 300 townhouses. If the OSI-H land is included, it could be well over 300 townhouses shoehorned into this piece of land. In terms of development, it seems everything goes to maximize intensification. Then, with all these hard surfaces, how would the storm management tank operate on a hill?** In addition, there is **still NO park being proposed/added to this development and the children of the area must walk at least 1+ km to the closest park.** Moving the stormwater management pond to a storage tank on a hill freeing up OS1-H land (where the pond was supposed to be) and now having the ability to be developed as a future phase, would create a further erosion of the greenspace left. Also, if the storage tanks fail, who will be flooded?

So far, **we do not have public transportation on Dufferin north of Major Mackenzie. The Kirby GO station is not a reality nor do we have public transportation on Kirby. Dufferin north of Eagle's Nest has two lanes as well as Kirby and Teston. The Teston extension is complicated, going through two former landfills (Toronto and Vaughan), wetlands, and other sensitive areas (not to mention the estimated \$100,000,000.00 bridge over the Little Don). The Kirby extension has been a problematic process, so far costing us almost \$1,000,000.00 extra for the financially botched Kirby Road Environmental Assessment. Our schools will eventually be overflowing again, roads will be again jammed with traffic, and water supply (water pressure) / wastewater will surely become an issue due to the York**

Region's questionable management and almost 3 billion dollar debt, along with potential flooding problems.

We will have to hire a lawyer and experts to help navigate through this unnecessary mess. We do blame the city for not stopping the developer for trying to change this LPAT agreement that took us so long to negotiate in terms time and financial resources, all to have this headache of more unnecessary development and the potential townhouses. **Keep in mind that whatever happens at 1600 Teston will set a precedent in Vaughan and will influence development of Rizmi (11333 Dufferin), the property at the northeast corner of Teston and Dufferin, the land north of Kirby by Dufferin, and other land. This developer has already put townhouses in at Grand Trunk and made a Faustian bargain with the city and TRCA, ignoring residents. Once a terrible precedent like this is set, we will have further issues that are far worse with rogue developers and some councilors who continually ignore us, putting us into debt instead of promoting responsible and thoughtful development.**

Stay Safe.

Best,

Li Family

COMMUNICATION C8

ITEM NO. 2

**COMMITTEE OF THE WHOLE
(PUBLIC MEETING)**

January 18, 2022

From: Mackenzie Ridge Rate Payers Association <mackenzieridgerpa@gmail.com>

Sent: Sunday, January 16, 2022 8:25 PM

To: Clerks@vaughan.ca; Council@vaughan.ca; Marilyn lafrate <Marilyn.lafrate@vaughan.ca>; Gina Ciampa <Gina.Ciampa@vaughan.ca>; Isabel Leung <Isabel.Leung@vaughan.ca>

Cc: Mackenzie Ridge Rate Payers Association <mackenzieridgerpa@gmail.com>; Rob Kenedy <rkenedy@yorku.ca>

Subject: [External] Speaking and Submission Regarding Teston Sands Zoning By-law Amendment File Z.21.046 of the Draft Plan of Subdivision Amendment 19T-17V009 for 1600 Teston Rd.

Please include this communication for the Tuesday January 18th meeting

January 15, 2022

Dear Mayor Bevilacqua and Vaughan Councillors,

We are writing the communication in opposition to any changes to the LPAT agreement that we worked so hard at achieving and are deeply disappointed that the city is considering these changes regarding Zoning By-law Amendment File Z.21.046 of the Draft Plan of Subdivision Amendment 19T-17V009. Below are the reasons we oppose it. I will be speaking to this item. Please see the attachment.

Reasons this is a problematic application:

1) We have a **signed LPAT agreement of 90 units on 1600 Teston, with a proper storm management pond, and a plan that was based on clear and thoughtful recommendations from the TRCA.** The city really should not consider these major changes that are far more than "tweaks" (as the Deputy City Manager of Planning noted) but are major and ones that will lead to a series of cascading changes. In short, the city has a fiduciary function of protecting the public from poor development decisions when an LPAT decision is made. The other issue is, **does the city have the authority to make these changes that have major implications significantly impacting this development when there is a clear LPAT agreement?**

2) They are **asking for ridiculous exemptions** that I discuss below. **Even with the 90 units that we agreed on in the LPAT minutes of settlement, these will be much larger houses with smaller lots. As it is, there will not be a park, so if a family wants a decent size lot for children, a pool, pets, and other uses, the lots would be very small with a larger house. Of course, this will lead to more water running off from the hard surfaces that need to make its way into a proper storm management pond.**

3) It was the TRCA that determined that the OS1-H area was not to be developed, as it was supposed to be left as natural heritage land due to it being at "top of bank" (the top of a high slope), a significant part of the Oak Ridges Moraine, and therefore logically should have a storm management pond at the bottom/low point in the southern part of the development. The other major problem with the application is that the city did not include the TRCA comments in the package they sent nor Savanta's natural heritage March 2018 nor Mr. Lucas' 2018 Landform Conservation Study.

4) Storm management tanks have **not ever been used in Vaughan residential developments**. While a couple of these tanks have been used in industrial developments in York Region and one is being piloted; the one in Richmond Hill was studied by TRCA and found to have deficiencies – it was not working as designed. Once built, deficiencies are almost impossible to rectify.

Some studies point out the **benefits of these tanks such as keeping water cool for slow downstream release benefiting some aquatic species**. The **main problem is that the developer wants to put the storage tank on the side of a hill**, whereas the stormwater management pond is always located at a low point in the subdivision such as the Laurentian, Maple Downs, and Mackenzie Ridge ponds.

The **downsides of storm management tanks** are numerous ranging from cost issues to other problems that may be associated with flooding and here are **other reasons not to use storm management tanks**:

a) They are **expensive, difficult and costly to fix, can clog, and empty slowly. This would probably result in flooding.**

b) The TRCA reviewed the water storage tank located in Richmond Hill, which sits underneath the commercial plaza parking lot. It found that water does not drain as it should, did not meet the objectives of the design which means that water ponds and can contribute to West Nile Virus

c) The risk of placing them in residential areas such as a valley land like 1600 Teston are high in terms of malfunctions and flooding. With what are seen as 100 or even 200 year storms on the west and east coasts seeming more frequent and lead to extensive and dramatic flooding, I am not sure why the city is considering putting a storm management tank on a hill. Storm management tanks empty very slowly and do get clogged, as well as difficult to clean. *Storm management ponds* are easily cleaned and maintained. Storm management tanks may have to be taken apart once they stop draining at an enormous expense to taxpayers.

d) Who is **going to compensate those who experience flood damage as a result of irresponsible decisions?** Will councillors and engineers who support using storm management tanks in residential areas share the costs and responsibility when residence and insurance companies sue them? Is the city also prepared to take on the liability along with the engineers and councillors who support this mess?

e) The storm management tank will be on a hill and not at the lowest part of the subdivision, but at one of the highest points. **How will the water get there? Will there be pumping stations? How about drainage? Will we have flooding issues, since the tank is on a hill above parts of the subdivision? What will be the long-range costs of such a ridiculous proposal? Who will cover the costs of maintenance? The storm management was placed where the old house will be torn down because it is one of the lowest parts of the development (in OS1-H) in order to easily draining the Little Don River (next to the proposed storm management pond).**

Proposed Zone Exemptions:

Unfortunately, even though we have a clear LPAT agreement for 90 lots, there is also a request for zone exemptions for the 90 residential lots for building heights, rear yard setbacks, setbacks to accessory structures, yard encroachments and side yard setback reductions adjacent to public walkways and open space blocks. Put simply, they want to build larger units, with a notable footprint (taking up more lot, smaller backyards (which are not too generous relative to our area), and much higher than permitted. **In short, even with the 90 units that we agreed on in the LPAT minutes of settlement, these will be much larger houses with smaller lots. As it is, there will not be a park, so if a family wants a decent size lot for children, a pool, pets, and other uses, the lots would be very small with a larger house. Of course, this will lead to more water running off from the hard surfaces that need to make its way into a proper storm management pond.**

Final Thoughts:

What is most troubling is that **documents are missing such as the TRCA comments on this proposal, Savanta March 2018 study, Mr. Lucas' 2018 Landform Conservation Study and other reports.** Last week we had to ask the city for a series of studies. Also, Planit has not been working properly for over a week. It was the TRCA that determined the OSI-H designation and for that portion not to be developed. We also **do not know what they want to place on what could be “freed up” OSI-H land.** The documentation provided does not say what will happen if this OSI-H land stays in private hands instead of being a storm management pond and hill that would be part of the natural heritage system on the property. Having this green space on the Oak Ridges Moraine (ORM) adds to the area and preserves part of the ORM. Based on the **attached 2017 drawings, we can only guess that it would be a future phase 2 development. This would probably be quite a few townhouses. In addition, my guess that this would also open the possibility of the 90 lots becoming over 250 to 300 townhouses. If the OSI-H land is included, it could be well over 300 townhouses shoehorned into this piece of land. In terms of development, it seems everything goes to maximize intensification. Then, with all these hard surfaces, how would the storm management tank operate on a hill?** In addition, there is **still NO park being proposed/added to this development and the children of the area must walk at least 1+ km to the closest park. We are also quite concerned about the large tagged and other trees that have been removed on the property. Moving the stormwater management pond to a storage tank on a hill freeing up OSI-H land (where the pond was supposed to be) and now having the ability to be developed as a future phase, would create a further erosion of the greenspace left. Also, if the storage tanks fail, who will be flooded?**

So far, we **do not have public transportation on Dufferin north of Major Mackenzie. The Kirby GO station is not a reality nor do we have public transportation on Kirby. Dufferin north of Eagle's Nest has two lanes as well as Kirby and Teston. The Teston extension is complicated, going through two former landfills (Toronto and Vaughan), wetlands, and other sensitive areas (not to mention the estimated \$100,000,000.00 bridge over the Little Don). The Kirby extension has been a problematic process, so far costing us almost \$1,000,000.00 extra for the financially botched Kirby Road Environmental Assessment. Our schools will eventually be overflowing again, roads will be again jammed with traffic, and water supply (water pressure) / wastewater will surely become an issue due to the York Region's questionable management and almost a 3 billion dollar debt, along with potential flooding problems.**

Best,

Robert A. Kenedy, PhD
President of the MacKenzie Ridge Ratepayers Association

CC: clerks@vaughan.ca and council@vaughan.ca.

Robert A. Kenedy, PhD
President of the MacKenzie Ridge Ratepayers Association

Associate Professor
Department of Sociology
238 McLaughlin College
York University
4700 Keele Street
Toronto, Ontario M3J 1P3
CANADA
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416 736-2100 ext. 77458
FAX 416 736-5715

COMMUNICATION C9

ITEM NO. 2

**COMMITTEE OF THE WHOLE
(PUBLIC MEETING)**

January 18, 2022

From: sue [REDACTED]
Sent: Saturday, January 15, 2022 6:20 PM
To: Clerks@vaughan.ca
Cc: Council@vaughan.ca
Subject: [External] file Z. 21.03619T-21V0007

To all concerned:

Reasons why our household is against the above-mentioned:

We have a **signed LPAT agreement of 90 units on 1600 Teston, with a proper storm management pond, and a plan that was based on clear and thoughtful recommendations from the TRCA.** The city really should not consider these major changes that are far more than "tweaks" (as the Deputy City Manager of Planning noted) but are major and ones that will lead to a series of cascading changes. In short, the city has a fiduciary function of protecting the public from poor development decisions when an LPAT decision is made. The other issue is, **does the city have the authority to make these changes that have major implications significantly impacting this development when there is a clear LPAT agreement?**

Ridiculous exemptions are being asked for. Even with the 90 units that have been agreed on in the LPAT minutes of settlement, these will translate to larger houses with smaller lots. As it is, there will not be a park, so if a family wants a decent size lot for children, a pool, pets, and other uses, the lots would be very small with a larger house. Of course, this will lead to more water running off from the hard surfaces that need to make its way into a proper storm management pond.

Also, the **TRCA had determined that the OS1-H area was not to be developed, as it was supposed to be left as natural heritage land due to it being at "top of bank"** (the top of a high slope), a significant part of the Oak Ridges Moraine, and therefore logically should have a storm management pond at the bottom/low point in the southern part of the development. The other major problem with the application is that the city does not include the TRCA comments in the package they sent nor Savanta's natural heritage studies (there are at least 2 studies and possibly more that were not included). Savanta submitted a very substandard and questionable 2019 Environmental Impact Assessment report of the Rizmi lands (11333 Dufferin) at Kirby/Dufferin.

Storm management tanks have **not ever been used in Vaughan residential developments.** While a couple of these tanks have been used in industrial developments in York Region, one being piloted in Richmond Hill was studied by TRCA and found to have deficiencies – it was not working as designed. Once built, deficiencies are almost impossible to rectify.

Some studies point out the **benefits of these tanks such as keeping water cool for slow downstream release benefiting some aquatic species.** The main problem is that the developer wants to put the storage tank on

the side of a hill, whereas the stormwater management pond is always located at a low point in the subdivision such as the Laurentian, Maple Downs, and Mackenzie Ridge ponds.

The **downsides of storm management tanks** are numerous ranging from cost issues to other problems that may be associated with flooding and here are **other reasons not to use storm management tanks**:

a) They are **expensive, difficult and costly to fix, can clog, and empty slowly. This would probably result in flooding.**

b) The **TRCA reviewed the water storage tank located in Richmond Hill, which sits underneath the commercial plaza parking lot. It found that water does not drain as it should and did not meet the objectives of the design which means that water ponds can contribute to West Nile Virus**

c) The **risk of placing them in residential areas such as a valley land like 1600 Teston are high in terms of malfunctions and flooding. With what are seen as 100 or even 200 year storms on the west coast and east coast seem more frequent and have led to extensive and dramatic flooding. Storm management tanks empty very slowly and get clogged, and are also difficult to clean.** Storm management tanks may have to be taken apart once they stop draining at an enormous expense to taxpayers.

d) Who is **going to compensate those who experience flood damage as a result of irresponsible decisions?** Will councillors and engineers who support using storm management tanks in residential areas share the costs and responsibility when residence and insurance companies sue them?

e) The storm management tank will be on a hill and not at the lowest part of the subdivision, but at one of the highest points. **How will the water get up there? Will there be pumping stations? How about drainage? Will we have flooding issues, since the tank is on a hill above parts of the subdivision? What will be the long range costs of such a ridiculously shortsighted proposal? Who will cover the costs of maintenance? The storm management was placed where the old house will be torn down because it is one of the lowest parts of the development (in OS1-H) in order to easily draining the Little Don River (next to the proposed storm management pond).**

Proposed Zone Exemptions:

Even though we have a clear LPAT agreement for 90 lots, there is also a request for zone exemptions for the 90 residential lots for building heights, rear yard setbacks, setbacks to accessory structures, yard encroachments and side yard setback reductions adjacent to public walkways and open space blocks. It is clear that the intention is to build larger units, with a notable footprint (taking up more lot, smaller backyards (which are not too generous relative to our area), and much higher than permitted. **In short, even with the 90 units that have been agreed on in the LPAT minutes of settlement, this will amount to much larger houses with smaller lots, no access to a park. As it is, there will not be a park, and as already mentioned above, this will lead to more water running off from the hard surfaces that need to make its way into a proper storm management pond.**

Final Thoughts:

Where are the pertinent documents, that is, **the TRCA, Savanta, and other reports.** It was the TRCA that determined the OS1-H designation and for that portion not to be developed. It would also be good to know how the **“freed up” OS1-H land** will be used. Is more building planned? The documentation provided does not say what will happen if this OS1-H land stays in private hands instead of being a storm management pond and hill that would be part of the natural heritage system on the property.

Having this green space on the Oak Ridges Moraine (ORM) adds to the area and preserves part of the ORM. Moving the stormwater management pond to a storage tank on a hill freeing up OS1-H land (where the pond was supposed to be) and now having the ability to be developed as a future phase, would create a further erosion of the greenspace left. Also, if the storage tanks fail, who will be flooded?

So far, we do not have public transportation on Dufferin north of Major Mackenzie. The Kirby GO station is not a reality nor do we have public transportation on Kirby. Dufferin north of Eagle's Nest has two lanes as well as Kirby and Teston. The Teston extension is complicated, going through two former landfills (Toronto and Vaughan), wetlands, and other sensitive areas (not to mention the estimated \$100,000,000.00 bridge over the Little Don). The Kirby extension has been a problematic process, so far costing us almost \$1,000,000.00 extra for the financially botched Kirby Road Environmental Assessment. Our schools will eventually be overflowing again, roads will be again jammed with traffic, and water supply (water pressure) / wastewater will surely become an issue due to the York Region's questionable management and almost 3 billion dollar debt, along with potential flooding problems.

Why hasn't the city stopped the developer for trying to change this LPAT agreement that took us so long to negotiate in terms, time and financial resources. We are concerned at the terrible precedent all this will set and are tired of councilors who continually ignore us, putting us into debt instead of promoting responsible and thoughtful development.

COMMUNICATION C10

ITEM NO. 2

**COMMITTEE OF THE WHOLE
(PUBLIC MEETING)**

January 18, 2022

From: Rose Rubino [REDACTED]

Sent: Saturday, January 15, 2022 6:02 PM

To: Clerks@vaughan.ca; Council@vaughan.ca; Mario Ferri <Mario.Ferri@vaughan.ca>; Maurizio Bevilacqua <Maurizio.Bevilacqua@vaughan.ca>; Marilyn lafrate <Marilyn.lafrate@vaughan.ca>

Subject: [External] Application Issues - 1600 Teston Road - Zoning By-law Amendment File Z.21.046 Draft Plan of Subdivision Amendment 19T-17V009

To Whom It May Concern,

I am writing you to air the following grievances regarding the above mentioned proposed agreement of 90 units on 1600 Teston Road.

Reasons this is a problematic application:

- 1) We have a signed LPAT agreement of 90 units on 1600 Teston, with a proper storm management pond, and a plan that was based on clear and thoughtful recommendations from the TRCA. The city really should not consider these major changes that are far more than "tweaks" (as the Deputy City Manager of Planning noted) but are major and ones that will lead to a series of cascading changes. In short, the city has a fiduciary function of protecting the public from poor development decisions when an LPAT decision is made. The other issue is, does the city have the authority to make these changes that have major implications significantly impacting this development when there is a clear LPAT agreement?
- 2) They are asking for ridiculous exemptions that I discuss below. Even with the 90 units that we agreed on in the LPAT minutes of settlement, these will be much larger houses with smaller lots. As it is, there will not be a park, so if a family wants a decent size lot for children, a pool, pets, and other uses, the lots would be very small with a larger house. Of course, this will lead to more water running off from the hard surfaces that need to make its way into a proper storm management pond.
- 3) It was the TRCA that determined that the OS1-H area was not to be developed, as it was supposed to be left as natural heritage land due to it being at "top of bank" (the top of a high slope), a significant part of the Oak Ridges Moraine, and therefore logically should have a storm management pond at the bottom/low point in the southern part of the development. The other major problem with the application is that the city did not include the TRCA comments in the package they sent nor Savanta's natural heritage studies (there are at least 2 studies and possibly more that were not included). Savanta submitted a very substandard and questionable 2019 Environmental Impact Assessment report of the Rizmi lands (11333 Dufferin) at Kirby/Dufferin.
- 4) Storm management tanks have not ever been used in Vaughan residential developments. While a couple of these tanks have been used in industrial developments in York Region, one is being piloted and the one in Richmond Hill was studied by TRCA and found to have deficiencies – it was not working as

designed. Once built, deficiencies are almost impossible to rectify and the developer wants to put the storage tank on the side of a hill, whereas the stormwater management pond is always located at a low point in all subdivisions.

The downsides of storm management tanks are numerous ranging from cost issues to other problems that may be associated with flooding, They are expensive, difficult and costly to fix, can clog, and empty slowly. This would probably result in flooding as water does not drain at as it should and can contribute to West Nile Virus. Another risk of placing them in residential areas such as a valley land like 1600 Teston are high in terms of malfunctions and flooding. Storm management tanks empty very slowly and do get clogged, as well as difficult to clean. Storm management ponds are easily cleaned and maintained.

The storm management tank will be on a hill and not at the lowest part of the subdivision, but at one of the highest points. How will the water get up there? Will we have flooding issues, since the tank is on a hill above parts of the subdivision? What will be the long range costs of such a ridiculous proposal? Who will cover the costs of maintenance?

Even with the 90 units that we agreed on in the LPAT minutes of settlement, these will be much larger houses with smaller lots. As it is, there will not be a park, so if a family wants a decent size lot for children, a pool, pets, and other uses, the lots would be very small with a larger house.

We have been told that documents are missing such as the TRCA, Savanta, and other reports. It was the TRCA that determined the OSI-H designation and for that portion not to be developed.

So far, we do not have public transportation on Dufferin north of Major Mackenzie. The Kirby GO station is not a reality nor do we have public transportation on Kirby. Dufferin north of Eagle's Nest has two lanes as well as Kirby and Teston. The Teston extension is complicated, going through two former landfills (Toronto and Vaughan), wetlands, and other sensitive areas (not to mention the estimated \$100,000,000.00 bridge over the Little Don). The Kirby extension has been a problematic process, so far costing us almost \$1,000,000.00 extra for the financially botched Kirby Road Environmental Assessment. Our schools will eventually be overflowing again, roads will be again jammed with traffic, and water supply (water pressure) / wastewater will surely become an issue due to the York Region's questionable management and almost 3 billion dollar debt, along with potential flooding problems.

Rose Rubino
[REDACTED] Hunterwood Chase

COMMUNICATION C12
ITEM NO. 2
COMMITTEE OF THE WHOLE
(PUBLIC MEETING)
January 18, 2022

-----Original Message-----

From: Joseph Vukman [REDACTED]
Sent: Saturday, January 15, 2022 12:19 PM
To: Clerks@vaughan.ca
Cc: Council@vaughan.ca
Subject: [External] Opposition to 1600 Teston development application

Hello,

My name is Joseph Vukman and I'm a resident of [REDACTED] Germana Pl.
Upon carefully reviewing the planned development amendment file Z. 21. 046 of the draft plan of subdivision amendment 19T-17V009, I would like to formally declare my opposition.

There's currently an LPAT agreement of 90 new units with proper storm management pond being installed. I am concerned that the tweaks recommended and proposed will leave Vaughan residents in the years to come on the financial hook for years to come due to potential storm tank management.

Currently, without a park or recreational green space at the bottom of this valley, storm and water run off can lead to catastrophic flooding. Have we not already seen increased rainfall in neighbouring communities? While other municipalities are planning for this future financial burden, and approving 'storm-of-the-century' ready developments, it would seem as though approving this amendment parallels the thoughtless development in Vaughan 20 years ago. We know more, we've seen the damage of heavy rainfall, there is no room for willful ignorance.

Finally, due to limited public transit accessibility in the corridor, and the fact that it allows for single lane access for now, and into the foreseeable future, how can council ignore the morning and afternoon gridlock that will ensue, if more than 90 detached homes are built? Again willful ignorance is not an excuse. Vaughan council and city's planning department, have a duty to protect the residents of Vaughan from illogical plans of poorly placed storm tanks, or higher density developments on single lane corridors.

Joseph Vukman

COMMUNICATION C13
ITEM NO. 2
COMMITTEE OF THE WHOLE
(PUBLIC MEETING)
January 18, 2022

From: [REDACTED]
Sent: Sunday, January 16, 2022 1:59 PM
To: Clerks@vaughan.ca
Subject: [External] Z.21.036_19T-21V007 / 1600 Teston Road Proposed Development

Dear Mayor Bevilacqua and Councillors:

I wish to address the above Subject as a citizen of Vaughan, a Ward 1 resident and a member of Mackenzie Ridge Ratepayers Association residing adjacent to, and dependent upon, Dufferin Street:

Our Association President, Rob Kenedy, has already raised in detail numerous critical concerns with respect to the proposed development. As council members elected by us to manage the affairs of the City of Vaughan in the best interests of its citizens, taxpayers and voters, I implore you to recognize these concerns as indeed critical and to give them your full, objective and thoughtful attention and analysis, consistent with your responsibilities of office.

In summary, these critical concerns include, but may not be limited to:

1. The existing and clear LPAT agreement for 90 residential lots on the 1600 Teston Road property, as well as the meaningful inputs and analyses that led to this agreement, notably the prudent recommendations from the TRCA;
2. The proposed substitution of a standard wastewater management pond with an underground tank of necessarily limited capacity, highly dubious location, seriously questionable efficacy and problematic maintainability;
3. The current lack of public transportation on Dufferin Street to serve this location, combined with the two-lane limitations of traffic flow on Dufferin Street that already create massive traffic jams each workday due in large part to the intersection at Teston Road;

4. The devastating additional impact on Dufferin Street that will result from longer east-west traffic signal duration required to accommodate this development's in-and-out residential vehicles and school buses;
5. The unreasonable lack of a park space within the subject area for use, socializing, exercise and general enjoyment by the residents and their children; and, not least by any means,
6. The potential negative impacts on area schools, utilities and services, notably including freshwater supply and pressure, as well as stormwater and sewage capacity, handling and treatment.

Your process and decisions with respect to each of these issues, plus others that may yet be raised, will send your electors a clear message as to your commitment to, and concern for, defensible and desirable future residential development within our fair city.

Thank you for your time and attention.

Yours very truly,
Douglas E. Carl, MBA, P.Eng.,
[REDACTED] Kootenay Ridge, Maple

COMMUNICATION C14
ITEM NO. 2
COMMITTEE OF THE WHOLE
(PUBLIC MEETING)
January 18, 2022

-----Original Message-----

From: JOHN DELUCA [REDACTED]
Sent: Monday, January 17, 2022 8:51 AM
To: Clerks@vaughan.ca
Cc: Council@vaughan.ca
Subject: [External] Zoning By-law Amendment File Z.21.046

January 17, 2022

Dear Mayor Bevilacqua and Vaughan Councillors,

We are writing the communication in opposition to Zoning By-law Amendment File Z.21.046 of the Draft Plan of Subdivision Amendment 19T-17V009. Below are the reasons we opposition.

Reasons this is a problematic application:

1) We have a signed LPAT agreement of 90 units on 1600 Teston, with a proper storm management pond, and a plan that was based on clear and thoughtful recommendations from the TRCA. The city really should not consider these major changes that are far more than "tweaks" (as the Deputy City Manager of Planning noted) but are major and ones that will lead to a series of cascading changes. In short, the city has a fiduciary function of protecting the public from poor development decisions when an LPAT decision is made. The other issue is, does the city have the authority to make these changes that have major implications significantly impacting this development when there is a clear LPAT agreement?

2) They are asking for ridiculous exemptions that I discuss below. Even with the 90 units that we agreed on in the LPAT minutes of settlement, these will be much larger houses with smaller lots. As it is, there will not be a park, so if a family wants a decent size lot for children, a pool, pets, and other uses, the lots would be very small with a larger house. Of

course, this will lead to more water running off from the hard surfaces that need to make its way into a proper storm management pond.

3) It was the TRCA that determined that the OS1-H area was not to be developed, as it was supposed to be left as natural heritage land due to it being at "top of bank" (the top of a high slope), a significant part of the Oak Ridges Moraine, and therefore logically should have a storm management pond at the bottom/low point in the southern part of the development. The other major problem with the application is that the city did not include the TRCA comments in the package they sent nor Savanta's natural heritage studies (there are at least 2 studies and possibly more that were not included). Savanta submitted a very substandard and questionable 2019 Environmental Impact Assessment report of the Rizmi lands (11333 Dufferin) at Kirby/Dufferin.

4) Storm management tanks have not ever been used in Vaughan residential developments. While a couple of these tanks have been used in industrial developments in York Region, one is being piloted and the one in Richmond Hill was studied by TRCA and found to have deficiencies – it was not working as designed. Once built, deficiencies are almost impossible to rectify.

Some studies point out the benefits of these tanks such as keeping water cool for slow downstream release benefiting some aquatic species. The main problem is that the developer wants to put the storage tank on the side of a hill, whereas the stormwater management pond is always located at a low point in the subdivision such as the Laurentian, Maple Downs, and Mackenzie Ridge ponds.

The downsides of storm management tanks are numerous ranging from cost issues to other problems that may be associated with flooding and here are other reasons not to use storm management tanks:

a) They are expensive, difficult and costly to fix, can clog, and empty slowly. This would probably result in flooding.

b) The TRCA reviewed the water storage tank located in Richmond Hill, which sits underneath the commercial plaza parking lot. It found that water does not drain at as it should, did not meet the objectives of the design which means that water ponds and can contribute to West Nile Virus

c) The risk of placing them in residential areas such as a valley land like 1600 Teston are high in terms of malfunctions and flooding. With what are seen as 100 or even 200 year storms on the west coast and east coast seem more frequent and have led to extensive and dramatic flooding. Storm management tanks empty very slowly and do get clogged, as well as difficult to clean. Storm management ponds are easily cleaned and maintained. Storm management tanks may have to be taken apart once they stop draining at an enormous expense to taxpayers.

d) Who is going to compensate those who experience flood damage as a result of irresponsible decisions? Will councillors and engineers who support using storm management tanks in residential areas share the costs and responsibility when residence and insurance companies sue them?

e) The storm management tank will be on a hill and not at the lowest part of the subdivision, but at one of the highest points. How will the water get up there? Will there be pumping stations? How about drainage? Will we have flooding issues, since the tank is on a hill above parts of the subdivision? What will be the long range costs of such a ridiculous proposal? Who will cover the costs of maintenance? The storm management was placed where the old house will be torn down because it is one of the lowest parts of the development (in OS1-H) in order to easily draining the Little Don River (next to the proposed storm management pond).

Proposed Zone Exemptions:

Unfortunately, even though we have a clear LPAT agreement for 90 lots, there is also a request for zone exemptions for the 90 residential lots for building heights, rear yard setbacks, setbacks to accessory structures, yard encroachments and side yard setback reductions adjacent to public walkways and open space blocks. Put simply, they want to build larger units, with a notable footprint (taking up more lot, smaller backyards (which are not too generous relative to our area), and much higher than permitted. In short, even with the 90 units that we agreed on in the LPAT minutes of settlement, these will be much larger houses with smaller lots. As it is, there will not be a park, so if a family wants a decent size lot for children, a pool, pets, and other uses, the lots would be very small with a larger house. Of course, this will lead to more water running off from the hard surfaces that need to make its way into a proper storm management pond.

Final Thoughts:

What is most troubling is that documents are missing such as the TRCA, Savanta, and other reports. It was the TRCA that determined the OSI-H designation and for that portion not to be developed. We also do not know what they want to place on what could be "freed up" OS1-H land. The documentation provided does not say what will happen if this OS1-H land stays in private hands instead of being a storm management pond and hill that would be part of the natural heritage system on the property. Having this green space on the Oak Ridges Moraine (ORM) adds to the area and preserves part of the ORM. Based on the attached 2017 drawings (see the attachment), we can only guess that it would be a future phase 2 development. This would probably be quite a few townhouses. In addition, my guess that this would also open the possibility of the 90 lots becoming over 250 to 300 townhouses. If the OSI-H land is included, it could be well over 300 townhouses shoehorned into this piece of land. In terms of development, it seems everything goes to maximize intensification. Then, with all these hard surfaces, how would the storm management tank operate on a hill? In addition, there is still NO park being proposed/added to this development and the children of the area must walk at least 1+ km to the closest park. Moving the stormwater management pond to a storage tank on a hill freeing up OS1-H land (where the pond was supposed to be) and now having the ability to be developed as a future phase, would create a further erosion of the greenspace left. Also, if the storage tanks fail, who will be flooded?

So far, we do not have public transportation on Dufferin north of Major Mackenzie. The Kirby GO station is not a reality nor do we have public transportation on Kirby. Dufferin north of Eagle's Nest has two lanes as well as Kirby and Teston. The Teston extension is complicated, going through two former landfills (Toronto and Vaughan), wetlands, and other sensitive areas (not to mention the estimated \$100,000,000.00 bridge over the Little Don). The Kirby extension has been a problematic process, so far costing us almost \$1,000,000.00 extra for the financially botched Kirby Road Environmental Assessment. Our schools will eventually be overflowing again, roads will be again jammed with traffic, and water supply (water pressure) / wastewater will surely become an issue due to the York Region's questionable management and almost 3 billion dollar debt, along with potential flooding problems.

We will have to hire a lawyer and experts to help navigate through this unnecessary mess. I do blame the city for not stopping the developer for trying to change this LPAT agreement that took us so long to negotiate in terms time and financial resources, all to have this headache of more unnecessary development and the potential townhouses. Keep in mind that whatever happens at 1600 Teston will set a precedent in Vaughan and will influence development of Rizmi (11333 Dufferin), the property at the northeast corner of Teston and Dufferin, the land north of Kirby by Dufferin, and other land. This developer has already put townhouses in at Grand Trunk and made a Faustian bargain with the city and TRCA, ignoring residents. Once a terrible precedent like this is set, we will have further issues that are far worse with rogue developers and some councilors who continually ignore us, putting us into debt instead of promoting responsible and thoughtful development. I have always said we are not against forward-thinking development and would prefer state-of-the-art planning guided by civic-minded innovators.

Sincerely,
E.J. De Luca
Vaughan ON

Meredith Baker

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VIA EMAIL

City of Vaughan
Office of the City Clerk
2141 Major Mackenzie Dr.
Vaughan, ON L6A 1T1

Attention: Mayor & Members of Council
City Clerk

January 17, 2022

Dear Mayor Bevilacqua and Members of City Council:

**Re: APPLICATIONS TO REVISE ZONING & DRAFT APPROVED PLAN OF SUBDIVISION (“Applications”)
1600 Teston Road, City of Vaughan (“Subject Lands”)
Cam Milani, Teston Sands Inc. (“Owner”)**

We are counsel to MacKenzie Ridge Ratepayers’ Association (“**MRRA**”), whose members include homeowners adjacent to or in close proximity to the Subject Lands. Our client received notice that a public meeting relating to the above-noted Applications is scheduled for January 18, 2022. We are writing on behalf of our client in advance of the meeting to express its opposition to the Applications.

BACKGROUND

The Owner applied for an Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision approval to permit a residential subdivision on the Subject Lands in July 2017. The City of Vaughan (“**City**”) approved the applications subject to Conditions of Draft Plan Approval in June 2018, and MRRA subsequently appealed the City’s decisions with respect to all three instruments to the Local Planning Appeal Tribunal (“**LPAT**”).

After lengthy negotiations, in February 2019, MRRA and the Owner reached a settlement which comprised revisions to all three instruments (“**Settlement Plan**”). Among other things, the Settlement Plan included a minimum 10 metre fenced buffer in order to buffer existing residents from the proposed development. The parties presented the Settlement Plan to the LPAT on June 26, 2019. In written

decisions issued January 3, 2020 and March 16, 2020, which are enclosed with this correspondence, the Tribunal approved the Settlement Plan, subject to Conditions of Draft Plan Approval, permitting the development of a 90-lot single detached residential subdivision on the Subject Lands ("**Approved Development**"). The Approved Development included a stormwater management pond.

It is MRRA's understanding that the Owner has been in the process of clearing the conditions applicable to the Tribunal-approved Draft Plan of Subdivision.

CURRENT APPLICATIONS

After the lengthy appeal process that culminated in the Approved Development, the Owner now wishes to change its plans, and has applied to revise the Tribunal-approved zoning and draft approved Plan of Subdivision ("**Applications**"). The Applications propose changes to the stormwater management for the development to eliminate the pond from the subdivision plan and to use underground storage tanks within an open space block instead, as well as other amendments to accommodate this change. The relocation of the stormwater management system would result in the former pond location being vacated. The Owner also proposes zone exceptions to all 90 residential lots for building height, rear yard setbacks, setbacks to accessory structures and yard encroachments and side yard setback reductions adjacent to public walkways and open space blocks.

OWNER SHOULD BE HELD TO PREVIOUS SETTLEMENT

As noted, the Owner and MRRA were involved in lengthy negotiations to arrive at the Settlement Plan that was the foundation of the Approved Development. The Owner has already used municipal and Tribunal resources and gone through a public process with respect to development on the Subject Lands. The City (and the Ontario Land Tribunal, as explained below) should hold the Owner to its plans, and refuse the Applications.

JURISDICTION OVER DRAFT PLAN REMAINS WITH TRIBUNAL

The Draft Plan of Subdivision for the Subject Lands was approved, subject to conditions, by the LPAT first via oral decision in the June 2019 LPAT settlement hearing. This approval was confirmed in the enclosed January 3, 2020 written decision. The Owner now seeks to revise the Tribunal-approved Draft Plan of Subdivision.

The jurisdiction over the application to revise the Draft Plan of Subdivision lies with the Tribunal (now the Ontario Land Tribunal ("**OLT**")), not with the City. This determination is made based on a detailed reading of section 51 ("Plan of subdivision approvals") of the *Planning Act*. In particular, subsection 51(56.1) provides that the Tribunal may, by order, provide that the final approval of the plan of subdivision for the purposes of subsection (58) is to be given by the approval authority in which the land is situate (in this case, the City). Subsection 51(58) makes it clear that the approval authority is only able to approve the plan of subdivision if satisfied that the plan of subdivision is in conformity with the approved draft plan of subdivision (in this case the Tribunal-approved Draft Plan of Subdivision) and that the conditions of approval have been or will be fulfilled. The Tribunal did, in this case, refer final approval of the plan of subdivision to the City pursuant to subsection 51(56.1) (see paragraph 46 of the January 3, 2020 decision).

It is a common understanding that, as the Act expressly gives authority for the Tribunal to refer a specific decision (i.e. final approval of a plan of subdivision that is in conformity with the approved draft plan of subdivision) to the approval authority, the Tribunal must retain authority over all other aspects of the draft plan process that are not captured by subsection 51(56.1), including decisions with respect to revisions to Tribunal-approved draft plans of subdivision.

The City must refer the Owner's Draft Plan of Subdivision amendment application to the OLT.

FUTURE PLANS UNKNOWN

The Owner has already received approval for a development proposal on the Subject Lands through one lengthy process. It now seems to be initiating another public process to vary that proposal in such a way that would remove a stormwater storage pond from one area of the development, leaving a vacant section of land. The Owner's Applications are notably silent as to plans for the vacated lands. Our client believes that the Owner may have plans for further intensification, perhaps townhouses, for this section of land. Adding housing on the vacated section of land would require further development applications and approvals.

Piecemeal, incremental planning, as described here, should not be permitted. An effective public process is dependent on the Owner being clear and upfront as to its plans for the Subject Lands. Absent fulsome information as to the Owner's plans for the vacated section of land, the Applications are incomplete and premature, and should be refused on this basis. We note that subsection 51(24)(b) of the *Planning Act* specifically requires that in considering a draft plan of subdivision, a decision maker, in this case the OLT, shall have regard to whether the proposed subdivision is premature. Subsection 51(24) also requires regard for the suitability of the land for the purposes for which it is to be subdivided and the adequacy of utilities, municipal services and school sites, among other considerations. These factors cannot be properly considered without full details of the Owner's ultimate plans for the Subject Lands.

CONCERNS WITH STORMWATER MANAGEMENT TANK

MRRA has concerns with respect to the proposal to place a stormwater management tank on the Subject Lands. It is unusual to see this method of stormwater management within residential development; these tanks empty slowly, are expensive to maintain and carry a risk of failure. Further, a stormwater management tank in the location proposed may increase the likelihood of flooding. It is essential that this proposal be thoroughly examined.

Our client is particularly alarmed by the absence of environmental and natural heritage studies within the application materials. Environmental impact is a significant concern and needs to be considered by the City (and OLT) in its review of the Applications, particularly as the Subject Lands are located within the Oak Ridges Moraine and are environmentally sensitive. Subsection 51(24) of the *Planning Act* also requires regard to the conservation of natural resources and flood control, as well as matters of provincial interest including the protection of ecological systems, when considering a draft plan of subdivision.

City staff have advised MRRRA that Toronto Region Conservation Authority (“TRCA”) has been circulated for review and comment on the Applications but that their comments have not yet been received. In the context of the Owner’s previous development applications for the Subject Lands, in 2018, TRCA expressed concerns regarding the southern sector of the Subject Lands as they present complex landscape grading and stabilization challenges, particularly in relation to stormwater management. It is essential that TRCA’s comments be received and thoroughly considered prior to a decision being made on the Applications.

We respectfully request notice of any deliberation or decision in respect of the Applications by the City. MRRRA would also welcome an opportunity to meet with City staff to discuss the concerns outlined herein.

We thank you for your receipt of this correspondence and would be grateful for your acknowledgment of receipt.

Yours very truly

A handwritten signature in cursive script that reads "Meredith Baker". The signature is written in a dark ink and is positioned above the printed name.

Meredith Baker

cc. Laura Janotta, Planner, Development Planning, City of Vaughan
Wendy Law, Deputy City Manager, Administrative Services and City Solicitor, City of Vaughan

Encl.

Local Planning Appeal Tribunal
Tribunal d'appel de l'aménagement
local



ISSUE DATE: January 03, 2020

CASE NO(S): PL180665

The Ontario Municipal Board (the “OMB”) is continued under the name Local Planning Appeal Tribunal (the “Tribunal”), and any reference to the Ontario Municipal Board or Board in any publication of the Tribunal is deemed to be a reference to the Tribunal.

PROCEEDING COMMENCED UNDER subsection 17(24) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: Mackenzie Ridge Ratepayers' Association
Subject: Proposed Official Plan Amendment No. 28 (OPA 28)
Municipality: City of Vaughan
LPAT Case No.: PL180665
LPAT File No.: PL180665
LPAT Case Name: Mackenzie Ridge Ratepayers' Association v. Vaughan (City)

PROCEEDING COMMENCED UNDER subsection 34(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: Mackenzie Ridge Ratepayers' Association
Subject: By-law No. 151-2018
Municipality: City of Vaughan
LPAT Case No.: PL180665
LPAT File No.: PL180666

PROCEEDING COMMENCED UNDER subsection 51(39) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: Mackenzie Ridge Ratepayers' Association
Subject: Proposed Plan of Subdivision
Property Address/Description: 1600 Teston Road/ Part of Lot 26, Concession 3
Municipality: City of Vaughan
Municipal File No.: 19T-17V009
LPAT Case No.: PL180665
LPAT File No.: PL180685

Heard: June 26, 2019 in Vaughan, Ontario

APPEARANCES:

Parties

Counsel

City of Vaughan

P. Patterson, J. LeSage

McKenzie Ridge Ratepayers'
Association

D. Donnelly, A. Whyte, M. Fletcher (student-at-law)

Teston Sands Inc.

M. Di Vona, L. Zuliani (student-at-law)

MEMORANDUM OF ORAL DECISION DELIVERED ON JUNE 26, 2019 BY C. CONTI AND JOHN DOUGLAS AND ORDER OF THE TRIBUNAL

INTRODUCTION

[1] This is the memorandum for a decision for an appeal by the McKenzie Ridge Ratepayer's Association ("Appellant") against the adoption by the City of Vaughan ("City") of applications by Teston Sands Inc. ("Applicant") for an Official Plan Amendment ("OPA"), Zoning By-law Amendment ("ZBA") and Draft Plan of Subdivision for a property at 1600 Teston Road ("subject property" / "property") in Vaughan. Two proceedings were convened on the above noted date for the appeals. A Case Management Conference, the second for the appeals, dealt with the proposed OPA and ZBA, and the first Pre-hearing Conference ("PHC") dealt with draft plan of subdivision.

[2] Prior to the proceedings the Tribunal had been informed that the parties had reached a settlement regarding the OPA and ZBA. A settlement agreement is included in the joint document book at Exhibit 5, Tab 17. Prior to the PHC, there had been no proceedings dealing with the draft plan of subdivision and it was not clear if others with an interest in the appeal would seek party or participant status and if the appeal of the subdivision would be fully settled. At the PHC the Tribunal heard a request for participant status for Junge S. Lee who was represented by Y.S. Min of Min and

Associates Inc. Architect. Participant status was granted to Mr. Lee on consent. Through the course of the PHC the concerns of Mr. Lee were resolved and therefore the appeal of the plan of subdivision was also fully settled.

[3] The appeals were considered under the provisions of the *Planning Act* (“Act”) and the *Local Planning Appeal Tribunal Act* (“LPATA”) that were in force under Bill 139. Under the provisions the grounds for appeal of the OPA and ZBA were limited to concerns for consistency with a policy statement under s. 3(1) of the Act, lack of conformity or conflict with a provincial plan, or lack of conformity with an applicable official plan. Through the first hearing event under Bill 139, the Tribunal could not, on its own initiative, revise and approve the OPA and ZBA. However, under s. 17(49.4) and s. 34 (26.3) of the Act, the Tribunal shall approve a revised application that has the consent of the parties if the consistency and conformity tests are met.

[4] In addition, under the provisions of LPATA that were in force through Bill 139 no party could adduce evidence for the OPA and ZBA appeals, but the Tribunal could call and examine witnesses.

[5] For the subdivision appeal under s. 51 (39), the provisions of the Act and LPATA under Bill 139 did not impose the same restrictions on the ground for appeal or on the Tribunal’s authority to approve a revised proposal. In addition the parties were permitted to adduce evidence.

THE PROPOSAL

[6] The Applicant owns the subject property at 1600 Teston Road which consists of a 13.69 hectare (“ha”) parcel located approximately 150 metres (“m”) west of Dufferin Street, south of Kirby Road in the area of north Maple. The property is within the Urban Boundary of the City and it fronts onto approximately 346 m of the unopened road allowance of Teston Road located at the southern boundary.

[7] The proposal involves the construction of 90 single-family lots on approximately

6.5 ha of the property. Access to the subdivision is proposed from the frontage on the unopened road allowance. Teston Road will be extended to the west and Street A is proposed to run northerly to provide access to the subdivision lots. The proposed lots have frontages of 12, 17, 18 and 20 m. The 20 m lots are proposed to abut the larger lots on adjacent lands to the north and east. The part of the subject property to the west of the developable portion has been identified as a natural heritage area. The proposal includes a buffer adjacent to the natural heritage area and a fenced buffer adjacent to existing residential development to the north and east.

EVIDENCE

[8] The Tribunal called two witnesses to provide evidence regarding the proposed OPA and ZBA. The Tribunal heard from Peter Smith, a Partner at Bousfields Inc. Mr. Smith is a Registered Professional Planner with approximately 38 years of experience. Mr. Smith provided opinion evidence in land use planning.

[9] The Tribunal also heard evidence from Tom Hilditch of Savanta Inc. Mr. Hilditch has approximately 38 years of experience in the field of ecology. He provided opinion evidence in natural heritage evaluation and analysis.

[10] With regard to the draft plan of subdivision, Mr. Di Vona called Mr. Smith who provided opinion evidence in the area of land use planning.

OPA and ZBA

[11] The Tribunal heard that the proposal has been amended in order to achieve the settlement. The original proposal was for 87 lots with a density of approximately 13 units/hectare (Exhibit 6, para. 14). The revised proposal now consists of 90 lots with a proposed buffer adjacent to the natural heritage area and a fenced 10 m buffer adjacent to the residential areas to the north and east. According to the evidence, the revised proposal will have a density of approximately 13.8 units/hectare.

[12] Mr. Smith's opinion was that the proposed OPA (Exhibit 2) and ZBA (Exhibit 3) meet the tests for consistency and conformity as set out in the Act under Bill 139. Mr. Smith's evidence was that the proposed OPA and ZBA are consistent with the Provincial Policy Statement ("PPS"). Mr. Smith indicated that the proposal will provide for the efficient use of infrastructure and assist in providing a range and mix of housing as required through PPS policies. He also indicated that the proposed buffer will help to maintain biodiversity.

[13] Mr. Smith's evidence also addressed the natural heritage provisions of the PPS. He indicated that the proposal does not include development or site alteration within a significant natural feature and that a Natural Heritage Evaluation has been prepared by Savanta Inc. which demonstrates that the proposal will have no negative impacts on adjacent natural heritage features.

[14] With regard to provincial plans, the subject property is subject to both the Growth Plan for the Greater Golden Horseshoe ("Growth Plan") and the Oak Ridges Moraine Conservation Plan ("ORMCP"). Mr. Smith's evidence was that the Growth Plan emphasizes the need to make use of the existing land supply in proximity to existing roads and services. He indicated that the proposal is adjacent to existing services and is intended to use an extension of Teston Road.

[15] Mr. Smith referred to the greenfield density targets and noted that the York Region Official Plan requires designated greenfield areas to achieve an average minimum density of 50 residents and jobs per hectare. His opinion was that the proposed density of the proposal is in keeping with the greenfield density target.

[16] Mr. Smith's opinion was that the proposal conforms with the Growth Plan.

[17] Mr. Smith stated that the natural heritage evaluation prepared by Savanta addressed the requirements to the ORMCP.

[18] Mr. Smith indicated that the subject site is within an Urban Area as identified in

the York Region Official Plan and is adjacent to lands identified as an Environmentally Significant Area and a Life Science Area of Natural and Scientific Interest. In addition, the subject property and adjacent land are identified as being within a Highly Vulnerable Aquifer. Mr. Smith indicated that the Natural Heritage Evaluation has demonstrated that the proposal will have no negative impacts.

[19] Mr. Smith stated that the OPA and ZBA conform to the York Region Official Plan. He noted that a Holding Symbol will be placed on specific lots and blocks at the request of the Region related to the alignment of the extension of Teston Road. The areas to which the Holding Symbol applies are set out in the By-law.

[20] Mr. Smith's evidence was that the subject property is within the Urban Area and is designated as Natural Areas and Countryside in the City's Official Plan. He indicated that a site specific policy applies to the site which allows for limits of an Enhancement Area to be determined through environmental studies. The Natural Heritage Evaluation prepared by Savanta Inc. has delineated the appropriate boundaries in this case of the development and the natural heritage area to be protected.

[21] The subject property is also identified as Community Area in the City's Official Plan. Policies related to Community Areas set out minimum densities for greenfield areas and require that new development respect and reinforce the existing scale, height, massing, lot pattern, building type, character, form and planned function of the immediate area. Mr. Smith's opinion was that the proposal meets these policies.

[22] Mr. Smith's evidence also referred to policies in the City's Official Plan regarding protection of the Oak Ridges Moraine. He indicated that the proposal conforms to these policies.

[23] It was Mr. Smith's opinion that the proposal conforms with the City's Official Plan subject to final approval of the OPA, and the ZBA conforms to the Official Plan as amended by the OPA.

[24] Mr. Hilditch discussed the Natural Heritage Evaluation that he prepared (Exhibit 5, Tab 13). He stated that the majority of the natural features are on the western part of the property, but that the natural heritage evaluation covered the entire property. According to his report, the portion of the lands that are intended for development are designated as Settlement Area in the ORMCP, while the remaining portion is designated as Natural Core Area (Exhibit 5, Tab13, p. 299).

[25] Mr. Hilditch indicated that there are significant woodlands to the west of the property, but the woodlands on the property are too small to be significant. However, there is some significant wildlife habitat on the property. Mr. Hilditch also stated that there are no provincially significant wetlands in proximity to the property, however, there are unevaluated wetlands in the area.

[26] Mr. Hilditch's evidence was that any impacts of the proposal will be avoided and mitigated through measures undertaken as part of the proposal including the establishment of the buffer. He stated that there will also be restoration planting undertaken in the buffer area.

[27] Mr. Hilditch's opinion was that the proposal will have no negative impact on the natural heritage features and functions. He stated that the proposal is consistent with the PPS, and meets the requirements of the ORMCP, Regional Official Plan and City's Official Plan.

[28] The Tribunal heard that the measures to deal with natural heritage features in the area were acceptable to the Toronto and Region Conservation Authority.

[29] The Tribunal reviewed the submissions and considered the evidence. The opinion evidence provided by Mr. Smith and Mr. Hilditch was uncontested. The proposed OPA will redesignate areas of the property that are suitable for development as Low Rise Residential and rezone the property from Agricultural and Open Space Environmental Protection to Residential and Open Space Conservation. As noted Holding provisions are placed on specific areas.

[30] The Tribunal accepted the evidence and the expert opinions provided by Mr. Smith and Mr. Hilditch. In view of the above, the Tribunal found that the proposed OPA and ZBA were consistent with the PPS, conform with the Growth Plan and the ORMCP, conform with the Regional Official Plan and the City's Official Plan.

[31] The parties requested that the Tribunal issue an oral decision and that direction be provided regarding provisions in the settlement agreement related to the implementation of the fenced buffer.

[32] The Tribunal issued the following oral decision:

Based upon the uncontradicted opinion evidence, the Tribunal finds that the proposed OPA and ZBA as amended in Exhibits 2 and 3 are consistent with the PPS, conform to the Growth Plan and ORMCP, and conform to the York Region Official Plan, and the ZBA conforms to the City of Vaughan Official Plan as amended. Based upon the above the appeals are allowed in part. In consideration of s. 17 (49.4) and 34 (26.3) of the Act the OPA and ZBA are approved.

The Tribunal directs that items 3, 4, 5, 6, and 7 of the Minutes of Settlement be implemented in conjunction with this approval.

Draft Plan of Subdivision

[33] At the PHC for the proposed draft plan of subdivision, the Tribunal heard that Mr. Lee's concerns involved stormwater management, traffic and safety concerns. The Tribunal was informed that the conditions of draft plan approval (Exhibit 2 filed at the PHC) had been amended to address Mr. Lee's concerns. In particular, condition #10 was amended to provide for an enhanced landscaping along the boundary with Mr. Lee's property at 1500 Teston Road. Also condition #45 was amended to require preparation of a report in consultation with Mr. Lee.

[34] Mr. Di Vona called Mr. Smith to provide evidence in support of the plan of subdivision and he referred to the evidence provided in his affidavit related to the subdivision (Exhibit 6, para. 79). He confirmed that the plan of subdivision has regard for all requirements in s. 51(24) of the Act. Pursuant to s. 51 (24) (a) the plan has regard

for matters of provincial interest. It is not premature and is in the public interest. The plan conforms to the Official Plan as amended by the proposed OPA as required in s. 51(24) (c). Furthermore the land is suitable for the purposes for which it is to be subdivided as required in s. 51(24) (d). The sizes of the lots in the subdivision provide for compatible relationships with existing development.

[35] Mr. Smith's planning opinion was that all requirements of s. 51 (24) of the Act have been met by the proposed subdivision. He stated that the plan of subdivision is consistent with the PPS, conforms with the Growth Plan and the ORMCP, conforms with the Regional Official Plan and the City's Official Plan. He also indicated that the proposed conditions of draft plan approval are appropriate.

[36] The Tribunal heard that the Region's conditions were satisfactory to counsel, but they may require some revisions. Mr. Di Vona requested that the Tribunal issue an oral decision approving the subdivision and approving all draft plan conditions except those of York Region, and that the final order be withheld until the Region confirms that it is satisfied with the conditions. He also requested that final approval be delegated back to the City, pursuant to s. 51 (56) of the Act.

[37] The other parties agreed with Mr. Di Vona's submissions.

[38] After considering the evidence and submissions, the Tribunal accepted the opinion evidence provided by Mr. Smith. The Tribunal found that the plan of subdivision is consistent with the PPS, conforms to the Growth Plan and ORMCP and conforms to the York Regional Official Plan and the Vaughan Official Plan as amended. The Tribunal found that the subdivision has regard for the requirements of s. 51 (24) of the Act and that the conditions of draft plan approval are reasonable with regard to s. 51 (25) of the Act.

[39] In view of the above the Tribunal provided the following oral decision:

In view of the uncontested opinion evidence in support of the draft plan of

subdivision and conditions of draft plan approval, the Tribunal orders that the appeal is allowed in part and the plan of subdivision is approved subject to the draft plan conditions filed as Exhibit 2 except for the conditions of York Region. The final order approving the conditions of York Region will be withheld until the revised conditions are submitted to the Tribunal.

Pursuant to s. 51 (56.1) of the Act final approval of the plan will be referred back to the City.

CONCLUSION

[40] The Tribunal carried out these proceedings according to the provisions of the Act and LPATA that were in force under Bill 139. Through the submissions of the parties including the Case Synopsis and Responding Case Synopsis and the evidence provided by the witnesses the Tribunal was satisfied that the legislative tests were met for the OPA and ZBA, and except for some potential revisions to York Region's conditions of draft plan approval, were met for the plan of subdivision.

[41] The parties expressed some concern about the potential effect of the transitional regulation for Bill 108 on the appeal. For clarity purposes, the Tribunal is making this decision for the OPA, the ZBA and the subdivision effective on the date that the oral decisions were issued pursuant to Rule 24.3 of the Tribunal's *Rules of Practice and Procedure*.

[42] The parties are directed to provide to the Tribunal, the final conditions of draft plan approval after the Region of York is satisfied so that final approval can be given.

[43] The Tribunal's order is provided below.

ORDER

[44] The Tribunal orders that the appeals are allowed in part and the City of Vaughan Official Plan is amended as set out in Attachment 1 and City of Vaughan Zoning By-law No. 1-88 is amended as set out in Attachment 2;

[45] Furthermore, the Tribunal finds that the proposed draft plan of subdivision

provided in Exhibit 4 is approved subject to the conditions set out in Exhibit 2 entered at the Pre-hearing Conference for the plan of subdivision appeal, except for the conditions of York Region. The final order related to the conditions of York Region will be withheld until revised conditions are submitted or the Tribunal is informed that York Region has been satisfied;

[46] The Tribunal orders that pursuant to s. 51 (56.1) of the *Planning Act* final approval of the plan of subdivision is referred to the City;

[47] Items 3, 4, 5, 6, and 7 of the Minutes of Settlement shall be implemented in conjunction with this approval; and

[48] The effective date of this decision and order is June 26, 2019 the date of the oral decision.

“C. Conti”

C. CONTI
VICE-CHAIR

“John Douglas”

JOHN DOUGLAS
MEMBER

If there is an attachment referred to in this document,
please visit www.elfto.gov.on.ca to view the attachment in PDF format.

Local Planning Appeal Tribunal

A constituent tribunal of Tribunals Ontario – Environment and Land Division
Website: www.elfto.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

ATTACHMENT 1

**AMENDMENT NUMBER 28
TO THE VAUGHAN OFFICIAL PLAN 2010
OF THE VAUGHAN PLANNING AREA**

The following text and Schedules "1", "2", "3" and "4" constitute Amendment Number 28 to the Official Plan of the Vaughan Planning Area.

Also attached hereto but not constituting part of the Amendment are Appendices "I" and "II"

Authorized by Item No.5.35 of Report No. 21
of the June 5, 2018 Committee of the Whole
Adopted by Vaughan City Council on June 19, 2018.
Approved by LPAT on _____, 2019

I PURPOSE

The purpose of this Amendment to the Vaughan Official Plan 2010 (VOP 2010) is to amend the provisions of the Official Plan of the Vaughan Planning Area, specifically the Schedules of Volume 1 and the Site-Specific Policies of Volume 2, Section 13.20.

This Amendment will facilitate the following with respect to the Subject Lands identified as, "Lands Subject to Amendment No. 28" on Schedule "1" attached hereto:

1. Re-designate the lands subject to this amendment from "Natural Areas" to "Low-Rise Residential".
2. Permit a residential plan of subdivision consisting of 90 lots to be developed with detached dwelling units.
3. Include the following York Region site-specific policy:
"The southern portion of the Subject Lands may be affected by the recommendations of the Teston Road Individual Environmental Assessment ("IEA") and that a portion may be subject to the Holding Symbol "(H)" provisions under the *Planning Act*, implemented through subsequent development applications. If it is determined that the lands are not required for the Teston Road extension, the underlying land use designations identified in this Plan shall prevail, without the need for further amendment to this Plan. Subsequent development applications will need to be consistent with the findings of the approved Teston Road IEA."

II LOCATION

The lands subject to this Amendment, hereinafter referred to as the "Subject Lands", are located on the north side of the un-opened Teston Road allowance, west of Dufferin Street, known municipally as 1600 Teston Road, being Part of Lot 26, Concession 2, City of Vaughan, as shown on Schedule "1" attached hereto as "Lands Subject to Amendment No. 28."

III BASIS

The decision to amend City of Vaughan Official Plan 2010 (VOP 2010) is based on the following considerations:

1. The *Provincial Policy Statement, 2014* ("PPS") provides policy direction on matters of provincial interest related to land use planning and development. The PPS is applied province-wide and

enables development while ensuring that the resources of provincial interests, public health and safety, and the quality of the natural and built environment are protected. Settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted.

Land use patterns within settlement areas shall be based on densities and a mix of land uses which efficiently use land and resources; are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion.

The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features.

The Subject Lands are located within a defined settlement area by the PPS. The residential development achieves the intention of the Settlement Areas, Housing and Natural Heritage policies of the PPS, by making more efficient use of the Subject Lands as it minimizes land consumption, proposes a housing typology that will help meet projected housing needs, and utilizes existing servicing and infrastructure. In addition, the development will result in the long-term protection for the surrounding natural environment by bringing it into public ownership.

2. The Provincial *Growth Plan for the Greater Golden Horseshoe* ("Growth Plan") is intended to guide decision making on the development of land by encouraging compact built form, diverse land uses, and a range and mix of housing types. The Growth Plan encourages the concentration of population and employment growth within the settlement areas, and promotes the development of complete communities that offer a mix of housing types, access to local amenities, and connections to municipal water and wastewater systems.

The Growth Plan states that the forecasted population and employment growth identified will be used for planning and managing growth to the horizon of the Growth Plan, and the forecasted growth within settlement areas will be focused in delineated built-up areas; strategic growth areas; and, areas with existing or planned public service facilities.

The Growth Plan supports the achievement of complete communities that feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities; provide a diverse range and mix of housing options, including second units and affordable housing, to accommodate people at all stages of life, and to

accommodate the needs of all household sizes and incomes; and ensure the development of high quality compact built form, an attractive and vibrant public realm, including public open spaces, through site design and urban design standards.

The residential development is consistent with the policy framework envisioned by the Growth Plan by making more efficient use of the Subject Lands by incorporating a compatible form of ground related residential development within an existing built-up area, utilizing municipal services, providing a stormwater management pond and protecting for new Regional infrastructure, the extension of Teston Road.

3. The Subject Lands are located within the *Oak Ridges Moraine Conservation Plan* ("ORMCP") and are designated "Settlement Area". Development within the "Settlement Area" designation of the ORMCP shall focus and contain urban growth by minimizing the encroachment and impact of development on the ecological functions and hydrological features of the ORMCP Area and to maintain, and where feasible, restore the health, diversity, size and connectivity of key natural heritage features, hydrologically sensitive features and related ecological functions. New lots may be created in Settlement Areas subject to the policies of the ORMCP, the Owner must demonstrate that the residential development will not adversely affect the ecological integrity of the ORCMP.

The residential development conforms to the ORMCP as the lots for detached residential dwelling units are located on lands designated Settlement Area. The Owner has provided a vegetation protection zone as a separate buffer block to minimize the impacts of development on the adjacent core features and to maintain the connectivity of the natural heritage system. Both blocks will be dedicated into Public ownership to provide for the long-term protection of the surrounding natural environment.

4. The York Region Official Plan 2010 ("YROP 2010") designates the Subject Lands as "Urban Area" by Map 1 – "Regional Structure", which permits a range of residential, commercial, industrial and institutional uses, subject to additional policy criteria. The residential development conforms to the YROP 2010.

York Region has commenced the Terms of Reference for the Individual Environmental Assessment ("IEA") for the proposed Teston Road link between Keele Street and Bathurst Street. York Region, in consultation with residents, stakeholders and the general public will draft the Terms of Reference framework to guide the future IEA study. The project construction date is currently scheduled for 2026 and the Terms of Reference for the Teston Road IEA remains under review. The preferred alignment of Teston Road is being considered by York Region and all options of right-of-way

requirements are being protected. Therefore, York Region requests the implementing Official Plan Amendment include the following policy:

"The southern portion of the Subject Lands may be affected by the recommendations of the Teston Road Individual Environmental Assessment ("IEA") and that a portion may be subject to Holding Symbol "(H)" provisions under the *Planning Act*, implemented through subsequent development applications. If it is determined that the lands are not required for the Teston Road extension, the underlying land use designations identified in this Plan shall prevail, without the need for further amendment to this Plan. Subsequent development applications will need to be consistent with the findings of the approved Teston Road IEA."

5. The Subject Lands are designated "Natural Areas" by Vaughan Official Plan 2010 (VOP 2010) as identified on Schedule 13 - "Land Use" and are subject to Site-Specific Policy 13.20 of VOP 2010, Volume 2. Site-Specific Policy 13.20 states that notwithstanding Schedule 13 - "Land Use" the "Enhancement Area" policies in Section 3.2.3 of VOP 2010, Volume 1 shall apply to the Subject Lands.

Enhancement Areas are identified conceptually on Schedule 2 - "Natural Heritage Network" of VOP 2010. The Subject Lands are identified as an "Unapproved" site under consideration for Core Feature additions, Core Feature deletions or classification as an Enhancement Area. Enhancement Areas have the potential to provide additional habitat and or ecological connectivity to the Natural Heritage Network through restoration or re-naturalization. Enhancement Areas including Unapproved areas are identified as approximate on Schedule 2 and as part of development process (*Planning Act* applications) environmental studies will be conducted to determine the final location and boundary of the Enhancement Area.

In accordance with Site-Specific Policy 13.20, and the Enhancement Area policies, the Owner submitted Official Plan Amendment File OP.17.010, Zoning By-law Amendment File Z.17.026 and Draft Plan of Subdivision File 19T-17V009 (collectively, the "Applications") together with the required environmental studies in support of the Applications to re-designate the Subject Lands to "Low-Rise Residential" to permit the residential development.

VOP 2010 requires that Core Features and their related vegetation protection zone(s) be conveyed to the City and/or Toronto and Region Conservation Authority ("TRCA") as a condition of development approval. To enable comprehensive management, such features shall not be fragmented, but shall be brought into public ownership to ensure their continued protection and management.

In accordance the enhancement area policies the Applications and supporting studies have been reviewed by internal City departments and external public agencies. The City and the TRCA are satisfied with the limits of development shown on Schedule "1" attached hereto. The Subject Lands identified as "Natural Areas" on Schedule "1" attached hereto, will remain designated "Natural Areas" and will be rezoned from A Agricultural Zone to OS5 Open Space Environmental Protection Zone and dedicated into public ownership.

The Subject Lands identified as "Oak Ridges Moraine Natural Core" on Schedule "1" attached hereto, will remain designated "Oak Ridges Moraine Natural Core" and zoned OS5 Open Space Environmental Protection Zone and dedicated into public ownership.

In consideration of the above, the Development Planning Department is satisfied that the residential development is consistent with the PPS conforms with the Growth Plan, *Oak Ridges Moraine Conservation Plan*, the York Region Official Plan, VOP 2010 and is compatible with the existing land uses in the surrounding area. The conveyance of the core features and their related vegetation protection zone will ensure the continued protection and comprehensive management of the natural heritage system.

6. The statutory Public Hearing was held on January 23, 2018. The recommendation of the Committee of the Whole was to receive the Public Hearing report and to forward a comprehensive report to a future Committee of the Whole meeting, was ratified by Vaughan Council on January 30, 2018. On June 19, 2018 Vaughan Council amended and ratified the Committee of the Whole recommendation to approve Official Plan Amendment File OP.17.010, Zoning By-Law Amendment File Z.17.026 and Draft Plan of Subdivision File 19T-17V009, (Teston Sands Inc.).
7. On June 13, 2018, York Region exempted this Amendment from Regional approval, in accordance with Regional Official Plan Policy 8.3.8, as it does not adversely affect Regional planning policies or interests.
8. On July 16, 2018, the Official Plan Amendment was appealed by the Local Appeal Tribunal by the MacKenzie Ridge Ratepayers Group. The concerns of the ratepayers group was addressed through a settlement agreement that added to the proposed plan of subdivision a 10 metre wide open space landscaped buffer adjacent to the existing homes located on Georgia Crescent and Germana Place.

IV DETAILS OF THE AMENDMENT AND POLICIES RELATIVE THERETO

The Vaughan Official Plan 2010 (VOP 2010) is hereby amended by:

1. Amending Schedule 1 Urban Structure of Volume 1 of VOP 2010 by expanding the Community Areas as per Schedule "2" attached hereto;
2. Amending Schedule 2 Natural Heritage Network of Volume 1 of VOP 2010 by removing "Unapproved" area and defining the limits of Core Features as per Schedule "3" attached hereto;
3. Amending Schedule 14-C Areas Subject to Site Specific Plans of Volume 1 of VOP 2010 to include the reference to the appropriate section number in the legend as per Schedule "4" attached hereto.
4. Amending Schedule 13 Land Use of Volume 1 of VOP 2010 by re-designating the Subject Lands from "Natural Areas" to "Low-Rise Residential", in the manner shown on Schedule "1" attached hereto;
5. Amending Section 13.1 Lands Subject to Site Specific Policies by deleting policy 13.1.1.19 and substituting therefor the following policy 13.1.1.19:

“(OPA #28) 13.1.1.19 The lands known as 1600 Teston Road are identified on Schedule 14-C, as Item 19 and are subject to the policies set out in Section 13.20 of this Plan. (OPA #28)”

6. Deleting policy 13.20 1600 Teston Road and substituting therefor the following policy 13.20 1600 Teston Road:

“(OPA #28) (13.20) (1600 Teston Road)

13.20.1 General

13.20.1.1 The land use designations and the following policy shall apply to the lands identified on Map 13.20.A:

13.20.1.2 The southern portion of the Subject Lands may be affected by the recommendations of the Teston Road Individual Environmental Assessment (“IEA”) and that a portion may be subject to Holding Symbol “(H)” provisions under the *Planning Act*, implemented through subsequent development applications. If it is determined that the lands are not required for the Teston Road extension, the underlying land use designations identified in this Plan shall prevail, without the need for further amendment to this Plan. Subsequent development applications will need to be consistent with the findings of the

approved Teston Road IEA.”;

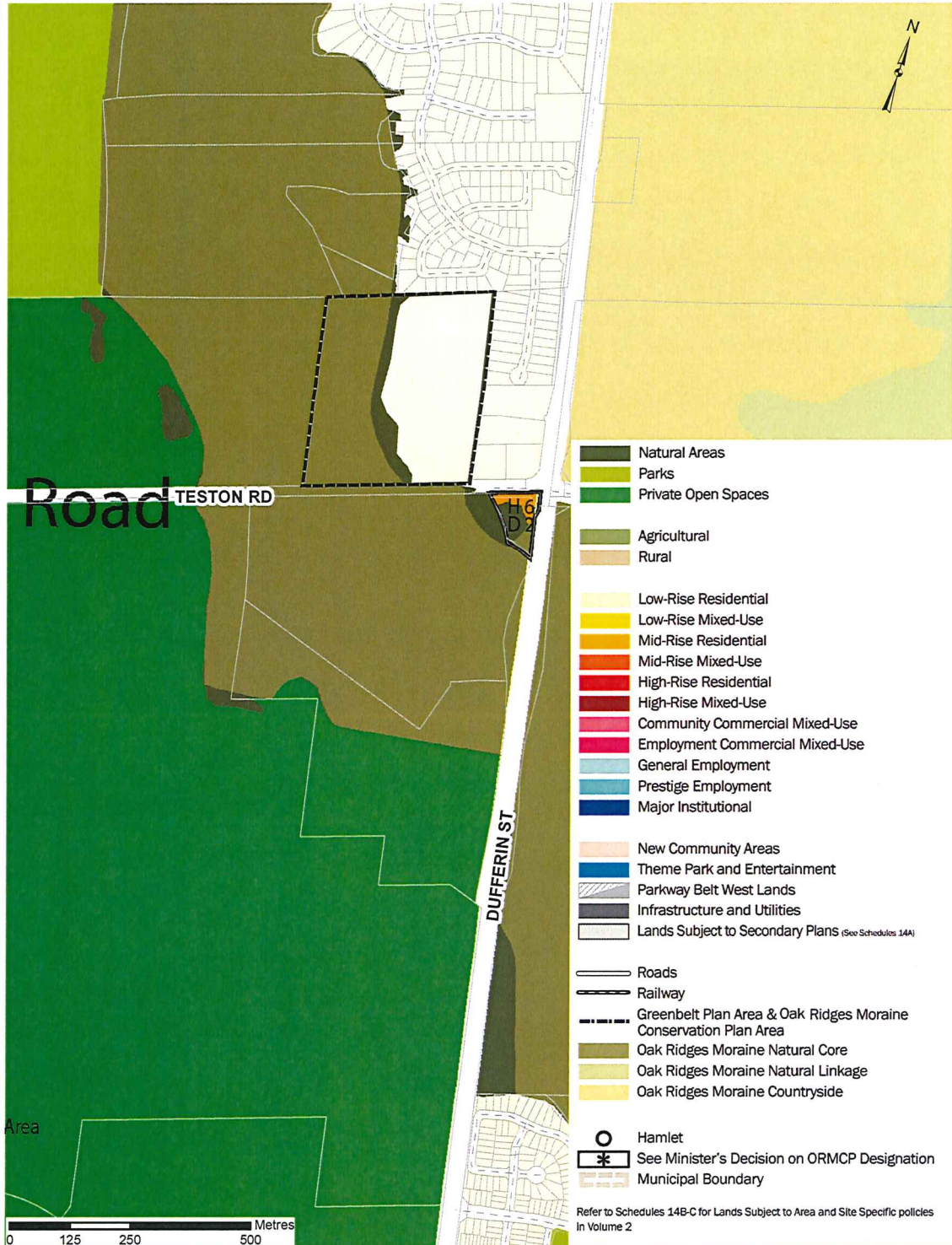
V IMPLEMENTATION

It is intended that the policies of the Official Plan of the Vaughan Planning Area pertaining to the Subject Lands shall be implemented by way of an amendment to the City of Vaughan Comprehensive Zoning By-law 1-88 and Draft Plan of Subdivision, pursuant to the *Planning Act*.

VI INTERPRETATION

The provisions of the Official Plan of the Vaughan Planning Area as amended from time to time regarding the interpretation of that Plan shall apply with respect to this Amendment.

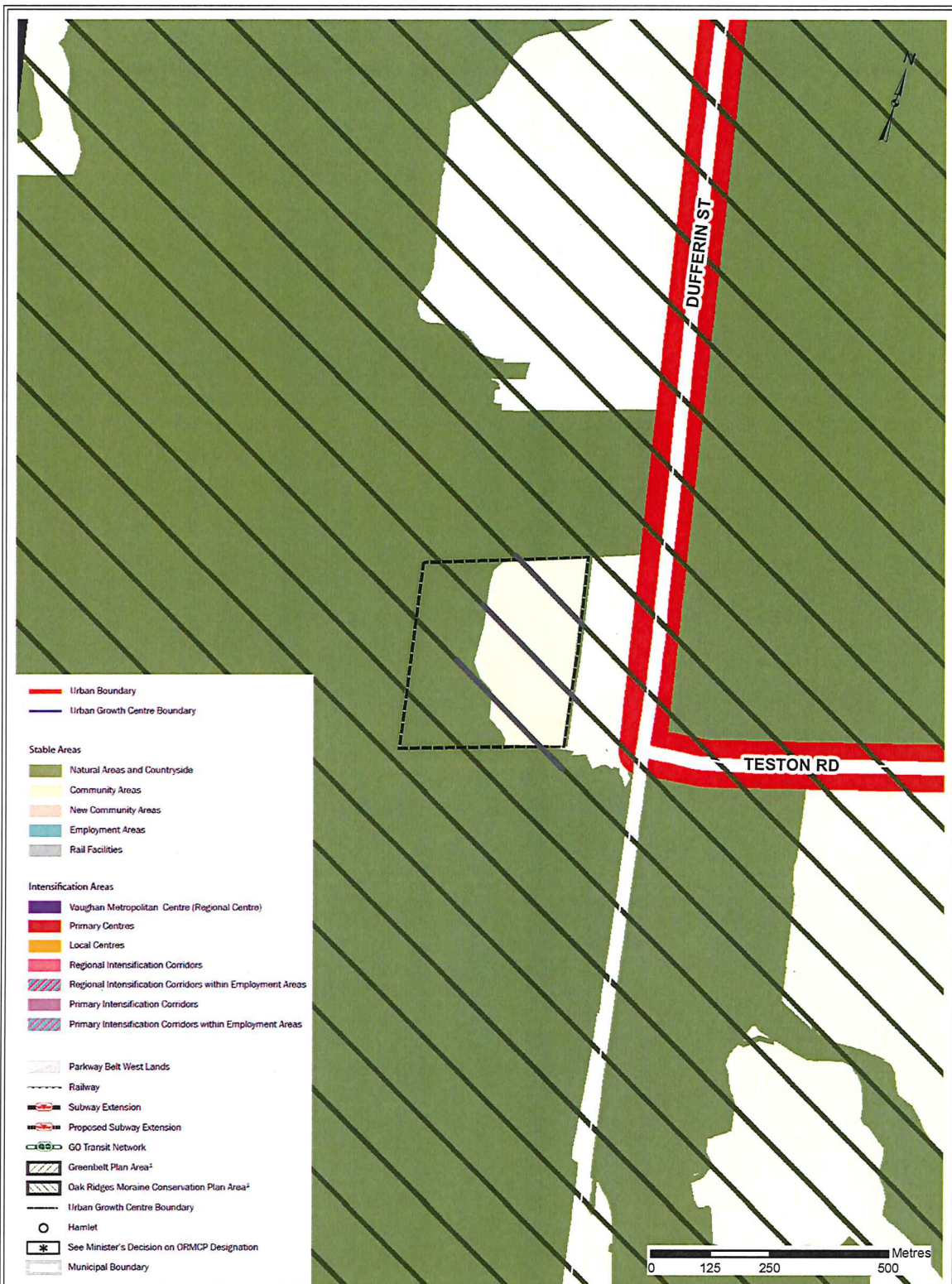
MAP 13.20.A: 1600 Teston Road



THIS IS SCHEDULE '1'
 TO OFFICIAL PLAN AMMENDMENT NO. 28
 ADOPTED THE ____ DAY OF _____, 2018

FILE: OP.17.010
 RELATED FILES: Z.17.026, 19T-17V009
 LOCATION: PART OF LOT 26, CONCESSION 3
 APPLICANT: TESTON SANDS INC.
 CITY OF VAUGHAN

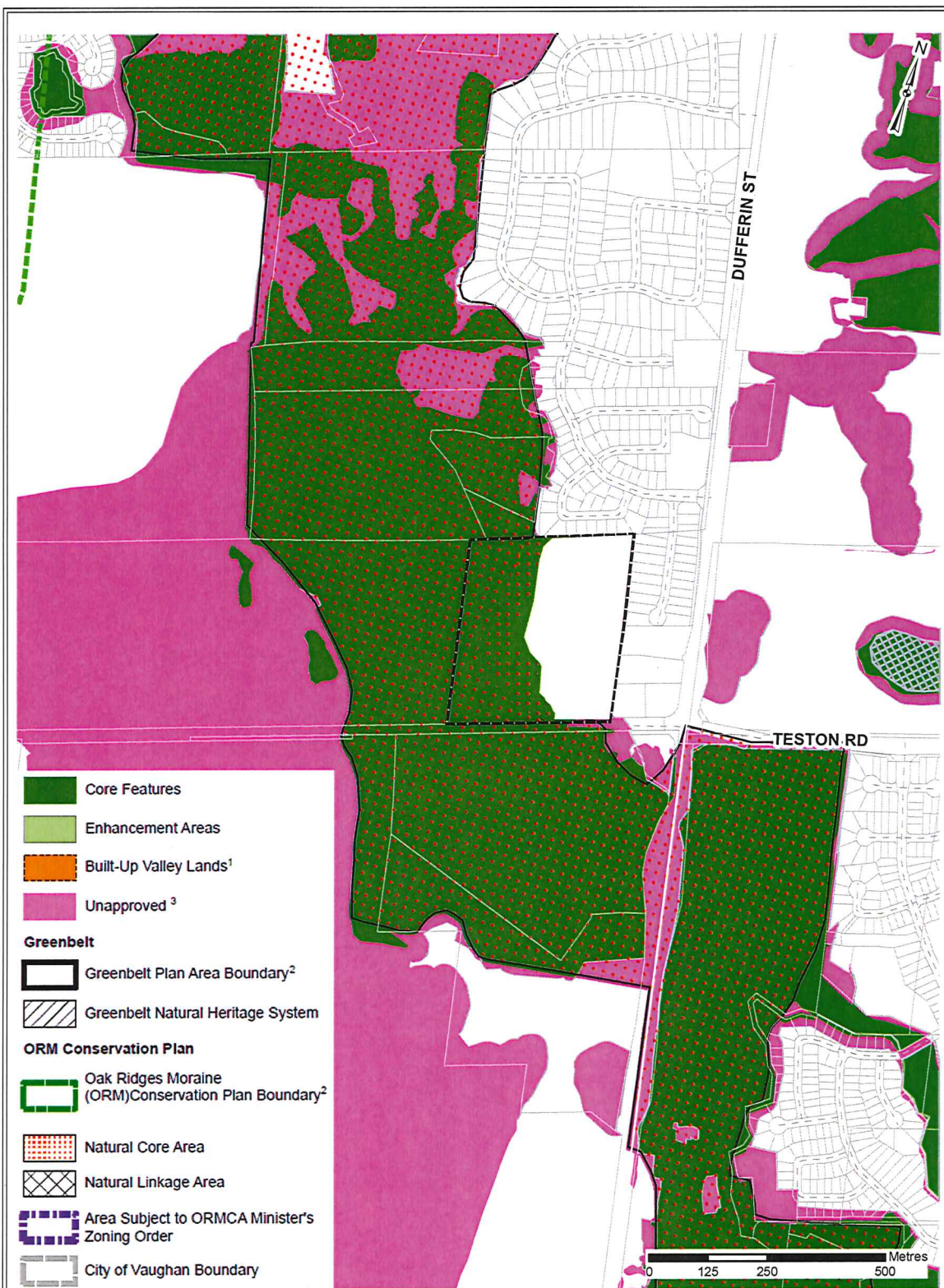

 LANDS SUBJECT TO
 AMENDMENT NO. 28



THIS IS SCHEDULE '2'
TO OFFICIAL PLAN AMMENDMENT NO. 28
ADOPTED THE ____ DAY OF _____, 2018

FILE: OP.17.010
RELATED FILES: Z.17.026, 19T-17V009
LOCATION: PART OF LOT 26, CONCESSION 3
APPLICANT: TESTON SANDS INC.
CITY OF VAUGHAN

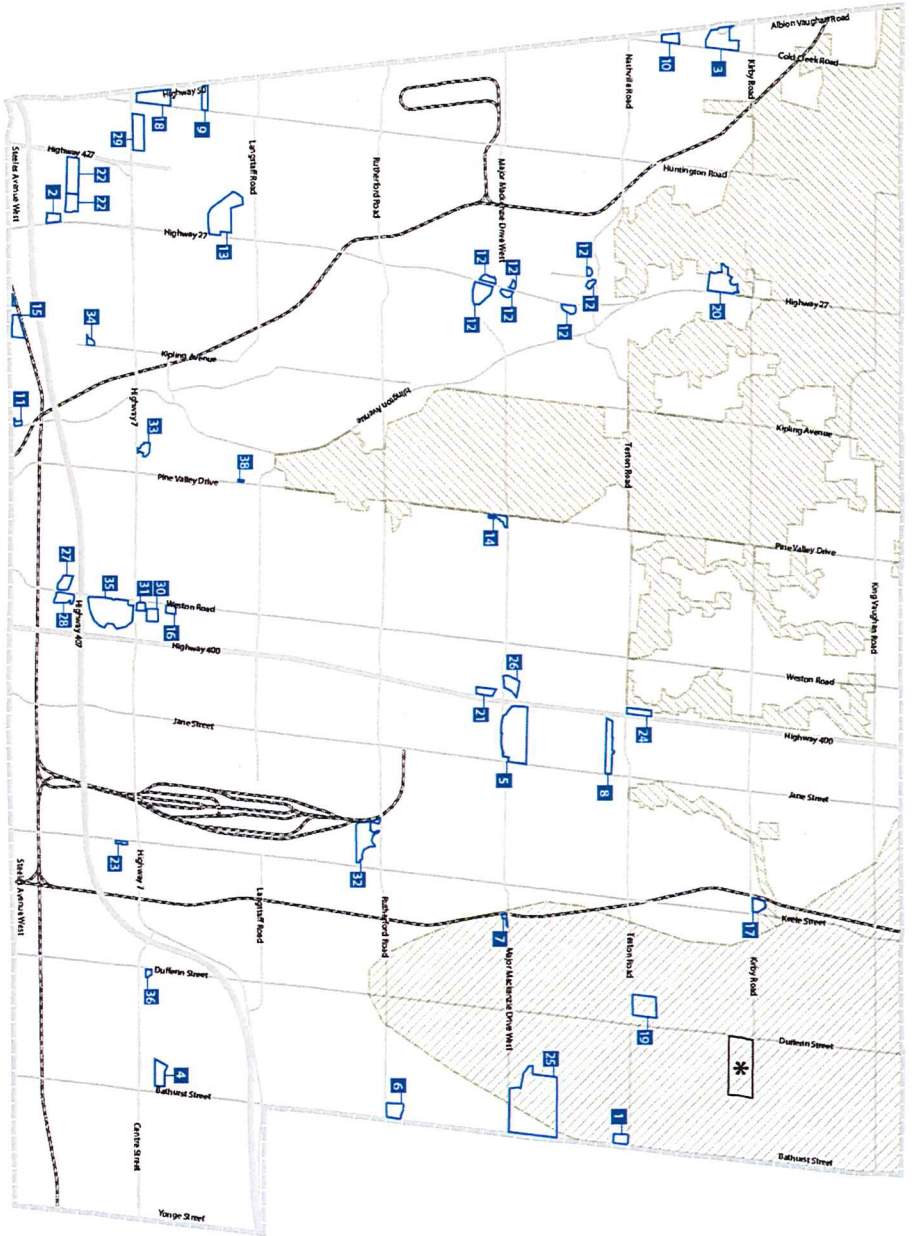

 LANDS SUBJECT TO
 AMENDMENT NO. 28



THIS IS SCHEDULE '3'
TO OFFICIAL PLAN AMMENDMENT NO. 28
ADOPTED THE ____ DAY OF _____, 2018

FILE: OP.17.010
RELATED FILES: Z.17.026, 19T-17V009
LOCATION: PART OF LOT 26, CONCESSION 3
APPLICANT: TESTON SANDS INC.
CITY OF VAUGHAN


LANDS SUBJECT TO
AMENDMENT NO. 28



(CPA #28)

FILE: OP.17.010
 RELATED FILES: Z.17.026, 19T-17V009
 LOCATION: PART OF LOT 26, CONCESSION 3
 APPLICANT: TESTON SANDS INC.
 CITY OF VAUGHAN

THIS IS SCHEDULE '4'
 TO OFFICIAL PLAN AMMENDMENT NO. 28
 ADOPTED THE _____ DAY OF _____, 2018

Document Path: N:\GIS_Archive\Law\OP17.010\OP17.010_Schedule4.mxd

Printed on: 6/14/2018

APPENDIX I

The Subject Lands are located on the north side of the un-opened Teston Road allowance, west of Dufferin Street, known municipally as 1600 Teston Road, being Part of Lot 26, Concession 2, City of Vaughan.

The purpose of this Amendment is to re-designate the Subject Lands from "Natural Areas" to "Low-Rise Residential" to facilitate a residential plan of subdivision consisting of 90 lots to be developed with detached dwelling units and to include a York Region site specific policy respecting the southern portion of the Subject Lands potentially being affected by the recommendations of the Teston Road Individual Environmental Assessment ("IEA").

On June 19, 2018, Vaughan Council ratified the June 5, 2018 recommendation of the Committee of the Whole, with amendments as set out in a Communication dated June 18, 2018, to approve Official Plan Amendment File OP.17.010, Zoning By-law Amendment File Z.17.026 and Draft Plan of Subdivision File 19T-17V009 (Teston Sands Inc.) as follows (in part):

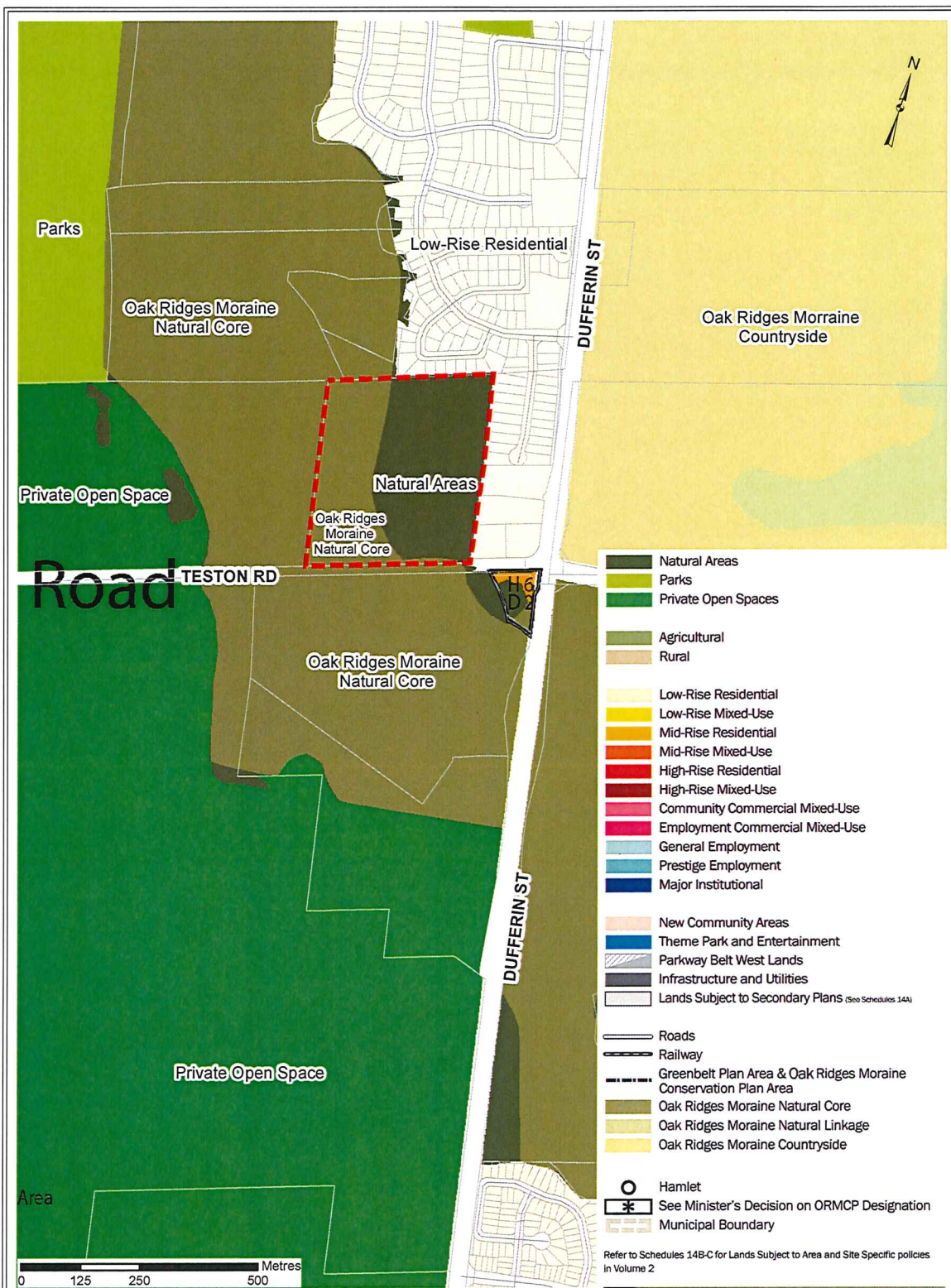
1. THAT Official Plan Amendment File OP.17.010 (Teston Sands Inc.) BE APPROVED; to amend Site-Specific Policy 13.20 (Attachment #6) of the Vaughan Official Plan 2010 (VOP 2010), Volume 2 to redesignate the Subject Lands from "Natural Areas" to "Low-Rise Residential" subject to the "Low-Rise Residential" policies of VOP 2010.
2. THAT the implementing Official Plan Amendment include the following policy to the satisfaction of York Region:

"The southern portion of the Subject Lands may be affected by the recommendations of the Teston Road Individual Environmental Assessment ("IEA") and that a portion may be subject to the Holding Symbol "(H)" provisions under the Planning Act, implemented through subsequent development applications. If it is determined that the lands are not required for the Teston Road extension, the underlying land use designations identified in this Plan shall prevail, without the need for further amendment to this Plan. Subsequent development applications will need to be consistent with the findings of the approved Teston Road IEA."
3. THAT Zoning By-law Amendment File Z.17.026 (Teston Sands Inc.) BE APPROVED; to amend Zoning By-law 1-88, to rezone the Subject Lands from "A Agricultural Zone" and "OS5 Open Space Environmental Protection Zone" to "RD1 Residential Detached Zone One", "RD3 Residential Detached Zone Three", "RD3 (H) Residential Detached Zone Three" with the Holding Symbol "(H)", OS1 (H) "Open Space Conservation Zone" with the Holding Symbol "(H)", and "OS5 Open Space Environmental Protection Zone in the manner shown on Attachment #4."
4. THAT the Holding Symbol "(H)" shall not be removed from the lands zoned "RD3(H) Detached Residential Zone Three" with the Holding Symbol "(H)" and "OS1(H) Open Space Conservation Zone" with the Holding Symbol "(H)" as shown on Attachment #4, until the following matters have been addressed to the satisfaction of the City, York Region and the Toronto and Region Conservation Authority:
 - i) For Lots 1 to 7 and Block 94 (Stormwater Management Pond) until York Region has completed the design and is satisfied the vertical and horizontal design is approved or until the Region has sufficient certainty regarding the potential alignment(s) of the Teston Road extension, or in the likelihood of its ultimate approval and construction; and,
 - ii) For Lots 46 to 56, Lots 1 to 9 and Blocks 90 and 94 until such time as the design of Teston Road has been completed and approved by York Region and until an alternative stormwater management solution which does not require these lands is approved by the City, York Region and the Toronto and Region Conservation Authority.
5. THAT the Owner be permitted to apply for a Zoning By-law Amendment application(s) or a Minor Variance Application(s) to the City and/or the Vaughan Committee of Adjustment, if required, before the second anniversary of the day on which the implementing Zoning By-law for the Subject Lands comes into effect, to permit minor adjustments to the implementing Zoning By-law.
6. THAT Draft Plan of Subdivision File 19T-17V009 (Teston Sands Inc.) as shown on Attachment #4 BE APPROVED; to facilitate a residential plan of subdivision consisting of 90 lots that would be developed with detached dwellings, subject to the Conditions of Draft Plan Approval set out in Attachment #1.
7. THAT the Subdivision Agreement for Draft Plan of Subdivision File 19T-17V009 (Teston Sands Inc.) shall contain the following clause:

- i) "The Owner shall pay to the City of Vaughan by way of certified cheque, cash-in-lieu of the dedication of parkland equivalent to 5% or 1 ha per 300 dwelling units of the value of the Subject Lands, prior to the issuance of a Building Permit, in accordance with the Planning Act and the City's Cash-in-lieu Policy. The Owner shall submit an appraisal of the Subject Lands, in accordance with Section 42 of the Planning Act, prepared by an accredited appraiser for approval by the Office of the City Solicitor, Real Estate Department, and the approved appraisal shall form the basis of the cash-in-lieu payment."

8. THAT Vaughan Council adopt the following resolution for allocation of water and sewage servicing capacity:

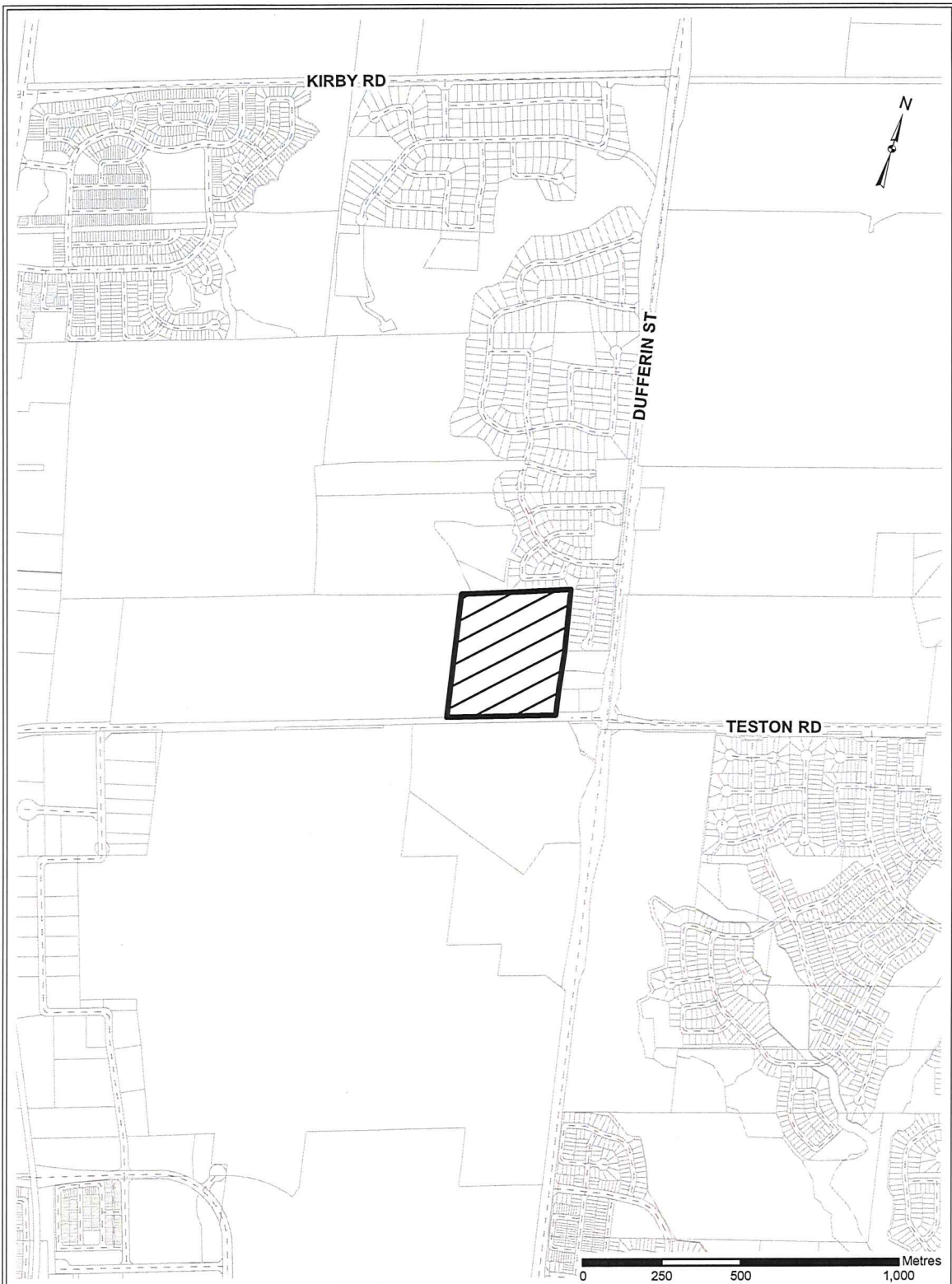
"IT IS HERBY RESOLVED THAT Draft Plan of Subdivision File 19T-17V009 (Teston Sands Inc.) be allocated servicing capacity from the York Sewage Servicing / Water Supply System for a total of 90 residential units (311 persons equivalent).



APPENDIX II EXISTING LAND USES OFFICIAL PLAN AMENDMENT NO. 28

FILE: OP.17.010
 RELATED FILES: Z.17.026, 19T-17V009
 LOCATION: PART OF LOT 26, CONCESSION 3
 APPLICANT: TESTON SANDS INC.
 CITY OF VAUGHAN


 LANDS SUBJECT TO
 AMENDMENT NO. 28



LOCATION MAP TO AMENDMENT NO. 28

FILE: OP.17.010
 RELATED FILES: Z.17.026, 19T-17V009
 LOCATION: PART OF LOT 26, CONCESSION 3
 APPLICANT: TESTON SANDS INC.
 CITY OF VAUGHAN



**LANDS SUBJECT TO
AMENDMENT NO. 28**

ATTACHMENT 2

BY-LAW NUMBER - 2019

A By-law to amend City of Vaughan By-law 1-88.

WHEREAS the matters herein set out are in conformity with the Vaughan Official Plan of the Vaughan Planning Area, which is approved and in force at this time;

AND WHEREAS there has been an amendment to the Vaughan Official Plan adopted by Council but not approved at this time, with which the matters herein set out are in conformity;

NOW THEREFORE the Council of the Corporation of the City of Vaughan ENACTS AS FOLLOWS:

- 1. That City of Vaughan By-law Number 1-88, as amended, be and it is hereby further amended by:
 - a) Rezoning the lands shown as "Subject Lands" on Schedule "1" attached hereto, from A Agricultural Zone and OS5 Open Space Environmental Protection Zone to RD1 Residential Detached Zone One, RD3 Residential Detached Zone Three, RD3 (H) Residential Detached Zone Three with the Holding Symbol "(H)", OS1 Open Space Conservation Zone, OS1 (H) Open Space Conservation Zone with the Holding Symbol "(H)", and OS5 Open Space Environmental Protection Zone in the manner shown on the said Schedule "1".
 - b) Adding the following Paragraph to Section 9.0 "EXCEPTIONS":
 - "() A. The following provisions shall apply to all lands zoned with the Holding Symbol "(H)" as shown on Schedule "E-1596 " until the Holding Symbol "(H)" is removed pursuant to Subsection 36(3) or (4) of the Planning Act and the following matters have been addressed to the satisfaction of the City, York Region and the Toronto and Region Conservation Authority:
 - i) The Holding Symbol "(H)" shall not be removed from Lots 1 to 7 and Block 94 until:
 - a. York Region has completed and approved the design of the Teston Road extension and is satisfied with the likelihood of its ultimate construction; or
 - b. York Region has sufficient certainty regarding the potential alignment(s) of the Teston Road extension, or in the likelihood of its ultimate approval and construction; and
 - ii) The Holding Symbol "(H)" shall not be removed from Lots 48 to 56, Lots 1 to 9 and Blocks 90 and 94 until such time as the design of Teston Road has been completed and approved by York Region, the temporary stormwater management pond is

decommissioned, and the ultimate stormwater management pond that interfaces with the landscape and features is constructed to the satisfaction of the City, York Region and the Toronto and Region Conservation Authority."

B. Notwithstanding the provisions of:

- a) Subsection 4.23 and 4.25 and Schedule "A3" respecting the zone standards in the RD1 Residential Detached Zone One and the RD3 Residential Detached Zone Three;

the following provisions shall apply to the lands shown as "Subject Lands" on Schedule "E-1596":

- ai) A maximum of 90 lots for detached dwellings shall be permitted;
- aii) The minimum lot frontage shall be as follows:
- 20 m for lots 26 to 28
 - 19 m for lots 16 to 20,
 - 18 m for lots 25, and 29;
 - 17 m for Lot 21;
- aiii) The minimum exterior side yard shall be 3.0 m for lots 1, 56, 57, 63, 68, 74, 75, 81, 85, and 90; and.
- aiv) The minimum interior side yard shall be 1.2 m on a lot abutting a non-residential use including a walkway, Greenway, buffer block or stormwater management pond.

c) Adding Schedule "E-1596" attached hereto as Schedule "1".

d) Deleting Key Map 3F and substituting therefore the Key Map 3F attached hereto as Schedule "2".

2. Schedules "1" and "2" shall be and hereby form part of this By-law.

Authorized by Addendum Item No. 5.35 of Report No. 21
of the June 5, 2018 Committee of the Whole
Adopted by Vaughan City Council on
June 19, 2018

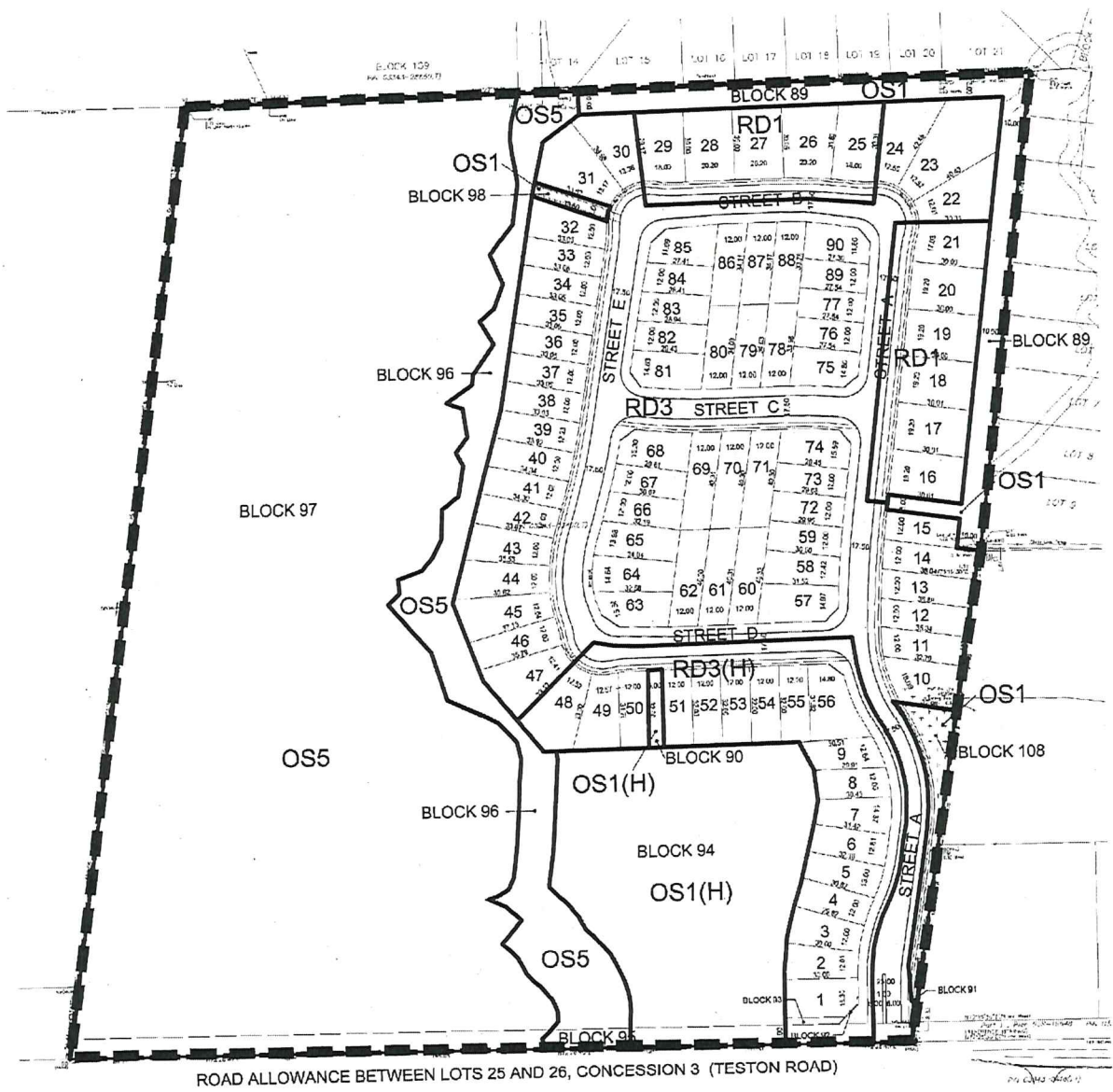
SUMMARY TO BY-LAW - 2019

The lands subject to this By-law are located on the north side of Teston Road, west of Dufferin Street, in Part of Lot 26, Concession 2, City of Vaughan.

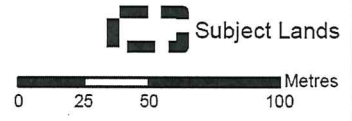
The purpose of this By-law is to rezone the subject lands from A Agricultural Zone and OS5 Open Space Environmental Protection Zone to RD1 Residential Detached Zone One, RD3 Residential Detached Zone Three, RD3 (H) Residential Detached Zone Three with the Holding Symbol "(H)", OS1 Open Space Conservation Zone, OS1 (H) Open Space Conservation Zone with the Holding Symbol "(H)", and OS5 Open Space Environmental Protection Zone.

The Holding Symbol "(H)" shall not be removed from Lots 1 to 9 and 48 to 56 and Blocks 90 and 94 until such time as the conditions prescribed by this By-law are satisfied.

This By-law also permits a maximum of 90 lots for detached dwellings and establishes a minimum lot frontage for lots 16 to 21 and lots 25 to 29 to facilitate Draft Plan of Subdivision File 19T-17V009, consisting of a maximum of 90 lots for detached dwelling units, a storm water management pond, two pedestrian connections, a core features block, a vegetation protection zone block, an open space block, public roads, reserves and a road widening.



THIS IS SCHEDULE 'E-1596'
 TO BY-LAW 1-88
 SECTION 9(1466)



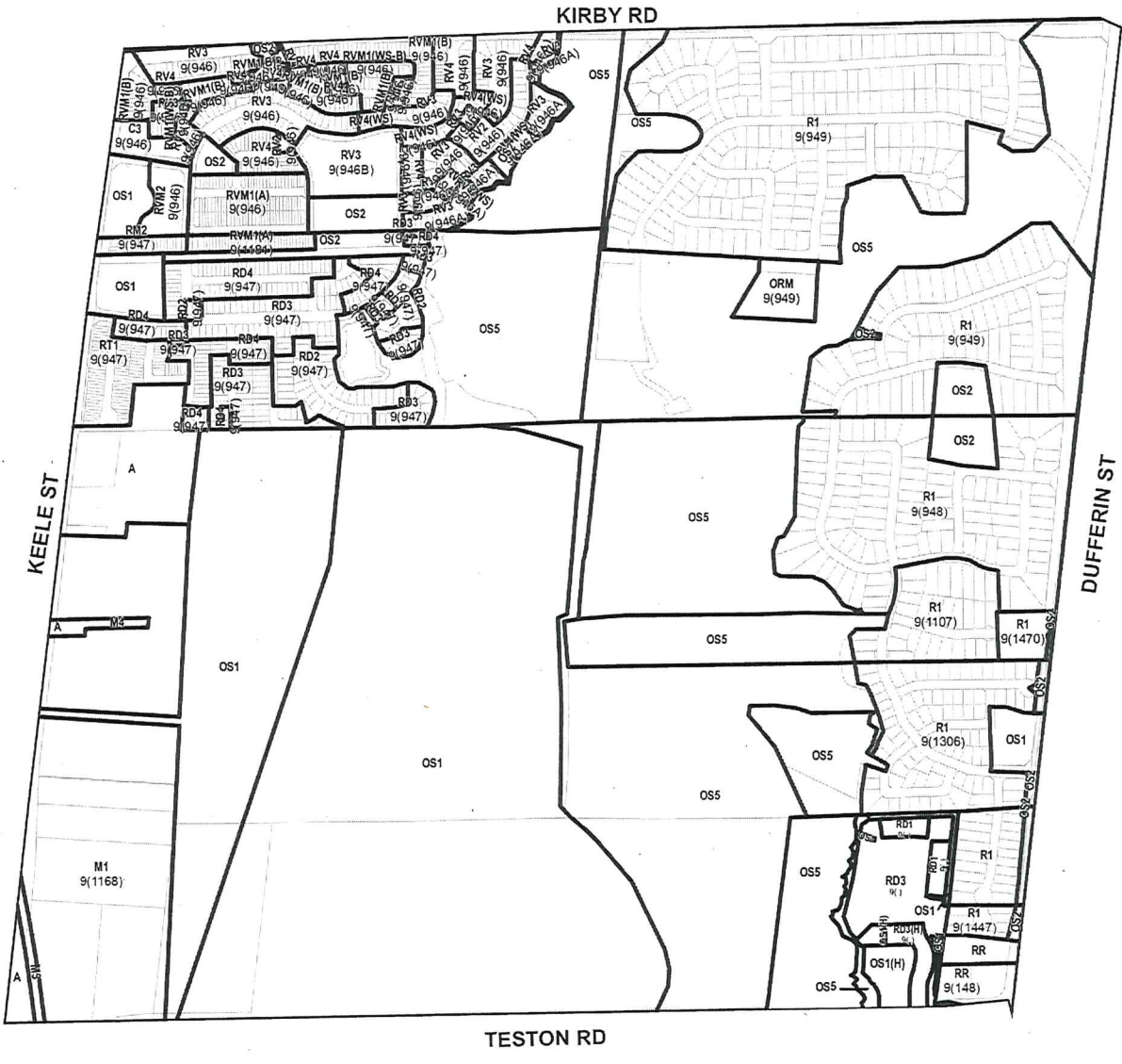
THIS IS SCHEDULE '1'
 TO BY-LAW _____-2019
 PASSED THE _____ DAY OF _____, 2019

FILE: Z.17.026
 RELATED FILES: OP.17.010, 19T-17V009
 LOCATION: PART OF LOT 26, CONCESSION 3
 APPLICANT: TESTON SANDS INC.
 CITY OF VAUGHAN

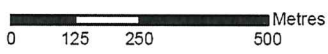
SIGNING OFFICERS

 MAYOR

 CLERK



KEY MAP 3F
BY-LAW NO. 1-88



THIS IS SCHEDULE '2'
TO BY-LAW _____-2019
PASSED THE _____ DAY OF _____, 2019

FILE: Z.17.026
RELATED FILES: OP.17.010, 19T-17V009
LOCATION: PART OF LOT 26, CONCESSION 3
APPLICANT: TESTON SANDS INC.
CITY OF VAUGHAN

SIGNING OFFICERS

MAYOR

CLERK

Local Planning Appeal Tribunal
Tribunal d'appel de l'aménagement
local



ISSUE DATE: March 16, 2020

CASE NO.: PL180665

The Ontario Municipal Board (the “OMB”) is continued under the name Local Planning Appeal Tribunal (the “Tribunal”), and any reference to the Ontario Municipal Board or Board in any publication of the Tribunal is deemed to be a reference to the Tribunal.

PROCEEDING COMMENCED UNDER subsection 17(24) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: Mackenzie Ridge Ratepayers' Association
Subject: Proposed Official Plan Amendment No. 28 (OPA 28)
Municipality: City of Vaughan
LPAT Case No.: PL180665
LPAT File No.: PL180665
LPAT Case Name: Mackenzie Ridge Ratepayers' Association v. Vaughan (City)

PROCEEDING COMMENCED UNDER subsection 34(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: Mackenzie Ridge Ratepayers' Association
Subject: By-law No. 151-2018
Municipality: City of Vaughan
LPAT Case No.: PL180665
LPAT File No.: PL180666

PROCEEDING COMMENCED UNDER subsection 51(39) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant:	Mackenzie Ridge Ratepayers' Association
Subject:	Proposed Plan of Subdivision
Property Address/Description:	1600 Teston Road/Part of Lot 26, Concession 3
Municipality:	City of Vaughan
LPAT Case No.:	PL180665
LPAT File No.:	PL180666

BEFORE:

C. CONTI)	
VICE-CHAIR)	Monday, the 16 th day of
)	
JOHN DOUGLAS)	March, 2020
MEMBER)	

THIS MATTER having come on for a motion hearing and the Tribunal, in its Decision issued on January 3, 2020 (the “Decision”), having withheld its Order related to the conditions of York Region until revised conditions are submitted or the Tribunal is informed that York Region has been satisfied;

THE TRIBUNAL ORDERS that the conditions of draft plan of subdivision approval set out in Exhibit 2, as noted in the Decision, is hereby replaced and to be substituted with the revised set of conditions – which includes the revised conditions by York Region – as set out in the manner attached to this Order as Attachment “A”;

AND THE TRIBUNAL ORDERS that the draft plan of subdivision set out in Exhibit 4, as noted in the Decision, is approved subject to the revised set of conditions as set out in the manner attached to this Order as Attachment “A”.

“Evelyn Dawes”

DEPUTY REGISTRAR

If there is an attachment referred to in this document,
please visit www.elto.gov.on.ca to view the attachment in PDF format.

Local Planning Appeal Tribunal

A constituent tribunal of Tribunals Ontario – Environment and Land Division
Website: www.elto.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

ATTACHMENT "A"

ATTACHMENT NO. 1a)

**DRAFT PLAN OF SUBDIVISION FILE 19T-17V009
("THE PLAN") TESTON SANDS INC. (THE "OWNER")
PART OF LOT 26, CONCESSION 3, CITY OF VAUGHAN**

**THE CONDITIONS OF THE COUNCIL OF THE CITY OF VAUGHAN (THE "CITY")
THAT SHALL BE SATISFIED PRIOR TO THE RELEASE FOR REGISTRATION OF
PLAN OF SUBDIVISION FILE 19T-17V009, ARE AS FOLLOWS:**

City of Vaughan Conditions

Vaughan Development Planning Department

1. The Plan shall relate to the Draft Plan of Subdivision, prepared by Lucas & Associates Consultants in Planning and Land Development, dated January 29, 2019, Revision #7.
2. The lands within this Plan shall be appropriately zoned by a zoning by-law which has come into effect in accordance with the provisions of The *Planning Act*, Particular zoning categories to be applied are as follows:
 - RD1 Residential Detached Zone One;
 - RD3 Residential Detached Zone Three;
 - RD3 (H) Residential Detached Zone Three with the Holding Symbol "H" for Lots 1 to 9 and Lots 48 to 56 and Block 90;
 - OS1 (H) Open Space Conservation Zone with the Holding Symbol "H" for Block 94; and
 - OS5 Open Space Environmental Protection Zone.

The Owner shall submit a surveyor's certificate prior to registration of the Plan to confirm compliance with lot areas, frontages and depths. Lot Frontage shall be measured in accordance with Lot Frontage as defined in Section 2.0 Definitions of the City's Zoning By-law 1-88.

3. The Owner shall pay any and all outstanding application fees to the Development Planning Department, in accordance with Tariff of Fees By-law 018-2018.
4. The Owner shall agree to create easements for maintenance purposes for all lots providing less than 1.2 m side yards, or having roof encroachments, prior to transfer of land.
5. Prior to final approval, easements required for utility, drainage and construction purposes shall be created and granted to the appropriate authority(ies), free of all charge and encumbrances.

6. The Owner shall enter into a subdivision agreement with the City to satisfy all conditions, financial or otherwise of the City, with regard to such matters as the City may consider necessary, including development charges.
7. Prior to final approval, the Owner shall provide a detailed tree preservation study to the satisfaction of the City. The study shall include an inventory of all existing trees, assessment of significant trees to be preserved and proposed methods of tree preservation based on the arborist report recommendations.
 - The study shall also include a compensation plan for all trees removed to date and for trees that will be removed as part of the inventory/preservation/removals plan;
 - The Owner shall not remove trees without written approval by the City; and
 - The Owner shall enter into a Tree Protection Agreement, which will form a condition of Draft Plan of Subdivision approval.
8. Prior to final approval, the Owner shall prepare an Urban Design Brief in accordance with the City-Wide Urban Design Guidelines.
 - The Urban Design Brief is required to demonstrate an ability to achieve the performance standards outlined in the City-Wide Urban Design Guidelines with an overall master plan; and
 - Deviations from the applicable standards are to be summarized with justification in the Urban Design Brief. Acceptance of these deviations shall be at the discretion of the City.
9. Prior to the landscape plan review by the City, a fee shall be provided by the Owner to the Development Planning Department in accordance with Council approved Tariff of Fee By-law (commencing January 31, 2018); i.e. Tariff of Fees for Vaughan Planning Applications - Landscape Plan Review.
 - This fee will include the City's review and approval of proposed streetscaping/landscaping within the Development (including but not limited to urban design guidelines, landscape master plan, architectural design guidelines, perfect submission landscape architectural drawings, stormwater management pond planting plans, natural feature edge restoration/management plans), and tree inventory/preservation/removals plans.
 - In addition, a fee will be applied for each subsequent inspection for the start of the guaranteed maintenance period and assumption of the development by the City.

10. Prior to final approval, the Owner shall prepare a Landscape Master Plan ("LMP)" which shall address, but not be limited to the following:
- Co-ordination of the urban design/streetscape elements including lot fabric, built form, fencing treatments, street tree planting, and natural heritage / open space lands;
 - Sustainability design practices/guidelines;
 - The LMP shall address the appropriate landscaping for the stormwater management pond; and
 - The LMP shall address the pedestrian urban connections between streets, built forms, natural heritage / open space lands, and the stormwater management pond.
 - The LMP shall include enhanced landscaping, plantings, and urban design/streetscape elements, within the boulevard of Street A, along the western property boundary of 1500 Teston Road, to the satisfaction of the City of Vaughan.
11. Prior to final approval, the Owner shall prepare Architectural Control Design Guidelines.
12. Prior to final approval, the Owner shall provide a buffer Block abutting the natural heritage Block in accordance with TRCA policies along residential lots.
13. Prior to final approval, the Owner shall prepare a detailed Edge Management Plan Study (the "Study") for the perimeter of the natural heritage Block. The Study shall include an inventory of all existing trees within an 8 metre zone inside the staked edges, and areas where the natural heritage Block edges are disturbed, assessment of significant trees to be preserved and proposed methods of edge management and/or remedial planting shall be included. The Owner shall not remove any vegetation without written approval by the City.
- The Owner shall provide a Study for a 20 metre zone within all staked natural heritage Block edges to the satisfaction of the TRCA and City, which identifies liability and issues of public safety and recommends woodlot/forestry management practices and removal of hazardous and all other trees as identified to be removed prior to assumption of the Plax.
14. The warning clause Council approved September 29,1997, with regard to "Tree Fees" shall be included in the subdivision agreement:
- "Purchasers are advised that the planting of trees on City boulevards in front of residential units is a requirement of the subdivision agreement. A drawing depicting the conceptual location for boulevard trees is included as a schedule in this subdivision agreement. This is a conceptual plan only and while every attempt will be made to plant trees as shown, the City reserves the right to relocate or delete any boulevard tree without further

notice.”

- “The City has not imposed an amount of a ‘Tree Fee’ or any other fee which may be charged as a condition of purchase for the planting of trees. Any ‘Tree Fee’ paid by the purchasers for boulevard trees does not guarantee that a tree will be planted on the boulevard in front or on the side of a residential dwelling.”
15. The Owner shall agree in the subdivision agreement to erect a permanent 1.5 metre-high black vinyl chain-link fence or approved equal along the limits of the residential lots that abut the natural heritage Block 97 and associated vegetation protection zone buffer Block 96.
 16. The Owner shall agree in the subdivision agreement to erect a permanent 1.5 metre high black vinyl chain-link fence or approved equal along the limits of the residential lots that abut the stormwater management pond Block 94.
 17. The Owner shall agree in the subdivision agreement to erect a permanent 1.5 metre high black vinyl chain-link fence or approved equal along the limits of the existing City Fire Station that abut the open space Block 108.
 18. The Owner shall agree in the subdivision agreement to erect permanent wood fence treatments for flanking residential Blocks; to be co-ordinated with the Environmental Noise Report and Urban Design Brief.
 19. The Owner shall convey the natural heritage Block 97, vegetation protection zone Block 96, and open space Block 108 to the TRCA free of all cost and encumbrances.
 20. The owner shall convey open space Block 89 to the City of Vaughan free from all encumbrances.
 21. The Owner shall agree to include extensive tree preservation and planting within Block 89, commensurate with the vegetation densities that currently exist and in general accordance with the Tree Preservation and Planting Plan. A Tree Preservation and Planting Plan, shall be prepared by the Owner to the satisfaction of the Deputy City Manager, Planning and Growth Management, and in consultation with the Mackenzie Ridge Ratepayers Association and the owner shall pay for a mutually agreeable arborist to review the planting plan.
 22. The owner shall relocate the current berm behind 19 Giorgina Crescent to Block 89. The relocated berm shall have a maximum height of 2.5 metres and a maximum slope of 2:1.

23. The Owner shall exercise its best efforts to avoid any grading within Block 89, with the exception of the berm described in Condition 22.
24. The Owner shall agree to pay to the City of Vaughan \$3,000.00 per year for 20 years, to be paid in a lump sum payment, for costs associated with the future maintenance of Block 89.
25. Prior to final approval, the Owner shall submit a Stage 2 Archeological Assessment and a Heritage Impact Assessment prior to any disturbance to the lands in the Plan, to the satisfaction of the City.
26. Prior to final approval, the Owner acknowledges that the City has Species at Risk within its jurisdiction, which are protected under the *Endangered Species Act*, 2007, S.O. 2007, as may be amended. The Owner is required to comply with Ministry of the Environment, Conservation and Parks (MECP) regulations and guidelines to protect these species at risk and their habitat. The Owner acknowledges that, notwithstanding any approvals made or provided by the City in respect to the Plan or the related Subdivision Agreement, the Owner must comply with the provisions of the *Act*.
27. Prior to final approval, a Pond Evaluation and Strategy should be conducted to determine the form and function of the feature to the satisfaction of the City. The implementation of the Pond Strategy shall be at the cost of the Owner.
28. Prior to final approval, the Owner shall provide an updated detailed Enhancement Area/ Compensation Plan as an Addendum to the Natural Heritage Evaluation to the satisfaction of the City.
29. Prior to final approval, the Owner shall provide an Excess Soil Management Plan to the satisfaction of the City, as per the Ministry of the Environment and Climate Change Management of Excess Soil - A Guide for Best Management Practices.
30. Prior to Plan registration, the Owner agrees to convey a Blanket Easement (the "Blanket Easement") on the whole of the Natural Heritage/Valleyland Block 97 and Buffer Block 96, for the purposes of public access and the construction and maintenance of a future public trail/walkway over the portion of the blanket easement lands.

Upon execution of the agreement, the Owner agrees to convey a Blanket Easement over the whole of Blocks 96 and 97, in favour of the City for the purposes of public access and the construction and maintenance of a future public trail/walkway and associated structures (the "Public Trail/Walkway") over a portion of Blocks 96 and/or 97. The Owner and the City agree that the Blanket

Easement shall remain on Blocks 96 and 97 until the following is under taken, to the satisfaction of the City: (i) a reference plan showing the location of the Public Trail/Walkway and associated structures on a portion of the Blanket Easement Lands, is prepared by the City and deposited on title; (ii) the Public Trail/Walkway is constructed; and (iii) an easement for the Public Trail/Walkway has been registered on title. Upon the occurrence of items (i), (ii), and (iii) the City shall register a Transfer, Release and Abandonment of the Blanket Easement.

All costs associated with the works as noted above as it relates to the Blanket Easement and transfer, release and abandonment of the Blanket Easement shall be borne by the Owner.

31. The Owner shall submit a Trail Feasibility Report, to the satisfaction of Parks Development, which is to be completed by an active transportation specialist and will include the following:
- Examines the potential trail connection from the subject lands through the adjacent valleylands/buffer Blocks and proceeding in a general northerly direction and connecting into City owned lands in the adjacent existing residential subdivision;
 - Tree Assessment/Arborist component which examines the impact of the proposed trail on vegetation and proposed Restoration Plan;
 - Geotechnical/Slope Stability component which examines slopes in the area in the context of the proposed trail connection;
 - Examines alternative trail alignments with the general goal of achieving a connection to North Maple Regional Park; taking into account the above-noted natural features and as any other natural features including wetlands;
 - Examines a trail alignment that achieve a circuitous route around Stormwater Management Pond Block 94; and
 - Total cost estimates for each trail alignment proposed.

All costs associated with the preparation of the Trail Feasibility Report shall be borne by the Owner.

32. Prior to registration of the Plan, the Owner shall design and agree to construct the following:
- Lit pedestrian walkway from Street "E" to the eastern edge of Buffer Block 98 to the satisfaction of and at no cost to the City;
 - Lit pedestrian walkway from Street "D" to the northerly edge of Stormwater Management Block 94; and
 - An open space and stormwater management pond pedestrian trail in accordance with the approved Trail Feasibility Report including portions of the trail located off the subject lands, to the satisfaction of and no cost to

the City.

The Owner will be responsible for obtaining approvals, including any associated application fees from any applicable regulatory bodies, including but not limited to the Toronto and Region Conservation Authority ("TRCA") and the Ministry of the Environment, Conservation and Parks (MECP) for the development and construction of said trail.

33. The Owner shall provide the City with a Letter of Credit totaling the complete costs to build the lit pedestrian pathways on City property (Blocks 90 and 98) and the open space/stormwater pedestrian trail, as detailed in the future approved Trail Feasibility Report, which shall be held for the estimated construction costs for the proposed site works, which shall include but is not limited to all required geotechnical reports, construction testing, surveying, and all required construction costs to build said lit path and trail. The Owner is responsible for the total cost of the design and construction of all works to complete the lit pedestrian pathway, open space pedestrian trail and associated landscape works, including but not limited to any works of a temporary nature. Portions or the total sum of the Letter of Credit may be drawn upon by the City, as necessary, to complete the above-noted pedestrian path and trail works, in the case where the Owner does not fulfil Condition No. 27 and/or if deemed necessary by the City.
34. The Owner shall erect a 1.5 metre high black vinyl chain link and a 1.8 metre high wood privacy fence abutting the walkway boundary (Blocks 90 and 98) with all fencing material, including foundations, wholly on the lot as per City Walkway Standard to delineate the boundary of the walkway and to screen the side yard amenity area on the adjacent lots (Lots 31, 32 and Lots 50, 51).
35. To meet dedication requirements under section 51.1(3) the *Planning Act*, the VOP 2010 (Section 7.3.3 Parkland Dedication) and By-law 139-90, as amended by 205-2012, payment-in-lieu of parkland shall be provided. The Vaughan Real Estate Department shall review and provide comments as required.
36. An Arborist Report shall be submitted to Transportation Services, Parks and Forestry Operations for review and advice and approval on tree compensation requirements/values, if any. Appropriate securities in the form of a Letter of Credit will be required prior to final approval, to the satisfaction of the City.
37. The following warning clauses are to be placed within all Offers of Agreement of Purchase and Sale or Lease for all lots abutting the Open Space Valleylands/Buffer and Stormwater Management Blocks (Lots 1 to 9 inclusive and Lots 30 to 56 inclusive):

Open Space Trail:

"Purchasers and/or tenants are advised that the lot abuts an open space valley and associated buffer, and are designed for naturalization and therefore, shall receive minimal maintenance."

"Purchasers and/or tenants are advised that any encroachments and/or dumping from the lot to the valley and/or open space buffer Block(s) are prohibited."

"Purchasers and/or tenants are advised that the lot abuts an open space valley and associated buffer, which may include trails and maintenance access routes and that noise and/or lighting should be expected from the use of the trail and operation and maintenance of the associated structures and facilities."

"Purchasers and/or tenants are advised that the lot abuts an open space valley space buffer within which the City or other contracted party may construct a trail in the future together with satisfactory security and safety arrangements, and that noise and/or lighting should be expected from the active use of the trail."

Stormwater Management Trail:

"Purchasers and/or tenants are advised that any encroachments and/or dumping from the lot to the stormwater management Block are prohibited."

"Purchasers and/or tenants are advised that the lot abuts a stormwater management pond Block, which may include trails and maintenance access routes and that noise and/or lighting should be expected from the use of the trail and operation and maintenance of the associated structures and facilities."

"Purchasers and/or tenants are advised that the lot abuts a stormwater management pond Block within which the City or other contracted party may construct a trail in the future together with satisfactory security and safety arrangements, and that noise and/or lighting should be expected from the active use of the trail."

38. The Owner shall enter into a subdivision agreement with the City to satisfy all conditions, financial or otherwise of the City, with regard to such matters as the City may consider necessary, including payments of development levies, the provisions of roads and municipal services, landscaping and fencing. The said agreement shall be registered against the lands to which it applies.
39. The road allowances included within this Plan shall be dedicated as public highways without monetary consideration and free of all encumbrances.

40. The road allowances included within this Plan shall be named to the satisfaction of the City and the York Region Community Planning and Development Services Department.
41. The road allowances included in the Plan shall be designed in accordance with the City's standards for road and intersection design, temporary turning circles, daylighting triangles, and 0.3 metre reserves. The pattern of streets and the layout of lots and Blocks shall be designed to correspond and coincide with the pattern and layout of abutting developments.
42. Any dead ends or open sides of road allowances created by this Plan shall be terminated in 0.3 metre reserves, to be conveyed to the City without monetary consideration and free of all encumbrances, to be held by the City until required for future road allowances or development of adjacent lands.
43. The Owner shall agree in the subdivision agreement that construction access shall be provided only in a location approved by the City and York Region.
44. Prior to final approval, a soils report prepared at the Owner's expense shall be submitted to the City for review and approval. The Owner shall agree in the subdivision agreement to carry out, or cause to carry out, the recommendations including pavement design structure for ideal and non-ideal conditions to the satisfaction of the City.
45. Prior to the initiation of grading, and prior to the registration of this Plan or any phase thereof, the Owner shall submit to the City for review and approval the following:

A detailed engineering report that describes the storm drainage system for the proposed development within this draft plan, which report shall include:

- a. plans illustrating how this drainage system will tie into surrounding drainage systems, and indicating whether it is part of an overall drainage scheme, how external flows will be accommodated, and the design capacity of the receiving system;
- b. the location and description of all outlets and other facilities;
- c. storm water management techniques which may be required to control minor or major flows; and
- d. proposed methods of controlling or minimizing erosion and siltation onsite and in downstream areas during and after construction.

- e. The report shall address the drainage of the property located at 1500 Teston Road, in order to ensure appropriate stormwater management and positive drainage, in consultation with the owner of 1500 Teston Road, to the satisfaction of the City of Vaughan.

The Owner shall agree in the subdivision agreement to carry out, or cause to carry out, the recommendations set out in any and all of the aforementioned reports to the satisfaction of the City.

46. The Owner shall agree in the subdivision agreement that no Building Permits will be applied for or issued until the City is satisfied that adequate road access, municipal water supply, sanitary sewers, and storm drainage facilities are available to service the Plan.
47. Prior to final approval of the Plan, the Owner shall pay its proportionate share of the cost of any external municipal services, temporary and/or permanent built or proposed, that have been designed and oversized by others to accommodate the development of the Plan.
48. Prior to final approval of the Plan, the Owner shall make the necessary arrangements at the expense of the Owner for the relocation of any utilities required by the development of the Plan to the satisfaction of the City.
49. The Owner shall agree in the subdivision agreement to design, purchase material and install a streetlighting system in the Plan in accordance with City Standards and specifications. This Plan shall be provided with decorative streetlighting to the satisfaction of the City.
50. The Owner shall agree that all lots or Blocks to be left vacant shall be graded, seeded, maintained and signed to prohibit dumping and trespassing.
51. The Owner shall agree in the subdivision agreement to maintain adequate chlorine residuals in the watermains within the Plan after successful testing and connection to the potable municipal water system and continue until such time as determined by the City or until assumption of the Plan. In order to maintain adequate chlorine residuals, the Owner will be required to retain a licensed water operator to flush the water system and sample for chlorine residuals on a regular basis determined by the City. The Owner shall be responsible for the costs associated with these activities including the metered consumption of water used in the program.
52. The Owner shall cause the following warning clauses to be included in a

schedule to all offers of Purchase and Sale, or Lease for all lots/Blocks within the entire Plan:

- (a) "Purchasers and/or tenants are advised that proper grading of all lots in conformity with the Subdivision Grading Plans is a requirement of this subdivision agreement.

The City has taken a Letter of Credit from the Owner (Subdivision Developer) for the security to ensure all municipal services including, but not limited to lot grading, are constructed to the satisfaction of the City. Direct cash deposit from the Purchasers to the City and/or Owner, for lot grading purposes, is NOT a requirement of this subdivision agreement. The City of Vaughan does not control the return of such deposits and purchasers/tenants must direct inquiries regarding this return to their vendor/landlord."

- (b) "Purchasers and/or tenants are hereby put on notice that the Telecommunications Act and the 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."

- (c) "Purchasers and/or tenants are advised that driveway widths and curb cut widths are governed by City of Vaughan By-law 1-88, as amended, as follows:

- a) The maximum width of a driveway shall be 6 metres measured at the street curb, provided circular driveways shall have a maximum combined width of 9 metres measured at the street curb.
- b) Driveway in either front or exterior side yards shall be constructed in accordance with the following requirements:

Lot Frontage	Maximum Width of Driveway
6.0 - 6.99m ¹	3.5m
7.0 - 8.99m ¹	3.75m
9.0 - 11.99m ¹	6.0m
12.0m and greater ²	9.0m

¹The Lot Frontage for Lots between 6.0 – 11.99m shall be comprised of a

Minimum of 33% Landscaped Front or Exterior side yard and a minimum sixty percent (60%) of the Minimum Landscaped Front or Exterior side yard shall be soft landscaping in accordance with Paragraph 4.1.2.

²The Lot Frontage for Lots 12.0m and greater shall be comprised of a Minimum of 50% Landscaped Front or Exterior side yard and a minimum sixty percent (60%) of the Minimum Landscaped Front or Exterior side yard shall be soft landscaping in accordance with Paragraph 4.1.2."

- (d) "Purchasers and/or tenants are advised that mail delivery will be from a designated community mailbox as per requirements dictated by Canada Post. The location of the mailbox shall be shown on the community plan provided by the Owner in its Sales Office."
- (e) "Purchasers and/or tenants are advised that despite the inclusion of noise control features within both the development area and the individual building units, noise levels, including from construction activities, may be of concern and occasionally interfere with some activities of the building occupants."
- (f) "Purchasers and/or tenants are advised that fencing and/or noise attenuation features along the lot lines of lots and Blocks abutting public lands, including public highway, laneway, walkway or other similar public space, is a requirement of this subdivision agreement and that all required fencing and barriers shall be constructed with all fencing materials, including foundations, completely on private lands and totally clear of any 0.3m reserve, as shown on the Construction Drawings.
- (g) "The City has taken a Letter of Credit from the Owner for security to ensure all fencing including, but not limited to privacy fencing, chain link fencing and acoustic fencing, are constructed to the satisfaction of the City. Direct cash deposit from the Purchasers to the City and/or Owner, for fencing, is not a requirement of this subdivision agreement."
- (h) "Purchasers and/or tenants are advised that fencing along the lot lines of Lots and Blocks abutting public lands is a requirement of this subdivision agreement and that all required fencing, noise attenuation feature and barriers shall be constructed with all fencing materials, including foundations, completely on private lands and totally clear of any 0.3 metre reserve, as shown on the Construction Drawings.

The maintenance of the noise attenuation feature or fencing shall not be the responsibility of the City, or York Region and shall be maintained by the Owner until assumption of the services of the Plan. Thereafter the

maintenance of the noise attenuation feature or fencing shall be the sole responsibility of the lot Owner. Landscaping provided on York Region Road right-of-ways by the Owner or the City for aesthetic purposes shall be approved by the Region and maintained by the City with the exception of the usual grass maintenance."

- (i) "Purchasers and/or tenants are advised that this plan of subdivision is designed to include rear lot catchbasins. The rear lot catchbasin is designed to receive and carry only clean stormwater. It is the home Owner's responsibility to maintain the rear lot catchbasin in proper working condition by ensuring that the grate is kept clear of ice, leaves and other debris that would prevent stormwater from entering the catchbasin. The rear lot catchbasins are shown on the Construction Drawings and the location is subject to change without notice."
- (j) "Purchasers and/or tenants are advised that the Owner (Subdivision Developer) has made a contribution towards recycling containers for each residential unit as a requirement of this subdivision agreement. The City has taken this contribution from the Owner to off-set the cost for the recycling containers, therefore, direct cash deposit from the Purchasers to the Owner for recycling containers purposes is not a requirement of the City of Vaughan. The intent of this initiative is to encourage the home Purchasers to participate in the City's waste diversion programs and obtain their recycling 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."

Any additional warning clause as noted in the subdivision agreement shall be included in all Offers of Purchase and Sale or Lease for all Lots and/or Blocks within the Plan to the satisfaction of the City.

- 53. The Owner acknowledges that permit approval must be obtained from the TRCA with respect to all lots and blocks that are within the TRCA's regulatory jurisdiction pursuant to Ontario Regulation 166/06.
- 54. The Owner acknowledges that the final engineering design(s) may result in minor variations to the Plan (e.g. in the configuration of road allowances and lotting, number of lots etc.), which may be reflected in the final Plan to the satisfaction of the City.
- 55. The Owner shall agree in the subdivision agreement to revise the Plan to incorporate the recommendation of the approved Individual Environmental Assessment ("IEA") for Teston Road, if required, to the satisfaction of the City and York Region.

56. The Owner shall agree in the subdivision agreement that a Holding Zone "(H)" shall be placed on Lots 1 to 9 and Lots 48 to 56 until the design of Teston Road has been completed and approved by York Region, the ultimate pond on Block 94 is constructed and the temporary pond is decommissioned to the satisfaction of the City.
57. The Owner shall agree in the subdivision agreement to construct a temporary road from Dufferin Street to the proposed Plan at the Owner's cost as per approved Construction Drawings and to the satisfaction of the City and York Region.
58. The Owner acknowledges that the alignment of Street "A" from Teston Road to Street 'D' may change as a result of the outcome of the Individual Environmental Assessment ("IEA") for Teston Road. The Owner shall agree in the subdivision agreement to design and reconstruct Street "A", the cost shall be secured through a Letter of Credit based on cost estimate, to the satisfaction of the City.
59. The Owner acknowledges that all infrastructure constructed along the temporary access road and along Street "A" from Teston Road to Street "D" may require relocation, replacement, decommissioning to accommodate the ultimate design for Teston Road. The Owner shall agree in the subdivision agreement to relocate the necessary infrastructure, the cost shall be secured through a Letter of Credit based on cost estimates, to the satisfaction of the City.
60. The Owner shall agree in the subdivision agreement to submit sightline analyses for the intersection of Teston Road and Street "A" and provide all necessary mitigation measures to ensure that adequate sightlines are available, when the design of Teston Road has been completed and approved by York Region.
61. The Owner shall agree in the subdivision agreement to remove the existing Cul- De-Sac on Teston Road external to the Plan for the temporary Teston Road extension to Street "A" and reinstate the road at the Owner's cost in accordance with the approved Construction Drawings and to the satisfaction of the City.
62. Prior to final approval of the Plan and/or commencement of construction within the Plan, the Owner shall submit a detailed Geotechnical report to the satisfaction of the City. The report shall consider the impact of the extensive proposed filling to support the proposed municipal right-of-ways and include monitoring for future road settlements.
63. The Owner shall provide Geotechnical certification for any engineered fill or retaining wall to support the proposed municipal roads or stormwater management facilities within Plan. The Owner shall be responsible for all costs

associated with the engineered fill or retaining wall solution, including costs and security associated with proposed future removal of the temporary solution.

64. The Owner shall agree in the subdivision agreement to convey a temporary easement at intersection of Teston Road and Street "A" within Block 94 for the purpose of grading to support Street "A" until such time Block 94 is conveyed to the City.
65. The Owner shall convey Block 95 for future road and temporary access to Street "A" to the City or York Region free of all charge and encumbrances.
66. The Owner shall agree in the subdivision agreement to construct a temporary pond per City Standards within Lots 8, 9, 48 to 56, Block 90 and partially on Block 94 at the Owner's cost as per the approved Construction Drawings and to the satisfaction of the City.
67. The Owner shall agree in the subdivision agreement to construct the ultimate pond on Block 94 per City Standards and decommission the temporary pond located on Lots 8, 9, 48 to 56, Block 90 and partially on Block 94, when the design of Teston Road has been completed and approved by York Region at the Owner's cost as per the approved Construction Drawings and to the satisfaction of the City. The cost shall be secured through a letter of credit based on cost estimates, to the satisfaction of the City.
68. The Owner shall convey Blocks 90 and 94 to the City for stormwater management purposes, free of all costs and encumbrances, when the design of Teston Road has been completed and approved by York Region, to the satisfaction of the City.
69. The Owner shall convey an easement within Lots 8, 9, 48 to 56, Block 90 and part of Block 94 to the City for temporary stormwater management purposes, free of all costs and encumbrances, to the satisfaction of the City.
70. The Owner shall agree in the subdivision agreement that prior to the conveyance of Block 94 all existing structures located on Blocks 96 and 94 shall be demolished to the satisfaction of the City.
71. The Owner shall agree in the subdivision agreement to convey any lands and/or easements, free of all costs and encumbrances, to the City that are necessary to construct the municipal services for the Plan, which may include any required easements and/or additional lands within and/or external to the Draft Plan, to the satisfaction of the City.
72. Prior to final approval, or prior to the initiation of grading or stripping of topsoil, whichever comes first, the Owner shall submit an Erosion and Sedimentation

Control Plan, including topsoil storage plan, detailing the location, size, side slopes, stabilization methods and time period, for approval by the City; topsoil storage shall be limited to the amount required for final grading with the excess removed from the site.

73. Prior to the initiation of the grading or striping of top soil and final approval, the Owner shall submit a top soil storage Plan detailing the location, size, slopes stabilization methods and time period, for the review and approval by the City. Top soil storage shall be limited to the amount required for final grading, with the excess removed from the site, and shall not occur on the either park or school Blocks.
74. Prior to final approval, the Owner shall not remove any vegetation or topsoil or start any grading of the lands, without a fill permit issued by the City, and a development agreement, if necessary.
75. The Owner shall cause the following to be displayed on the interior wall of the sales office, information approved by the City of Vaughan, prior to offering any units for sale, to be monitored periodically by the City, and no Building Permit shall be issued for a sales office or model home, or a residential unit until such information is approved by the City of Vaughan:
 - a. the Neighbourhood Plan for the broader area, showing surrounding land uses, arterials/highways, railways and hydro lines etc.;
 - b. the location of street utilities, community mailboxes, entrance features, fencing and noise attenuation features, together with the sidewalk plan approved in conjunction with draft plan approval;
 - c. the location of parks, open space, stormwater management facilities and trails;
 - d. the location of institutional uses, including schools, places of worship, community facilities;
 - e. the location and type of commercial sites;
 - f. colour-coded residential for townhouses; and
 - g. the following notes in BOLD CAPITAL TYPE on the map:

"For further information, on proposed and existing land uses, please call or visit the City of Vaughan Development Planning Department, at 2141 Major Mackenzie Drive, (905) 832-8585."

"For detailed grading information, please call the developer's engineering consultant, (name) at ".

"This map is based on information available as of (date of map), and may be revised or updated without notification to purchasers."
[In such circumstances, the Owner is responsible for updating the

map and forwarding it to the City for verification.]

76. Where the Owner proposes to proceed with the construction of a model home(s) prior to registration of the Plan, the Owner shall enter into an agreement with the City, setting out the conditions, and shall fulfill relevant conditions of that agreement prior to issuance of a Building Permit.
77. The Owner shall prepare a noise report at the Owner's expense and shall be submitted to the City for review and approval. The Owner shall agree in the subdivision agreement to carry out, or cause to carry out, the noise consultant recommendations in the report to the satisfaction of the City.
78. The Owner shall agree in the subdivision agreement to revise the noise report and amend the subdivision agreement if additional noise attenuation is required to the satisfaction of the City.
79. Prior to final approval of the Plan, the Trustee for Block 12 shall provide the City with a letter indicating that the Owner has fulfilled all cost sharing and other obligations of the Block 12 Land Owners Cost Sharing Agreement.
80. Prior to final approval of the Plan, a Water Supply Analysis Report shall be submitted to the satisfaction of the City which shall include a comprehensive water network analysis of the water distribution system and shall demonstrate that adequate water supply for the fire flow demands is available for the Plan.
81. Prior to final approval of the Plan and/or commencement of construction within the Plan, the Owner shall submit a detailed Stormwater Management Report to the satisfaction of the City.
82. Any proposed road allowances, road widening, and daylight corners on the Plan shall be dedicated as public highway on the final plan for registration to the satisfaction of the City and free of all encumbrances.
83. Prior to final approval of the Plan and/or commencement of construction within the Plan, the Owner shall submit a detailed hydrogeological impact study for the review and approval of the City that identifies, if any, local wells that may be influenced by construction and, if necessary, outline a monitoring program to be undertaken before, during and after construction of the subdivision.
84. Prior to final approval of the Plan, and/or any conveyance of land, and/or any initiation of grading or construction, the Owner shall submit the Environmental Site Assessment ("ESA") Phase 1 Report and if required, Phase 2 Report and the Remedial Action Plan for the lands within the Plan, in accordance with the Ontario Regulation 153/04, "Soil, Ground Water and Sediment Standards" for Use Under Part XV.1 of the Environmental Protection Act. In addition, for park

Blocks and open space Blocks, a Phase II Environmental Site Assessment ("ESA") report is to be carried out in accordance with the "Guideline Phase II Environmental Assessment, Proposed Parkland, City of Vaughan" and submitted to the City for review and approval.

85. The Owner shall agree in the subdivision agreement to include following warning statements, in wording satisfactory to the City, in all agreements of Purchase and Sale/or tenants within the Plan:
- a) gate of access point:
 - "Purchasers and/or tenants are advised that the installation of any gate of access point from the lot/Block to the walkway is prohibited."
 - b) Teston Road:
 - "Purchasers and/or tenants are advised that York Region has Plans to widen and reconstruct Teston Road between Dufferin Street and Keele Street, which may impact the intersection of Teston Road and Street "A", including reconstruction, road closures, delays, etc."
 - c) potential transit route:
 - "Purchasers and/or tenants are advised that Teston Road may be used as transit routes in the future."
 - d) Landfill:
 - "Purchasers and/or tenants are advised that the City of Toronto owned and operated a landfill within 4 kilometres of the property and the facility is now closed and will be redeveloped into a passive park."
 - e) Oak Ridges Moraine:
 - "Purchasers and/or tenants are advised that the Plan lies within the boundary of the Oak Ridges Moraine as defined through the Oak Ridges Moraine Conservation Plan 2017."
 - f) abutting any open space, woodlot or stormwater facility:
 - "Purchasers and/or tenants are advised that the adjacent open space, woodlot or stormwater management facility may

be left in a naturally vegetated condition and receive minimal maintenance."

g) Fire Station:

- "Purchasers and/or tenants are advised that the Lands about a Fire Station and the emergency response of the facility could impact their living environment due to the noise, lighting and 24/7 nonstop service."
86. Prior to final approval of the Plan, the City and York Region shall confirm that adequate water supply and sewage treatment capacity are available and have been allocated to accommodate the proposed development.
 87. Prior to initiation of grading or stripping of topsoil and prior to final approval of the Plan, the Owner shall prepare and implement a detailed erosion and sedimentation control plan(s) addressing all phases of the construction of the municipal services and house building program including stabilization methods, topsoil storage locations and control measures to the satisfaction of the City. The Owner shall prepare the erosion and sediment control plan(s) for each stage of construction (pre-stripping/earthworks, pre-servicing, post-servicing) in accordance with the TRCA Erosion and Sediment Control Guidelines for Urban Construction, dated December 2006 and implement a monitoring and reporting program to the satisfaction of the City.
 88. The Owner shall agree in the subdivision agreement to decommission any existing wells and driveways on the Plan in accordance with all applicable provincial legislation and guidelines and to the satisfaction the City.
 89. The Owner shall agree in the Subdivision Agreement to carry out, or cause to carry out, the recommendations set out in any and all of the aforementioned reports to the satisfaction of the City.
 90. That all homes within the proposed subdivision shall be sprinklered under National Fire Protection Association ("NFPA") 13D residential sprinkler design.
 91. The Owner shall enter into an Agreement with York Region and the City of Vaughan acknowledging that all liability and maintenance responsibilities associated with the temporary road shall be the responsibility of the Owner.

TRCA Conditions

Planning

1. That this draft plan of subdivision be subject to red-line revision(s) in order to meet the requirements of TRCA's conditions of draft plan approval

(Conditions 2 through 21 inclusive) in TRCA's letter dated May 14, 2018 as amended May 17, 2019), if necessary, to the satisfaction of TRCA.

2. That prior to any development, pre-servicing or site alteration, or registration of this plan or any phase thereof, the Owner shall submit to the satisfaction of TRCA:
 - a. Address all outstanding issues as itemized in Appendix 'B', as may be amended, of TRCA's May 14, 2018 letter to the satisfaction of TRCA;
 - b. The draft plan of subdivision shall be red-line revised to include the natural core feature at the southern limit of the site (depicted in Natural Heritage Evaluation prepared by Savanta, revised March 2018) in a natural heritage/open space block (Block XX) with a 10 meter vegetation protection zone/buffer block (Block YY) to the satisfaction of TRCA;
 - c. The Planning Justification Report prepared by Lucas & Associates., revised April 2018 be amended to reflect any changes or revisions to the Draft Plan in response to the conditions of detailed design;
3. That the implementing zoning by-law recognize the Open Space (Block 108), Natural Heritage Blocks (Blocks 97 and XX) and Buffer Blocks (Blocks 96 and YY) in an open space, or other suitable environmental zoning category, which has the effect of prohibiting development and structural encroachment, and ensuring the long term preservation of the lands in perpetuity, to the satisfaction of TRCA.
4. The implementing zoning by-law zone Lots 1 to 9 inclusive and Lots 46 to 56 inclusive and the Stormwater Management Block (Block 94) be subject to a Holding Symbol "(H)" to the satisfaction of TRCA. Removal of the Holding Symbol "(H)" from the subject lands, or a portion thereof, shall be contingent on the following:
 - a. The Owner shall confirm, to the satisfaction of TRCA, the ultimate stormwater management pond is set back sufficiently from the significant valley, significant woodlands, regulated natural heritage and hazard features and is designed in a manner which conforms with current standards and guidelines, MNRF (where applicable) and Ontario Regulation 160/06, as may be amended, and that Lots 1 to 9 inclusive, Lots 46 to 56 inclusive and SWM Block (Block 94), as

- amended, are not needed for stormwater management purposes.
- b. The Owner shall confirm, to the satisfaction of TRCA, that Lots 46 through 48 inclusive are set back 10m from the Long Term Stable Slope Line.
5. That the implementing zoning by-law be prepared to the satisfaction of TRCA.

Water Resources

6. That prior to any development, pre-servicing or site alteration, or registration of this plan or any phase thereof, the Owner shall submit a detailed engineering report (or reports) and plans to the satisfaction of TRCA in accordance with:
 - Functional Servicing & Stormwater Management Report, prepared by Schaeffers Consulting Engineers, dated April 2018;
 - Hydrogeological Investigation (Wellhead protection areas and water balance) proposed residential development: 1600 Teston Road., prepared by Sirati & Partners Consultants Ltd., dated revised April 27, 2018 and
 - Additional Slope Stability Investigation: Proposed Residential Development 1600 Teston Road., prepared by Sirati & Partners Consultants Ltd., dated April 27, 2018,

as may be amended, to the satisfaction of TRCA and the City of Vaughan. This submission shall include:

- a. A description of the storm drainage system (quantity, quality, water balance, and erosion control) for the proposed development of the subject lands, and how it will comply with all related TRCA requirements;
- b. Plans illustrating how this drainage system will tie into surrounding drainage systems, i.e., identifying if it is part of an overall drainage scheme, how external flows will be accommodated, the design capacity of the receiving system;
- c. Appropriate stormwater management techniques which may be required to control minor and major flows;
- d. Appropriate Stormwater Management Practices (SWMPs) to be used to treat stormwater, to mitigate the impacts of development on the quality and quantity of ground and surface water resources as it relates to the natural system, both aquatic and terrestrial. This is to include a feature based water balance for all surface water and ground water receptors such that the existing timing, duration, volume and frequency of flows to the wetland, watercourse and woodlands are maintained in the post development scenario. Further, water

- quality and water temperature standards (as directed by MNRF to sustain Redside Dace habitat) will be required should a point source of discharge be directed to the wetland/riverine system;
- e. Appropriate SWMPs to be used to treat stormwater, to mitigate the impacts of development on the erosion and siltation on-site and/or downstream areas and/or discharge to wetland areas during and after construction, in accordance with current Erosion and sediment Control (ESC) guidelines utilized by the TRCA. ESC plans and an ESC report must address phasing and staging, demonstrate how impacts to the NHS (both aquatic and terrestrial) will be minimized and contingency measures will be implemented.
 - f. Appropriate SWMPs to be used to treat stormwater, to mitigate the impacts of development on the overall site water balance to meet the pre-development water budget, as it relates to natural features surrounding the site, including the pond in the southwest corner of the study area.;
 - g. Detailed plans and calculations for the proposed lot-level, conveyance, and end-of-pipe controls to be implemented on the site;
 - h. Proposed measures to mitigate the potential erosive impacts of development on the natural system, both on and off-site;
 - i. Proposed measures to ensure the integrity of stormwater management pond berms and to determine the need for a liner to limit seepage/piping and groundwater intrusion into the berms for both interim and ultimate stormwater management ponds;
 - j. Geotechnical analyses to ensure the integrity of stormwater management pond berms and to determine the need for a liner to limit seepage/piping and groundwater intrusion into the berms for both interim and ultimate stormwater management ponds;
 - k. Proposed measures to promote infiltration and maintain water balance for the plan in accordance with the Hydrogeological Investigation (Wellhead protection areas and water balance)-1600 Teston Road, prepared by Sirati & Partners Consultants Ltd., revised April 27, 2018, as may be amended, to the satisfaction of TRCA and the City of Vaughan;
 - l. Proposed measures to maintain feature-based water balance and to mitigate impacts to those natural features that have been assessed to be potentially impacted by the development;
 - m. A subsurface investigation (including assessment of groundwater levels) at the location of the stormwater management pond and for the final design of site grading. The recommendations of the subsurface assessment will be used to inform the final design and construction plans for both interim and ultimate stormwater management ponds and overall site grading;

- n. An evaluation that addresses the need for groundwater dewatering during construction, including but not limited to details for its disposal, potential impacts to natural features due to groundwater withdrawal, mitigation and any permitting requirements;
- o. Grading plans for the subject lands. Cut and fill is to be minimized to the greatest extent possible to ensure ORMCP landform conservation. These plans must indicate how grade differentials will be accommodated without the use of retaining walls within or adjacent to natural feature blocks or associated environmental buffers;
- p. All applicable plans illustrating that all works, including all grading, site alterations, construction staging, or materials associated with these activities, will not encroach or be placed on lands owned by the TRCA, City of Vaughan, or lands to be conveyed to a public agency as part of this plan of subdivision or on environmental lands adjacent to this plan of subdivision;
- q. Grading cross-sections and details across the site, including but not limited to existing and proposed grades, limits of the natural features and hazards, buffers, stormwater management pond, transition to the adjacent tableland areas/lots, interim stabilization of the slopes/disturbed areas, mitigation, tree protection, sediment and erosion controls, and supporting geotechnical/soils analyses for both interim and ultimate stormwater management ponds;
- r. No grading shall be permitted within any Natural Heritage Feature. Grading encroachment within the established environmental buffers (as determined on a site by site basis) shall not be permitted unless otherwise agreed upon by the City and the TRCA. All areas to be protected must be effectively isolated through fencing or other appropriate measures prior to any site alteration being initiated.
- s. All slopes be designed at a stable incline, without the use of retaining walls (to the greatest extent possible), and with all due consideration for TRCA's Healthy Soil Guidelines within all buffer areas. All slopes are to be restored with a robust planting plan, consistent with TRCA's planting guidelines, and to the satisfaction of TRCA;
- t. An erosion and sediment control report and plans for the subject lands that includes proposed measures for controlling or minimizing erosion and siltation on-site and/or in downstream areas during and after construction;
- u. The sizing, location and description of all outlets and/or flow dispersal measures associated with stormwater management discharge, be designed to incorporate TRCA's design guidelines. This includes: regard for additional enhancements to water quality, quantity control, mitigation of thermal impacts to the receiving habitat, reduced

potential erosion and maximize potential infiltration, and integrate naturalized outlet channels or constructed wetlands where applicable, to the satisfaction of TRCA.

7. That prior to topsoil stripping and prior to the registration of this plan or any phase thereof, the Owner shall submit a detailed engineering report and plans to the satisfaction of TRCA for any proposed topsoil stripping in the plan area. This submission shall include:
 - a. Detailed plans illustrating the topsoil stripping proposal, including but not limited to the locations, staging and methodology; and
 - b. An erosion and sediment control report and plans for the subject lands that includes proposed measures for controlling or minimizing erosion and siltation on-site and/or in downstream areas during and after topsoil stripping.

Ecology

8. That prior to any development, pre-servicing or site alteration, or registration of this plan or any phase thereof, that the Natural Heritage Evaluation, prepared by Savanta revised March 2018., be amended to reflect the January 29, 2019 version of the Draft Plan and any subsequent changes or revisions to the Draft Plan in response to the conditions of detailed design to the satisfaction of TRCA.
9. That prior to any development, pre-servicing or site alteration, or registration of this plan or any phase thereof, the Owner provide confirmation that the Ministry Environment, Conservation and Parks (MECP) has no objection to the interim or ultimate sizing and design of the SWMPs.
10. That prior to topsoil stripping and prior to the registration of this plan or any phase thereof, the Owner prepare a tree protection and preservation plan for the site to the satisfaction of TRCA.
11. That prior to the registration of this plan or any phase thereof, a strategy and associated plans be prepared by the Owner for the decommissioning, modification and/or enhancement of the existing on-line pond within Natural Heritage Block 97 and Buffer Block 96 and Road Widening Block 95 inclusive to the satisfaction of TRCA. This strategy will assess the technical feasibility and design considerations associated with the decommissioning, modifying and/or enhancing the on-line pond, including but not limited to phasing, staging,

grading, design of the natural corridor, tie in to lands not owned by the Owner, relationship to grading on adjacent lots and blocks, crossings, floodplain management, meander belt accommodation, maintenance of groundwater and surface water flows to the system both during and after construction, wildlife usage and needs, wildlife rescue, sediment and erosion control implementation and maintenance, restoration, long-term monitoring and maintenance, lifespan analysis of the weir, public liability, permit requirements, and securities. This strategy and plans will be developed in consultation with and to the satisfaction of TRCA. The Owner shall implement the final approved strategy and associated plans to the satisfaction of TRCA or, in the alternative, the Owner shall provide TRCA funds to implement the final approved strategy and associated plans.

12. That prior to the registration of this plan or any phase thereof, the Owner prepare comprehensive edge management plans/restoration planting plans to the satisfaction of TRCA for the Open Space (Block 108), Natural Heritage Blocks (Block 97 and XX) and Buffer Blocks (Blocks 96 and YY and any other buffer blocks as amended) in conformance with current practices.
13. That prior to site alteration or registration of this plan or any phase thereof, that all stormwater outlets and outflow channels be naturalized, be designed to incorporate TRCA's design guidelines, and be designed to provide additional enhancements to water quality, quantity control, thermal mitigation, and habitat to the satisfaction of TRCA. Off-line wetlands, riparian plantings, flow dispersal measures, micro-topography creation and similar measures shall be employed where feasible to the satisfaction of TRCA to achieve these objectives.
14. That prior to the registration of this plan or any phase thereof, the Owner prepare comprehensive landscape restoration plans within Stormwater Management Block (Block 94) to the satisfaction of TRCA, addressing:
 - a. TRCA's current Stormwater Management Pond Planting Guidelines
 - b. Slope stabilization and loss of core valley feature

Trails

15. That prior to the registration of this plan or any phase thereof, the Owner prepare a report that assesses the technical feasibility of creating pedestrian connections through TRCA lands to the North and ultimately to the proposed North Maple Regional Park, external to the plan area. This report will be completed in consultation with and to the satisfaction of TRCA and the City of Vaughan.

16. That prior to the registration of this plan or any phase thereof, the Owner prepare a trail plan and details to the satisfaction of TRCA and the City of Vaughan for areas within the Open Space Buffer (Block 96) and Walkway Block (Block 98) and other lands as determined through the technical feasibility report.

Land Assumption

17. That prior to the registration of this plan or any phase thereof, the Owner prepare a plan that addresses the removal and restoration of historical, man-made intrusions in the Open Space (Block 108), Natural Heritage Blocks (Blocks 97 and XX) and Buffer Blocks (Block 96 and YY) to the satisfaction of TRCA, which must include but is not limited to the removal of all structures, decommissioning of wells, paths, culverts, fences, debris, etc. and the restoration of these areas to a natural state.
18. That the Open Space (Block 108), Natural Heritage Blocks (Blocks 97 and XX) and Buffer Blocks (Block 96 and YY) be dedicated to TRCA or the City of Vaughan, free of all charges and encumbrances, to the satisfaction of TRCA.

Final Approvals

19. That prior to the registration of this plan or any phase thereof, the Owner obtain all necessary permits from TRCA pursuant to the Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation (Ontario Regulation 166/06), as may be amended, to the satisfaction of TRCA.
20. That the Owner provide a copy of the approved implementing zoning by-law to TRCA, when available, to facilitate the clearance of conditions of draft plan approval.
21. That the Owner agrees in the subdivision agreement, in wording acceptable to TRCA:
 - a. To carry out, or cause to be carried out, to the satisfaction of TRCA, the recommendations of the reports/strategies and details of the plans referenced in TRCA's conditions of draft plan approval;
 - b. To install and maintain all stormwater management and erosion and sedimentation control structures operating and in good repair during the construction period, in a manner satisfactory to TRCA;
 - c. To implement all water balance/infiltration measures identified in the water balance study and feature based water balance that is to be

completed for the subject property;

- d. To obtain all necessary permits from TRCA pursuant to the Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation (Ontario Regulation 166/06), as may be amended, to the satisfaction of TRCA;
- e. To comply with the permits approved under Ontario Regulation 166/06, as may be amended, including the approved plans, reports and conditions to the satisfaction of TRCA;
- f. To erect a permanent fence to the satisfaction of the TRCA on all lots and blocks abutting lands to be conveyed to the public authority, prior to occupancy of any homes within that lot or block.
- g. To implement water quality and temperature monitoring for any storm water outfall or clean water collection system discharging to the watercourse in order to ensure that the design criteria and habitat needs of Redside Dace are met by the selected storm water treatment train.
- h. To prohibit grading works within the Open Space (Block 108), Natural Heritage Blocks (Blocks 97 and XX) and Buffer Blocks (Block 96 and YY) unless approved by TRCA;
- i. To prohibit retaining walls in or adjacent to the Open Space (Block 108), Natural Heritage Blocks (Blocks 97 and XX), Buffer Blocks (Block 96 and YY) and Stormwater Management Block (Block 94) unless approved by TRCA; and
- j. Prior to the issuance of any building permit on Lots 1 to 90 inclusive, shown on Draft Plan of Subdivision 19T-17V009, Part of Lot 26, Concession 3, City of Vaughan, Regional Municipality of York, prepared by Lucas & Associates, dated January 29, 2019, the Owner demonstrates to the satisfaction of TRCA that the grading and stabilization of all disturbed areas on and adjacent to the referenced lots and blocks has been implemented pursuant to the TRCA approved plans. This will include, but is not limited to the submission of as-built drawings, site photos, inspection/monitoring reports and written certification by the consulting engineer, ecologist and/or other professionals as deemed necessary by TRCA to the satisfaction of

TRCA.

22. That the Owner provide a copy of the fully executed subdivision agreement to TRCA, when available, in order to expedite the clearance of conditions of draft plan approval.

**Schedule of Conditions
19T-17V09 (SUBP.17.V.0035)
1600 Teston Road
Part of Lot 26, Concession 3
(Teston Sands Inc.)
City of Vaughan**

Re: Lucas & Associates, dated January 29, 2019

Conditions to be Included in the Subdivision Agreement

1. The Owner shall save harmless the City of Vaughan and York Region from any claim or action as a result of water or sanitary sewer service not being available when anticipated.
2. York Region has commenced the Terms of Reference for the Individual Environmental Assessment (IEA) for Teston Road. Project construction delivery date is currently scheduled for 2026. Therefore, the Owner acknowledges and agrees to the following:
 - a) The results of the Teston Road IEA have to be accommodated in the subdivision plan.
 - b) Revisions to the draft plan of subdivision may be required to incorporate the recommendations of the approved IEA for Teston Road. These revisions shall be in conformity with the recommendations of the approved environmental assessment.
 - c) A Holding Provision shall be placed on Lots 1 to 7 and Block 94 (Stormwater Management) until the Region has completed the design and is satisfied the vertical and horizontal design is approved or until the Region has sufficient certainty regarding the potential alignment(s) of the Teston Road extension, or in the likelihood of its ultimate approval and construction.
 - d) The temporary road constructed from the proposed subdivision to Dufferin Street, including the section that fronts Lots 1 to 7, shall be at the Owner's cost and risk. The Region will not provide DC Credit for any works and will not be responsible for the maintenance or liability associated with the temporary roads.
 - e) Any infrastructure constructed under the temporary Teston Road that requires relocating to accommodate the Region's ultimate design for Teston Road will be at the developer's cost. This cost will be secured through a letter of credit based on cost estimates calculated by the Region.
 - f) Should the Region, in their opinion, incur significant additional costs to maintain vehicular and emergency access to the subdivision as part of the ultimate construction of Teston Road, the Owner will be responsible for the additional cost. This cost will be secured through the same letter of credit noted e) above based on cost estimates calculated by the Region.
 - g) The Region will not assume the temporary roads and will not be responsible for the maintenance or liability of the temporary roads servicing the subdivision.

19T-17V09 (SUBP.17.V.0035)

Page 2

3. The Owner shall agree in wording satisfactory to Development Engineering, to implement the noise attenuation features as recommended by the noise study and to the satisfaction of Development Engineering.
4. The Owner shall agree in wording satisfactory to Development Engineering, that where berm, noise wall, window and/or oversized forced air mechanical systems are required, these features shall be certified by a professional engineer to have been installed as specified by the approved Noise Study and in conformance with the Ministry of Environment guidelines and the York Region Noise Policy.
5. The following warning clause shall be included with respect to the lots or blocks affected:

"Purchasers are advised that despite the inclusion of noise attenuation features within the development area and within the individual building units, noise levels will continue to increase, occasionally interfering with some activities of the building's occupants".
6. Where noise attenuation features will abut a York Region right-of-way, the Owner shall agree in wording satisfactory to York Region's Development Engineering, as follows:
 - a) That no part of any noise attenuation feature shall be constructed on or within the York Region right-of-way;
 - b) That noise fences adjacent to York Region roads may be constructed on the private side of the 0.3 metre reserve and may be a maximum 2.5 metres in height, subject to the area municipality's concurrence;
 - c) That maintenance of the noise barriers and fences bordering on York Region right-of-way shall not be the responsibility of York Region
7. The Owner shall convey the lands identified in the Region's approved IEA to York Region for public highway purposes, free of all costs and encumbrances, to the satisfaction of York Region Solicitor. This will include but is not limited to widenings to satisfy a planned 36.0m right of way, additional widenings for the purpose of auxiliary lanes, 15.0m daylight triangles at proposed intersections and temporary or permanent grading easements.
8. The Owner shall agree in wording satisfactory to Development Engineering, to be responsible to decommission any existing wells on the owner's lands in accordance with all applicable provincial legislation and guidelines and to the satisfaction of the area municipality.
9. The Owner shall agree in wording satisfactory to Development Engineering that the Owner will be responsible for determining the location of all utility plants within York Region right-of-way and for the cost of relocating, replacing, repairing and restoring any appurtenances damaged during construction of the proposed site works. The Owner must review, or

19T-17V09 (SUBP.17.V.0035)

Page 3

ensure that any consultants retained by the Owner, review, at an early stage, the applicable authority's minimum vertical clearances for aerial cable systems and their minimum spacing and cover requirements. The Owner shall be entirely responsible for making any adjustments or relocations, if necessary, prior to the commencement of any construction.

Conditions to be Satisfied Prior to Final Approval

10. The road allowances included within the draft plan of subdivision shall be named to the satisfaction of the City of Vaughan and York Region.
11. York Region shall confirm that adequate water supply and sewage capacity are available and have been allocated by the City of Vaughan for the development proposed within this draft plan of subdivision or any phase thereof. Registration of the plan of subdivision shall occur in phases based on the availability of water supply and sewage servicing allocation.
12. The Owner shall provide an electronic set of the final engineering drawings showing the watermains and sewers for the proposed development to the Community Planning and Development Services Division and the Infrastructure Asset Management branch for record.
13. The Owner shall have prepared, by a qualified professional transportation consultant, a functional transportation report/plan outlining the required road improvements for this subdivision. The report/plan, submitted to Development Engineering for review and approval, shall explain all transportation issues and shall recommend mitigative measures for these issues. The report will include a TDM Plan and assess the feasibility of providing a pedestrian and cycling connection to the existing community on the north side to have access to the existing community park.
14. Concurrent with the submission of the subdivision servicing application (MOE) to the area municipality, the Owner shall provide a set of engineering drawings, for any works to be constructed on or adjacent to the York Region road, to Development Engineering, Attention: Manager, Development Engineering, that includes the following drawings:
 - a) Plan and Profile for the York Region road and intersections;
 - b) Grading and Servicing;
 - c) Intersection/Road Improvements, including the recommendations of the Traffic Report;
 - d) Construction Access Design;
 - e) Utility and underground services Location Plans;
 - f) Signalization and Illumination Designs;
 - g) Line Painting;
 - h) Traffic Control/Management Plans;
 - i) Erosion and Siltation Control Plans;
 - j) Landscaping Plans, including tree preservation, relocation and removals;
 - k) Requirements of York Region Transit/Viva

19T-17V09 (SUBP.17.V.0035)

Page 4

15. The Owner shall demonstrate, to the satisfaction of Development Engineering that elevations along the streetline shall be 0.2 metres above the centreline elevations of the York Region roadway, unless otherwise specified by Development Engineering.
16. The Owner shall submit drawings depicting the following to the satisfaction of York Region staff:
 - a) All existing woody vegetation within the York Region road right-of-way,
 - b) Tree protection measures to be implemented on and off the York Region road right-of-way to protect right of way vegetation to be preserved,
 - c) Any woody vegetation within the York Region road right of way that is proposed to be removed or relocated. However, it is to be noted that tree removal within York Region road right-of-way shall be avoided to the extent possible/practical. Financial or other compensation may be sought based on the value of trees proposed for removal.
 - d) A planting plan for all new and relocated vegetation to be planted within the York Region road right of way, based on the following general guideline:
 - e) Tree planting shall be undertaken in accordance with York Region standards as articulated in Streetscaping Policy and using species from the York Region Street Tree Planting List. These documents may be obtained from the Forestry Section. If any landscaping or features other than tree planting (e.g. flower beds, shrubs) are proposed in the York Region right-of-way by the Owner or the area municipality for aesthetic purposes they must be approved by Development Engineering and shall be maintained by the area municipality with the exception of the usual grass maintenance,
 - f) For landscape features not maintained to York Region's satisfaction, the area municipality will be responsible for the cost of maintenance or removal undertaken by the Region.
17. The Owner shall engage the services of a consultant to prepare and submit for review and approval, a noise study to the satisfaction of Development Engineering recommending noise attenuation features.
18. The Owner shall provide a solicitor's certificate of title in a form satisfactory to York Region Solicitor, at no cost to York Region with respect to the conveyance of the lands identified in the Region's approved IEA to York Region.
19. The Region requires the Owner submit a Phase One Environmental Site Assessment ("ESA") in general accordance with the requirements of the Environmental Protection Act and O. Reg. 153/04 Records of Site Condition, as amended ("O. Reg. 153/04"). The Phase One ESA must be for the Owner's property that is the subject of the application and include the lands to be conveyed to the Region (the "Conveyance Lands"). The Phase One ESA cannot be more than two (2) years old at: (a) the date of submission to the Region; and (b) the date title to the Conveyance Lands is transferred to the Region. If the originally submitted Phase One ESA is or would be more than two (2) years old at the actual date title of the Conveyance Lands is transferred to the Region, the Phase One ESA will need to be either

updated or a new Phase One ESA submitted by the Owner. Any update or new Phase One ESA must be prepared to the satisfaction of the Region and in general accordance with the requirements of O. Reg. 153/04. The Region, at its discretion, may require further study, investigation, assessment, delineation and preparation of reports to determine whether any action is required regardless of the findings or conclusions of the submitted Phase One ESA. The further study, investigation, assessment, delineation and subsequent reports or documentation must be prepared to the satisfaction of the Region and in general accordance with the requirements of O. Reg. 153/04. Reliance on the Phase One ESA and any subsequent reports or documentation must be provided to the Region in the Region's standard format and/or contain terms and conditions satisfactory to the Region.

The Region requires a certified written statement from the Owner that, as of the date title to the Conveyance Lands is transferred to the Region: (i) there are no contaminants of concern, within the meaning of O. Reg. 153/04, which are present at, in, on, or under the property, or emanating or migrating from the property to the Conveyance Lands at levels that exceed the MOECC full depth site condition standards applicable to the property; (ii) no pollutant, waste of any nature, hazardous substance, toxic substance, dangerous goods, or other substance or material defined or regulated under applicable environmental laws is present at, in, on or under the Conveyance Lands; and (iii) there are no underground or aboveground tanks, related piping, equipment and appurtenances located at, in, on or under the Conveyance Lands.

The Owner shall be responsible for all costs associated with the preparation and delivery of the Phase One ESA, any subsequent environmental work, reports or other documentation, reliance and the Owner's certified written statement.

20. The Owner shall demonstrate, to the satisfaction of Development Engineering that Street "A" shall be designed to intersect Teston Road at a right angle, or on a common tangent.
21. The Owner shall demonstrate, to the satisfaction of Development Engineering, that the throat width of Street "A" shall be designed to accommodate the recommendations of the transportation report approved by York Region.
22. The Owner shall demonstrate, to the satisfaction of Development Engineering, that pedestrian access to Teston Road shall be provided from Street "A".
23. The intersection of Street "A" and Teston Road shall be designed to the satisfaction of Development Engineering with any interim or permanent intersection works including turning lanes, profile adjustments, illumination and/or signalization as deemed necessary by Development Engineering.
24. The Owner shall demonstrate, to the satisfaction of Development Engineering, that all local underground services will be installed within the area of the development lands and not within York Region's road allowance. If a buffer or easement is needed to accommodate the

19T-17V09 (SUBP.17.V.0035)

Page 6

local services adjacent to York Region's right-of-way, then the Owner shall provide a satisfactory buffer or easement to the Area Municipality, at no cost to the Region.

25. The Owner shall provide a copy of the Subdivision Agreement to the Regional Corporate Services Department, outlining all requirements of the Corporate Services Department.
26. The Owner shall enter into an agreement with York Region, agreeing to satisfy all conditions, financial and otherwise, of the Regional Corporation; Regional Development Charges are payable in accordance with Regional Development Charges By-law in effect at the time that Regional development charges, or any part thereof, are payable.
27. The Regional Corporate Services Department shall advise that Conditions 1 to 26 inclusive, have been satisfied.

Attachment #1 d)



CANADA POST
1860 MIDLAND AVE 2ND FL
SCARBOROUGH, ON M1P 5A1
CANADAPOST.CA

POSTES CANADA
1860 AV MIDLAND
SCARBOROUGH, ON M1P 5A1
POSTESCANADA.CA

September 29, 2017

Vaughan Planning Department
2141 Major Mackenzie Dr
Vaughan, ON L6A 1T1

To: Christina Napoli

Re: 19T-17V009
Related Files: Z.17.026, OP.17.010
1600 Teston Rd – TESTON SANDS
96 detached residential lots
Ward 1

Canada Post Corporation appreciates the opportunity to comment on the above noted plan and it is requested that the developer be notified of the following:

In order to provide mail service to the development, Canada Post requests that the owner/developer comply with the following conditions:

- ⇒ The owner/developer will consult with Canada Post to determine suitable locations for the placement of Community Mailboxes and to indicate these locations on appropriate servicing plans.
- ⇒ The owner/developer agrees, prior to offering any of the residential units for sale, to place a "Display Map" on the wall of the sales office in a place readily available to the public which indicates the location of all Canada Post Community Mailbox site locations, as approved by Canada Post and the City of Toronto.
- ⇒ The owner/developer agrees to include in all offers of purchase and sale a statement, which advises the prospective new home purchaser that mail delivery will be from a designated Community Mailbox, and to include the exact locations (list of lot #s) of each of these Community Mailbox locations; and further, advise any affected homeowners of any established easements granted to Canada Post.
- ⇒ The owner/developer will be responsible for officially notifying the purchasers of the exact Community Mailbox locations prior to the closing of any home sales with specific clauses in the Purchase offer, on which the homeowners do a sign off.

The owner/developer agrees to provide the following for each Community Mailbox site and include these requirements on appropriate servicing plans:

1. A Community Mailbox concrete base pad per Canada Post specifications.
2. Any required walkway across the boulevard, as per municipal standards
3. Any required curb depressions for wheelchair access



CANADA POST
1860 MIDLAND AVE 2ND FL
SCARBOROUGH, ON M1P 5A1
CANADAPOST.CA

POSTES CANADA
1860 AV MIDLAND
SCARBOROUGH, ON M1P 5A1
POSTESCANADA.CA

2

The owner/developer further agrees to determine, provide and fit up a suitable gravel area 30 to 60 days prior to the first occupancy to act as a Temporary Community Mailbox location(s) which may be utilized by Canada Post until the permanent mailbox pads, curbs, sidewalks and final grading have been completed at the permanent CMB site locations. This will enable Canada Post to provide mail service to new residences as soon as homes are occupied. Specifications for this gravel area will be provided at the time the developer notifies Canada Post of the first occupancy date. (The developer should provide evidence of how they intend to co-ordinate this activity in a timely manner to a safe and clean usable area)

**If Applicable, Canada Post Corporation's Multi Unit Policy will be in effect for any blocks designated to have Multi Unit Buildings. It will be the Owner's responsibility to purchase and maintain Centralized Mail Boxes for this development type.

**Any institutions in this plan will be treated as a single business and will be provided mail delivery to 1 Point of Call

**The Developer will be required to provide signature for a License to Occupy Land agreement for any Condominiums and provide winter snow clearance

** Enhanced Community Mailbox Sites with roof structures will require additional documentation as per Canada Post Policy

** There will be no more than one mail delivery point to each unique address assigned by the Municipality

As the project nears completion, it is requested that the Developer contact me directly to communicate the first occupancy date at which time Postal Coding will be provided. Existing postal coding will not apply and new postal codes will be issued for this development.

*** It is requested that the developer notify all new homebuyers of the process to initiate Mail Delivery;

Once the homeowner has closed their home sale, the new homeowner can go to the local Post office and show their warranty documentation as well as a license for identification to begin the process of requesting mail delivery. Of note, any mail which has been sent to this homeowner in the interim – to this new address – will also be available for pickup at this local Post Office - this is where mail will be held until mail delivery begins.

Sincerely,

Susan Cluff
Delivery Services Officer – GTA
647-203-0529
susan.cluff@canadapost.ca

Attachment #1e)



Date: September 1st , 2017
Attention: Christina Napoli
RE: Request for Comments
File No.: 19T-17V009

Applicant: Cam Milani, Teston Sands Inc.
Location 1600 Teston Road

**COMMENTS:**

We have reviewed the Proposal and have no comments or objections to its approval.

We have reviewed the proposal and have no objections to its approval, subject to the following comments (attached below).

We are unable to respond within the allotted time for the following reasons (attached) you can expect our comments by _____.

We have reviewed the proposal and have the following concerns (attached below)

We have reviewed the proposal and our previous comments to the Town/City, dated _____, are still valid.

Alectra Utilities (formerly PowerStream) has received and reviewed the submitted plan proposal. This review, however, does not imply any approval of the project or plan.

The owner, or his agent, for this plan is required to contact Alectra to discuss all aspects of the above project. Alectra will require site plan drawings, draft m-plans, legal plans, architectural design drawings, electrical consultant's drawings, number of units/lots in the subdivision/development and type of the subdivision/development (i.e., single family residential, town homes, condominium town homes, industrial etc.), square footage of the buildings, the required voltage, amperage and building loads, along with the completed and signed Subdivision Application Information Form (SAIF). Alectra will then use this information to determine the type of available service in the area to supply this project and determine the design fee for the subdivision or development.

Once Alectra has received the design fee and requested information, Alectra will prepare the hydro design, obtain the owner's /developer's approval of the design and obtain the required approvals from the local municipality and prepare the cost of the electrical distribution system (EDS) installation.

Alectra will provide the owner/developer with an "Offer to Connect" (OTC) agreement which will specify all the details and the responsibilities of each party.

The information on the SAIF must be as accurate as possible to reduce unnecessary customer costs, and to provide a realistic in-service date. The information from the SAIF is also used to allocate/order materials, to assign a technician to the project, and to place the project in the appropriate queue.

All proposed buildings, billboards, signs, and other structures associated with the development must maintain minimum clearances to the existing overhead or underground electrical distribution system as specified by the Ontario Electrical Safety Code and the Occupational Health and Safety Act.

If there are any existing components of Alectra's electrical distribution system on the proposed project site, they will have to be relocated by Alectra at the Developer's cost. Any conflicts due to driveway locations or clearances to the existing overhead or underground distribution system will have to be relocated by Alectra at the Developer's cost.

We trust this information is adequate for your files.

Regards,
Mr. Tony D'Onofrio
Supervisor, Subdivisions & New Services
Phone: 1-877-963-6900 ext. 24419
Fax: 905-532-4401
E-mail: tony.donofrio@alectrautilities.com

Subdivision Application Information Form is available by calling 1-877-963-6900 ext. 31297

Attachment #1 f)

From: Municipal Planning [<mailto:MunicipalPlanning@enbridge.com>]
Sent: Friday, May 04, 2018 7:19 AM
To: Napoli, Christina <Christina.Napoli@vaughan.ca>
Subject: RE: URGENT REQUEST FOR COMMENTS SUBMISSION 2: 19T-17V009, Z.17.026 & OP.17.010
(Teston Sands Inc.) 1600 Teston Road, Vaughan

Good morning Christina,

I reviewed your comment sheet and the following 2 requirements were not included and should be.

If the gas main needs to be relocated as a result of changes in the alignment or grade of the future road allowances or for temporary gas pipe installations pertaining to phase construction, all costs are the responsibility of the applicant.

In the event that easement(s) are required to service this development, the applicant will provide the easement(s) to Enbridge Gas Distribution at no cost.

I am attaching the original letter as reference.

Regards,

Alice Coleman
Municipal Planning Coordinator
Long Range Distribution Planning

ENBRIDGE GAS DISTRIBUTION
TEL: 416-495-5386
500 Consumers Road, North York, Ontario M2J 1P8

Enbridgegas.com
Integrity. Safety. Respect.



Enbridge Gas Distribution
500 Consumers Road
North York, Ontario M2J 1P8
Canada

September 5, 2017

Christina Napoli
Senior Planner
City of Vaughan
Development Planning Division
2141 Major Mackenzie Drive
Vaughan, ON L6A 1T1

Dear Christina Napoli,

Re: Draft Plan of Subdivision, Official Plan Amendment & Zoning By-Law Amendment
Cam Milani, Teston Sands Inc.
1600 Teston Road
In Part Lot 26, Concession 3
City of Vaughan
File No.: 19T-17V009
Related: OP-17-010 & Z-17-026

Enbridge Gas Distribution does not object to the proposed application(s).

This response does not constitute a pipe locate or clearance for construction.

The applicant shall contact Enbridge Gas Distribution's Customer Connections department by emailing SalesArea30@enbridge.com for service and meter installation details and to ensure all gas piping is installed prior to the commencement of site landscaping (including, but not limited to: tree planting, silva cells, and/or soil trenches) and/or asphalt paving.

If the gas main needs to be relocated as a result of changes in the alignment or grade of the future road allowances or for temporary gas pipe installations pertaining to phase construction, all costs are the responsibility of the applicant.

In the event that easement(s) are required to service this development, the applicant will provide the easement(s) to Enbridge Gas Distribution at no cost.

The applicant will grade all road allowances to as close to final elevation as possible, provide necessary field survey information and all approved municipal road cross sections, identifying all utility locations prior to the installation of the gas piping.

Enbridge Gas Distribution reserves the right to amend or remove development conditions.

Sincerely,



Alice Coleman
Municipal Planning Coordinator
Long Range Distribution Planning

—
ENBRIDGE GAS DISTRIBUTION
TEL: 416-495-5386
MunicipalPlanning@enbridge.com
500 Consumers Rd, North York, ON, M2J 1P8
enbridgegas.com
Integrity. Safety. Respect.

AC/jh

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 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

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

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*

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*

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*

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

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

HUMPHRIES PLANNING GROUP INC.

FOUNDED IN 2003

January 17, 2022

The Corporation of the City of Vaughan
2141 Major Mackenzie Drive
Vaughan, Ontario
L6A 1T1

Attention: Todd Coles, City Clerk

**Re: Comment Letter – File Z.21.052 – Amendment to Transition Provisions of
CZBL 001-2021 - Comprehensive Zoning By-law of the City of Vaughan
Item 3 – January 18, 2022 Committee of the Whole Public Meeting
10568 Islington Avenue (the “Subject Property”)
Part 1, Plan 65R-16052, Lot 24
Portside Developments (Kleinburg) Inc.**

Humphries Planning Group Inc. (HPGI) represents Portside Developments (Kleinburg) Inc., owner of the lands located at 10568 Islington Avenue, in the City of Vaughan and legally described as Part 1, Plan 65R-16052, Lot 24, City of Vaughan, Region of York.

The City of Vaughan Council passed By-law 001-2021 on October 20th 2021, which is a new Comprehensive Zoning By-law for the City of Vaughan. HPGI has reviewed the Public Meeting Staff Report for Zoning By-law Amendment (ZBLA) File Z.21.052, which outlines proposed amendments to the transition policies of By-law 001-2021 and we will provide detailed feedback to Staff on the proposed amendments, as it relates to the Subject Lands. The Owner has an ongoing appeal to By-law 001-2021, related to the existing transition policies and how they relate to the Owner’s ongoing Planning applications and as such, the Owner has an interest in the proposed changes to the transition policies.

We request notification of any upcoming meeting or decision related to ZBLA File Z.21.052. If you have any further questions regarding the above noted information, feel free to contact the undersigned at extension 246

Yours sincerely,
HUMPHRIES PLANNING GROUP INC.



Mark McConville, MCIP, RPP, M.Sc.Pl.
Associate

cc. Daniel Montagner

HUMPHRIES PLANNING GROUP INC.

FOUNDED IN 2003

January 17, 2022

The Corporation of the City of Vaughan
2141 Major Mackenzie Drive
Vaughan, Ontario
L6A 1T1

Attention: Todd Coles, City Clerk

**Re: Comment Letter – File Z.21.052 – Amendment to Transition Provisions of
CZBL 001-2021 - Comprehensive Zoning By-law of the City of Vaughan
Item 3 – January 18, 2022 Committee of the Whole Public Meeting
4603 & 4611 Highway 7 (the “Subject Lands”)
2058258 Ontario Limited (the “Owner”)**

Humphries Planning Group Inc. (HPGI) represents 2058258 Ontario Limited (the “Owner”), the owner of the lands located at 4603 & 4611 Highway 7, within the City of Vaughan, Region of York.

The City of Vaughan Council passed By-law 001-2021 on October 20th 2021, which is a new Comprehensive Zoning By-law for the City of Vaughan. HPGI has reviewed the Public Meeting Staff Report for Zoning By-law Amendment (ZBLA) File Z.21.052, which outlines proposed amendments to the transition policies of By-law 001-2021 and we will provide detailed feedback to Staff on the proposed amendments, as it relates to the Subject Lands. The Owner has an ongoing appeal to By-law 001-2021 and the Owner has an ongoing site plan application (File DA.13090) and as such, the Owner has an interest in the proposed changes to the transition policies.

We request notification of any upcoming meeting or decision related to ZBLA File Z.21.052. If you have any further questions regarding the above noted information, feel free to contact the undersigned at extension 246

Yours sincerely,

HUMPHRIES PLANNING GROUP INC.



Mark McConville, MCIP, RPP, M.Sc.Pl.
Associate

cc. 2058258 Ontario Limited

HUMPHRIES PLANNING GROUP INC.

FOUNDED IN 2003

January 17, 2022

The Corporation of the City of Vaughan
2141 Major Mackenzie Drive
Vaughan, Ontario
L6A 1T1

Attn: Todd Coles, City Clerk

**Re: Comment Letter – File Z.21.052 – Amendment to Transition Provisions of
CZBL 001-2021 - Comprehensive Zoning By-law of the City of Vaughan
Item 3 – January 18, 2022 Committee of the Whole Public Meeting
Langvalley Holding & K&K Holdings Limited**

Humphries Planning Group Inc. (HPGI) represents Langvalley Holdings, owner of the lands located at 2180 Langstaff Road, in the City of Vaughan and legally described as Part W ½ Lot 11, Concession 4, City of Vaughan, Region of York.

We are also representing on behalf of K&K Holdings Limited, owner of the lands located at the northwest corner of Keele Street and Kirby Road, legally described as Part of Lot 31, Concession 4, City of Vaughan, Region of York.

The City of Vaughan Council passed By-law 001-2021 on October 20th 2021, which is a new Comprehensive Zoning By-law for the City of Vaughan. HPGI has reviewed the Public Meeting Staff Report for Zoning By-law Amendment (ZBLA) File Z.21.052, which outlines proposed amendments to the transition policies of By-law 001-2021, and we will provide detailed feedback to Staff on the proposed amendments, as it relates to the Subject Lands. The Owner has an ongoing appeal to By-law 001-2021, related to the existing transition policies and how they relate to the Owner's ongoing Planning applications and as such, the Owner has an interest in the proposed changes to the transition policies.

We request notification of any upcoming meeting or decision related to ZBLA File Z.21.052. If you have any further questions regarding the above noted information, feel free to contact the undersigned at extension 244.

Yours sincerely,
HUMPHRIES PLANNING GROUP INC.


Rosemarie Humphries, BA, MCIP, RPP
President

cc. Nick Cortellucci

HUMPHRIES PLANNING GROUP INC.

FOUNDED IN 2003

January 17, 2022

The Corporation of the City of Vaughan
2141 Major Mackenzie Drive
Vaughan, Ontario
L6A 1T1

Attn: Todd Coles, City Clerk

**Re: Comment Letter – File Z.21.052 – Amendment to Transition Provisions of
CZBL 001-2021 - Comprehensive Zoning By-law of the City of Vaughan
Item 3 – January 18, 2022 Committee of the Whole Public Meeting
4433, 4455 and 4477 Major Mackenzie Drive (the “Subject Lands”)
Lots 2, 3 and 4, Registered Plan M-1191
Valley Major Developments Limited**

Humphries Planning Group Inc. (HPGI) represents Valley Major Developments Limited, owner of the lands located at 4433, 4455 and 4477 Major Mackenzie Drive, in the City of Vaughan and legally described as Lots 2, 3 and 4, Registered Plan M-1191, City of Vaughan, Region of York.

The City of Vaughan Council passed By-law 001-2021 on October 20th, 2021, which is a new Comprehensive Zoning By-law for the City of Vaughan. HPGI has reviewed the Public Meeting Staff Report for Zoning By-law Amendment (ZBLA) File Z.21.052, which outlines proposed amendments to the transition policies of By-law 001-2021 and we will provide detailed feedback to Staff on the proposed amendments, as it relates to the Subject Lands. The Owner has an ongoing appeal to By-law 001-2021, related to the existing transition policies and how they relate to the Owner’s ongoing Planning applications and as such, the Owner has an interest in the proposed changes to the transition policies.

We request notification of any upcoming meeting or decision related to ZBLA File Z.21.052. If you have any further questions regarding the above noted information, feel free to contact the undersigned at extension 244.

Yours sincerely,
HUMPHRIES PLANNING GROUP INC.



Rosemarie Humphries, BA, MCIP, RPP
President

cc. Scott Lafete

HUMPHRIES PLANNING GROUP INC.

FOUNDED IN 2003

January 17, 2022

The Corporation of the City of Vaughan
2141 Major Mackenzie Drive
Vaughan, Ontario
L6A 1T1

Attn: Todd Coles, City Clerk

**Re: Comment Letter – File Z.21.052 – Amendment to Transition Provisions of
CZBL 001-2021 - Comprehensive Zoning By-law of the City of Vaughan
Item 3 – January 18, 2022 Committee of the Whole Public Meeting
400 Bradwick Drive (the “Subject Property”)
Lot 9, Block 16, Concession 3
TDC Medical Properties Inc.**

Humphries Planning Group Inc. (HPGI) represents TDC Medical Inc., owner of the lands located at 400 Bradwick Drive, in the City of Vaughan and legally described as Lot 9, Block 16, Concession 3, City of Vaughan, Region of York.

The City of Vaughan Council passed By-law 001-2021 on October 20th 2021, which is a new Comprehensive Zoning By-law for the City of Vaughan. HPGI has reviewed the Public Meeting Staff Report for Zoning By-law Amendment (ZBLA) File Z.21.052, which outlines proposed amendments to the transition policies of By-law 001-2021 and we will provide detailed feedback to Staff on the proposed amendments, as it relates to the Subject Lands. The Owner has an ongoing appeal to By-law 001-2021, related to the existing transition policies and how they relate to the Owner’s ongoing Planning applications and as such, the Owner has an interest in the proposed changes to the transition policies.

We request notification of any upcoming meeting or decision related to ZBLA File Z.21.052. If you have any further questions regarding the above noted information, feel free to contact the undersigned at extension 244.

Yours sincerely,
HUMPHRIES PLANNING GROUP INC.


Rosemarie Humphries, BA, MCIP, RPP
President

cc. Lyle Juravsky

190 Pippin Road
Suite A
Vaughan ON
L4K 4X9

T: 905-264-7678
F: 905-264-8073

www.humphriesplanning.com

~ Do Something Good Everyday! ~ STAY SAFE ~

HUMPHRIES PLANNING GROUP INC.

FOUNDED IN 2003

January 17, 2022

The Corporation of the City of Vaughan
2141 Major Mackenzie Drive
Vaughan, Ontario
L6A 1T1

Attention: Todd Coles, City Clerk

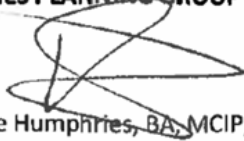
**Re: Comment Letter – File Z.21.052 – Amendment to Transition Provisions of
CZBL 001-2021 - Comprehensive Zoning By-law of the City of Vaughan
Item 3 – January 18, 2022 Committee of the Whole Public Meeting
7476 Kipling Avenue (the “Subject Property”)
Part of Lot 4, Concession 8
Portside Developments (Kipling) Inc.**

Humphries Planning Group Inc. (HPGI) represents Portside Developments (Kipling) Inc., owner of the lands located at 7476 Kipling Avenue, in the City of Vaughan and legally described as Part of Lot 4, Concession 8, City of Vaughan, Region of York.

The City of Vaughan Council passed By-law 001-2021 on October 20th, 2021, which is a new Comprehensive Zoning By-law for the City of Vaughan. HPGI has reviewed the Public Meeting Staff Report for Zoning By-law Amendment (ZBLA) File Z.21.052, which outlines proposed amendments to the transition policies of By-law 001-2021 and we will provide detailed feedback to Staff on the proposed amendments, as it relates to the Subject Lands. The Owner has an ongoing appeal to By-law 001-2021, related to the existing transition policies and how they relate to the Owner’s ongoing Planning applications and as such, the Owner has an interest in the proposed changes to the transition policies.

We request notification of any upcoming meeting or decision related to ZBLA File Z.21.052. If you have any further questions regarding the above noted information, feel free to contact the undersigned at extension 244.

Yours sincerely,
HUMPHRIES PLANNING GROUP INC.



Rosemarie Humphries, BA, MCIP, RPP
President

cc. Daniel Montagner

190 Pippin Road
Suite A
Vaughan ON
L4K 4X9

T: 905-264-7678
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www.humphriesplanning.com

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KLM File: P-2172

COMMUNICATION C29
ITEM NO. 3
COMMITTEE OF THE WHOLE
(PUBLIC MEETING)
January 18, 2022

64 Jardin Drive, Unit 1B
Concord, Ontario
L4K 3P3
T. 905.669.4055
F. 905.669.0097
klmplanning.com

January 17, 2022

By E-mail to clerks@vaughan.ca

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

**Attention: Todd Coles, City Clerk
You Worship Mayor Bevilacqua and Members of Council**

**Re: Committee of the Whole – January 18, 2022
City-Wide Comprehensive Zoning By-Law 001-2021 (“CZBL”)
Amendment to Transition Provisions City Wide By-law 001-2021, File Z.21.052
Inconsistencies and Administrative Amendments
Submission of Prima Vista Estates Inc. (“Prima Vista”) and 840999 Ontario Limited
(“840”) c/o Gold Park Group**

KLM Planning Partners Inc. submits the following on behalf of our client, Prima Vista and 840 c/o Gold Park Group with respect to the above noted matter. We have reviewed the two Committee of the Whole Report and recommendation with respect to the amendments to the above noted items. We continue to express our client’s position that they wish to exclude their lands from the CZBL and remain subject to By-law 1-88 or that site specific exemption or transition provisions are crafted to address our client’s circumstances. Notwithstanding, our concern regarding the proposed amendments relate to the following issues:

- 1) We are concerned that the amendments to transition provisions do not go far enough to address the underlying concerns related to subdivision applications filed prior to adoption of the CZBL and the various Planning Act applications that may be required to fully implement or develop all lots and blocks in the subdivision. For this reason, we continue to express the desire to be excluded from the new CZBL or that site specific exemption or transition provisions are crafted to address our clients circumstances. Zoning compliance is triggered at various stages including registration (which may require re-zonings or variances to address red-line revisions occurring through detailed design or developer or market changes to lotting, etc.), approval of associated site plans, revisions to approved site plans both of which may result in associated minor variances being identified through review or builders desire to seek variances. Furthermore, there are typically further implementing applications that arise related to lots and blocks that require exemption from Part Lot Control for creation of lots, Potl’s, etc., consent to sever and condominium approvals all of which require zoning compliance and from time to time relief through variances or re-zonings. In addition, the building permit process can result in zoning relief being required through the City review or requests being sought by builders to address design issues or unique circumstances that arise. Limiting zoning relief to variances is not sufficient in a potential case

where zoning relief required doesn't meet the tests of a variance. The language should be clear that any minor variances or re-zonings would vary or amend By-law 1-88 as amended and that building permits would be issued provided the application complies with By-law 1-88, as it read at the time of the issuance of the building permit. We believe a separate section under 1.6.3 that allows applicants to rely on By-law 1-88, as amended for subdivision applications filed and deemed complete on or before October 20, 2021 and all subsequent Planning Act applications that may be required and building permits would be appropriate to ensure a smooth transition and certainty in the process.

- 2) S.1.6.2.6. appears to address issues where site specific exceptions have not been included in Section 14. However, it would be appropriate to expand this to also include provisions to ensure that By-law 1-88, as amended prevails in the case of any conflicts that exist with section 14 of the CZBL and the site specific provisions of By-law 1-88, as amended.
- 3) S. 1.6.2.8.1 does seem to allow applications excluding (excluding Official Plan Amendments and Zoning By-law Amendments) filed after October 20, 2021. However, we are concerned that associated s.1.6.2.8.2 would still restrict the issuance of building permits to applications that comply with the provisions of By-law 1-88, as amended as it read on October 20, 2021. This is consistent with the Transition preamble provisions and needs to be revised to avoid negating the approvals. The same concerns arise from the language in s1.6.3.3.1 and s1.6.3.3.2.
- 4) We continue to have concerns with the repealing of the transition provisions after 10 years. Circumstances impacting the rate of development and potential associated delays are unique to all properties and owners and we do not believe that one date will address all. We would request that this be deleted and left to future reviews which could take place in ten years or at least following OP reviews.

Thank you for the opportunity to provide comments and would request that you provide notice of future steps and any future Committee meetings dealing with this issue and look forward to the opportunity to work with staff towards resolving these issues prior to adoption. Should you have any questions, please do not hesitate to contact the undersigned.

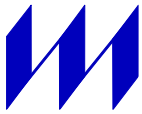
Yours truly,

KLM PLANNING PARTNERS INC.



Mark Yarranton, BES, MCIP, RPP
PRESIDENT

Cc: Haiqing Xu, Deputy City Manager, Planning & Growth Management
Brandon Correia, City of Vaughan
Graziano Stefani, Gold Park Group
Gerard Borean, Parente Borean



**WESTON
CONSULTING**

planning + urban design

COMMUNICATION C30

ITEM NO. 3

**COMMITTEE OF THE WHOLE
(PUBLIC MEETING)**

January 18, 2022

Office of the City Clerk
City of Vaughan
2141 Major Mackenzie Dr.
Vaughan, ON L6A 1T1

January 17, 2022
File 7935-1

Attn: Todd Coles, City Clerk

**RE: Committee of the Whole – January 18, 2022
City-Wide Comprehensive Zoning By-law 001-2021
Amendments to Transition Provisions
Agenda Item 3.3**

Weston Consulting is the planning consultant for Dufcen Construction Inc., the registered owner of the property located at 7850 Dufferin Street in the City of Vaughan (herein referred to as the “subject property”). We have reviewed the Committee of the Whole Report with respect to amendments to the transition provisions of By-law 001-2021 and are pleased to provide the following comments.

The subject property is zoned *C7 Service Commercial Zone* under By-law 1-88. Applications for Official Plan Amendment (OP.17.013) and Zoning By-law Amendment (Z.17.040) were submitted to the City of Vaughan on December 4, 2017 and deemed complete on June 20, 2019. The applications were appealed to the Ontario Land Tribunal (OLT) on March 16, 2020 pursuant to subsections 17(40) and 34(11) of the *Planning Act*. The OLT approved a settlement agreement between the City of Vaughan and Dufcen Construction Inc. through an interim order that was issued on June 20, 2021. The approved settlement agreement provides for the rezoning of the subject property from *C7 Service Commercial Zone* to *RM2 Multiple Residential Zone* with site specific provisions and *OS2 Open Space Zone*. The final Official Plan Amendment and Zoning By-law Amendment reflecting of the settlement agreement have been submitted to the Tribunal and we anticipate approval and enactment of these instruments shortly.

According to Maps 55 and 56 of Schedule ‘A’ of By-law 001-2021, the subject property is zoned *CMU Community Commercial Mixed Use Zone*. This zone does not reflect the zoning that has been approved by the OLT through the settlement agreement. We have reviewed the transition clause of By-law 001-2021 and the proposed amendments contained in Attachment 3 of the Committee of the Whole Report and we are concerned that it does not go far enough in the transitioning of the approved OLT Zoning once in place.

We request that Policy 1.6.3.3.7 be further amended to recognize the approved OLT Zoning By-law Amendments to Zoning By-law 1-88 through a City-initiated administrative amendments to By-law 001-2021 without the requirement for further amendments to be initiated by proponents.

Thank you for the opportunity to provide these comments. Please contact the undersigned at extension 236 should you have any questions regarding this submission.

Yours truly,

WESTON CONSULTING

A handwritten signature in black ink, appearing to read 'K. Bechard', written over a horizontal line.

Kevin Bechard, BES, M.Sc., RPP
Senior Associate

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.

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.Pl., 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*

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, Concession5, 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

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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.

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

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

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

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
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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 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
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Ms. Candace Tashos, Legal Counsel
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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.

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

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



COMMUNICATION C40
ITEM NO. 3
COMMITTEE OF THE WHOLE
(PUBLIC MEETING)
January 18, 2022

64 Jardin Drive, Unit 1B
Concord, Ontario
L4K 3P3
T. 905.669.4055
F. 905.669.0097
klmplanning.com

File: P-3294

January 17, 2022

City of Vaughan
Office of the City Clerk
2141 Major Mackenzie Drive
Vaughan, ON
L6A 1T1

Attention: Hon. Mayor Bevilacqua and Members of Council

Re: Committee of the Whole Meeting - Tuesday January 18, 2022
Agenda Item 3.3
City-Wide Comprehensive Zoning By-law 001-2021, Amendments to
Transition Provisions (Z.21.052)

Dear Hon. Mayor Bevilacqua and Members of Council:

KLM Planning Partners Inc. is the planning consultant for Mimi Khuu, pertaining to the lands located at 1 Edison Place in the City of Vaughan (the "Subject Lands").

Our client has an interest in the appropriate finalization of the transition provisions of the City-Wide Comprehensive Zoning By-law (the "CZBL") as a result of an ongoing matter at the Ontario Land Tribunal (OLT) with respect an under appeal Minor Variance application. A Minor Variance application to vary provisions of then in-force Zoning By-law 1-88 was submitted by our client prior to the adoption of the CZBL, and a decision (resulting in the filing of an appeal to the OLT) was also made by the City of Vaughan Committee of Adjustment prior to this time on January 14, 2021. In review of the adopted and proposed transition provisions of the CZBL, it appears these recognize Minor Variance applications submitted/in-process/approved before CZBL adoption for continued review under Zoning By-law 1-88 for building permitting purposes. However, regarding our client's specific situation where a final decision is to be made by the OLT after CZBL adoption, the adopted and proposed transition provisions of the CZBL do not provide clear direction.

In this instance, it is suggested that transition provision 1.6.2.1 should be revised to clearly indicate that Minor Variance applications made before or on October 20, 2021, and approved by the OLT on or after this date, should not be subject to the requirements of the CZBL.

Please consider this to be our formal request to be notified of all future Public Hearings, Open Houses, Committee of the Whole and Council meetings and decisions relating to this matter. As always, we would be pleased to meet with City staff to discuss our concerns. If you would like to arrange a meeting to discuss the above, please do not hesitate to contact us.

Yours truly,

KLM PLANNING PARTNERS INC.



Marshall Smith, BES, PMP, MCIP, RPP

Senior Planner

MSmith@KLMPPlanning.com

905-669-4055 x 222

cc: Mimi Khuu, Owner of 1 Edison Place
Gerard Borean, Parente-Borean LLP

**COMMUNICATION C41
ITEM NO. 2
COMMITTEE OF THE WHOLE
(PUBLIC MEETING)
January 18, 2022**

-----Original Message-----

From: Susan Sigrist [REDACTED]
Sent: Monday, January 17, 2022 12:25 PM
To: Clerks@vaughan.ca; Council@vaughan.ca
Subject: [External] Teston Sands Development - 1600 Teston Road, File 19T-17V009

Dear Council and Staff,

We strongly oppose the proposed zoning and revised draft plan of subdivision File 19T-17V009.

We are in complete agreement with the submission by our President of the Mackenzie Ridge Ratepayers Group on this matter.

We can just not understand how an LPAT decision can be so easily challenged by a developer, or how or why the City of Vaughan is even accepting and reviewing this proposal.

Sincerely,
Susan Sigrist
Mark Hubbard
and family

Ward 1 Vaughan Residents

From: Noel Gabriel [REDACTED]
Sent: Monday, January 17, 2022 1:22 PM
To: Clerks@vaughan.ca; Council@vaughan.ca
Cc: mackenzieridgerpa@gmail.com
Subject: [External] Opposition to Zoning By-law Amendment File Z.21.046 of the Draft Plan of Subdivision Amendment 19T-17V009.

Dear Mayor Bevilacqua and Vaughan Councillors,

I am writing the communication in opposition to Zoning By-law Amendment File Z.21.046 of the Draft Plan of Subdivision Amendment 19T-17V009. Below are the reasons for the opposition.

Reasons this is a problematic application:

- 1) We have a **signed LPAT agreement of 90 units on 1600 Teston, with a proper storm management pond, and a plan that was based on clear and thoughtful recommendations from the TRCA.** The city really should not consider these major changes that are far more than "tweaks" (as the Deputy City Manager of Planning noted) but are major and ones that will lead to a series of cascading changes. In short, the city has a fiduciary function of protecting the public from poor development decisions when an LPAT decision is made. The other issue is, **does the city have the authority to make these changes that have major implications significantly impacting this development when there is a clear LPAT agreement?**
- 2) **Even with the 90 units that we agreed on in the LPAT minutes of settlement, these will be much larger houses with smaller lots. As it is, there will not be a park, so if a family wants a decent size lot for children, a pool, pets, and other uses, the lots would be very small with a larger house. Of course, this will lead to more water running off from the hard surfaces that need to make its way into a proper storm management pond.**
- 3) **It was the TRCA that determined that the OS1-H area was not to be developed, as it was supposed to be left as natural heritage land due to it being at "top of bank" (the top of a high slope), a significant part of the Oak Ridges Moraine, and therefore logically should have a storm management pond at the bottom/low point in the southern part of the development. The other major problem with the application is that the city did not include the TRCA comments in the package**

they sent nor Savanta's natural heritage studies (there are at least 2 studies and possibly more that were not included). Savanta submitted a very substandard and questionable 2019 Environmental Impact Assessment report of the Rizmi lands (11333 Dufferin) at Kirby/Dufferin.

4) Storm management tanks have **not ever been used in Vaughan residential developments**. While a couple of these tanks have been used in industrial developments in York Region, one is being piloted and the one in Richmond Hill was studied by TRCA and found to have deficiencies – it was not working as designed. Once built, deficiencies are almost impossible to rectify.

Some studies point out the **benefits of these tanks such as keeping water cool for slow downstream release benefiting some aquatic species**. The **main problem is that the developer wants to put the storage tank on the side of a hill**, whereas the stormwater management pond is always located at a low point in the subdivision such as the Laurentian, Maple Downs, and Mackenzie Ridge ponds.

The **downsides of storm management tanks** are numerous ranging from cost issues to other problems that may be associated with flooding and here are **other reasons not to use storm management tanks**:

a) They are **expensive, difficult and costly to fix, can clog, and empty slowly. This would probably result in flooding.**

b) The TRCA reviewed the water storage tank located in Richmond Hill, which sits underneath the commercial plaza parking lot. It found that water does not drain as it should, did not meet the objectives of the design which means that water ponds and can contribute to West Nile Virus

c) The risk of placing them in residential areas such as a valley land like 1600 Teston are high in terms of malfunctions and flooding. With what are seen as 100 or even 200 year storms on the west coast and east coast seem more frequent and have led to extensive and dramatic flooding. Storm management tanks empty very slowly and do get clogged, as well as difficult to clean. *Storm management ponds* are easily cleaned and maintained. Storm management tanks may have to be taken apart once they stop draining at an enormous expense to taxpayers.

d) Who is **going to compensate those who experience flood damage as a result of irresponsible decisions?** Will councillors and engineers who support using storm management tanks in residential areas share the costs and responsibility when residence and insurance companies sue them?

e) The storm management tank will be on a hill and not at the lowest part of the subdivision, but at one of the highest points. **How will the water get up there? Will there be pumping**

stations? How about drainage? Will we have flooding issues, since the tank is on a hill above parts of the subdivision? What will be the long range costs of such a ridiculous proposal? Who will cover the costs of maintainence? The storm management was placed where the old house will be torn down because it is one of the lowest parts of the development (in OS1-H) in order to easily draining the Little Don River (next to the proposed storm management pond).

Thanks,

Christopher Noel Gabriel
■ Germana Place

Sent from my iPhone

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 Islamic Shia Ithna-Asheri Jamaat of Toronto (“ISIJ”)

We are counsel to ISIJ, the owner of the lands municipally known as 9000 Bathurst Street, Vaughan. ISIJ is an Appellant in the Ontario Land Tribunal proceeding concerning the New ZBL.

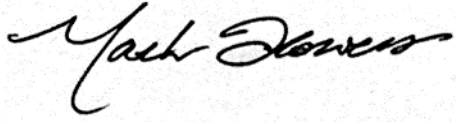
On behalf of ISIJ, we have reviewed the proposed modifications to the New ZBL, as contained in the Staff Report dated January 18, 2022, addressing the transition provisions.

The purpose of this letter is to express our client’s concern regarding the proposed revisions to the transitional provisions of the New ZBL and specifically with regard to section 1.6.4.

While our client acknowledges the proposed clarification revision to section 1.6.4.1, section 1.6.4.2, as written, repeals of the transition provisions of the New ZBL after 10 years. This provision, combined with section 1.6.4.1 as revised, continues to not address developments in which the build-out horizon is potentially greater than 10 years, it also does not address the fundamental problem of indeterminate liability for property owners and is 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.

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



Mark R. Flowers

Professional Corporation

MRF:SL

copy: Client
Martin Quarcoopome, Weston Consulting

COMMUNICATION C44
ITEM NO. 2
COMMITTEE OF THE WHOLE
(PUBLIC MEETING)
January 18, 2022

From: Patricia Susin [REDACTED]
Sent: Monday, January 17, 2022 1:40 PM
To: Clerks@vaughan.ca; Council@vaughan.ca
Subject: [External] Letter of Opposition to Zoning

January 15, 2022

Dear Mayor Bevilacqua and Vaughan Councillors,

We are writing the communication in opposition to Zoning By-law Amendment File Z.21.046 of the Draft Plan of Subdivision Amendment 19T-17V009. Below are the reasons we opposition.

Reasons this is a problematic application:

1) We have a **signed LPAT agreement of 90 units on 1600 Teston, with a proper storm management pond, and a plan that was based on clear and thoughtful recommendations from the TRCA.** The city really should not consider these major changes that are far more than "tweaks" (as the Deputy City Manager of Planning noted) but are major and ones that will lead to a series of cascading changes. In short, the city has a fiduciary function of protecting the public from poor development decisions when an LPAT decision is made. The other issue is, **does the city have the authority to make these changes that have major implications significantly impacting this development when there is a clear LPAT agreement?**

2) They are **asking for ridiculous exemptions** that I discuss below. **Even with the 90 units that we agreed on in the LPAT minutes of settlement, these will be much larger houses with smaller lots. As it is, there will not be a park, so if a family wants a decent size lot for children, a pool, pets, and other uses, the lots would be very small with a larger house. Of course, this will lead to more water running off from the hard surfaces that need to make its way into a proper storm management pond.**

3) It was the **TRCA that determined that the OS1-H area was not to be developed, as it was supposed to be left as natural heritage land due to it being at "top of bank"** (the top of a high slope), a significant part of the Oak Ridges Moraine, and therefore logically should have a storm management pond at the bottom/low point in the southern part of the development. The other major problem with the application is that the city did not include the TRCA comments in the package they sent nor Savanta's natural heritage studies (there are at least 2

studies and possibly more that were not included). Savanta submitted a very substandard and questionable 2019 Environmental Impact Assessment report of the Rizmi lands (11333 Dufferin) at Kirby/Dufferin.

4) Storm management tanks have **not ever been used in Vaughan residential developments**. While a couple of these tanks have been used in industrial developments in York Region, one is being piloted and the one in Richmond Hill was studied by TRCA and found to have deficiencies – it was not working as designed. Once built, deficiencies are almost impossible to rectify.

Some studies point out the **benefits of these tanks such as keeping water cool for slow downstream release benefiting some aquatic species**. The **main problem is that the developer wants to put the storage tank on the side of a hill**, whereas the stormwater management pond is always located at a low point in the subdivision such as the Laurentian, Maple Downs, and Mackenzie Ridge ponds.

The **downsides of storm management tanks** are numerous ranging from cost issues to other problems that may be associated with flooding and here are **other reasons not to use storm management tanks**:

a) They are **expensive, difficult and costly to fix, can clog, and empty slowly. This would probably result in flooding.**

b) The TRCA reviewed the water storage tank located in Richmond Hill, which sits underneath the commercial plaza parking lot. It found that water does not drain as it should, did not meet the objectives of the design which means that water ponds and can contribute to West Nile Virus

c) The risk of placing them in residential areas such as a valley land like 1600 Teston are high in terms of malfunctions and flooding. With what are seen as 100 or even 200 year storms on the west coast and east coast seem more frequent and have led to extensive and dramatic flooding. Storm management tanks empty very slowly and do get clogged, as well as difficult to clean. *Storm management ponds* are easily cleaned and maintained. Storm management tanks may have to be taken apart once they stop draining at an enormous expense to taxpayers.

d) Who is **going to compensate those who experience flood damage as a result of irresponsible decisions?** Will councillors and engineers who support using storm management tanks in residential areas share the costs and responsibility when residence and insurance companies sue them?

e) The storm management tank will be on a hill and not at the lowest part of the subdivision, but at one of the highest points. **How will the water get up there? Will there be pumping stations? How about drainage? Will we have flooding issues, since the tank is on a hill above parts of the subdivision? What will be the long range costs of such a ridiculous proposal? Who will cover the costs of maintenance? The storm management was placed where the old house will be torn down because it is one of the lowest parts of the development (in OS1-H) in order to easily draining the Little Don River (next to the proposed storm management pond).**

Proposed Zone Exemptions:

Unfortunately, even though we have a clear LPAT agreement for 90 lots, there is also a request for zone exemptions for the 90 residential lots for building heights, rear yard setbacks, setbacks to accessory structures, yard encroachments and side yard setback reductions adjacent to public walkways and open space blocks. Put simply, they want to build larger units, with a notable footprint (taking up more lot, smaller backyards (which are not too generous relative to our area), and much higher than permitted. **In short, even with the 90 units that we agreed on in the LPAT minutes of settlement, these will be much larger houses with smaller lots. As it is, there will not be a park, so if a family wants a decent size lot for children, a pool, pets, and other uses, the lots would be very small with a larger house. Of course, this will lead to more water running off from the hard surfaces that need to make its way into a proper storm management pond.**

Final Thoughts:

What is most troubling is that **documents are missing such as the TRCA, Savanta, and other reports.** It was the TRCA that determined the OSI-H designation and for that portion not to be developed. We also **do not know what they want to place on what could be “freed up” OS1-H land.** The documentation provided does not say what will happen if this OS1-H land stays in private hands instead of being a storm management pond and hill that would be part of the natural heritage system on the property. Having this green space on the Oak Ridges Moraine (ORM) adds to the area and preserves part of the ORM. Based on the **attached 2017 drawings (see the attachment), we can only guess that it would be a future phase 2 development. This would probably be quite a few townhouses. In addition, my guess that this would also open the possibility of the 90 lots becoming over 250 to 300 townhouses. If the OSI-H land is included, it could be well over 300 townhouses shoehorned into this piece of land. In terms of development, it seems everything goes to maximize intensification. Then, with all these hard surfaces, how would the storm management tank operate on a hill? In addition, there is still NO park being proposed/added to this development and the children of the area must walk at least 1+ km to the closest park.** Moving the stormwater management pond to a storage tank on a hill freeing up OS1-H land (where the pond was supposed to be) and now having the ability to be developed as a future phase, would create a further erosion of the greenspace left. Also, if the storage tanks fail, who will be flooded?

So far, we do not have public transportation on Dufferin north of Major Mackenzie. The Kirby GO station is not a reality nor do we have public transportation on Kirby. Dufferin north of Eagle's Nest has two lanes as well as Kirby and Teston. The Teston extension is complicated, going through two former landfills (Toronto and Vaughan), wetlands, and other sensitive areas (not to mention the estimated \$100,000,000.00 bridge over the Little Don). The Kirby extension has been a problematic process, so far costing us almost \$1,000,000.00 extra for the financially botched Kirby Road Environmental Assessment. Our schools will eventually be overflowing again, roads will be again jammed with traffic, and water supply (water pressure) / wastewater will surely become an issue due to the York Region's questionable management and almost 3 billion dollar debt, along with potential flooding problems.

We will have to hire a lawyer and experts to help navigate through this unnecessary mess. I do blame the city for not stopping the developer for trying to change this LPAT agreement that took us so long to negotiate in terms time and financial resources, all to have this headache of more unnecessary development and the potential townhouses. **Keep in mind that whatever happens at 1600 Teston will set a precedent in Vaughan and will influence development of Rizmi (11333 Dufferin), the property at the northeast corner of Teston and Dufferin, the land north of Kirby by Dufferin, and other land. This developer has already put townhouses in at Grand Trunk and made a Faustian bargain with the city and TRCA, ignoring residents. Once a terrible precedent like this is set, we will have further issues that are far worse with rogue developers and some councilors who continually ignore us, putting us into debt instead of promoting responsible and thoughtful development. I have always said we are not against forward-thinking development and would prefer state-of-the-art planning guided by civic-minded innovators.**

Respectfully,

Patricia Miglietta-Susin

COMMUNICATION C45

ITEM NO. 2

**COMMITTEE OF THE WHOLE
(PUBLIC MEETING)**

January 18, 2022

From: Helen Traicus [REDACTED]
Sent: Saturday, January 15, 2022 2:32 PM
To: Clerks@vaughan.ca
Subject: [External] Fw: File Z.21.03619T-21V0007

To whom it may concern,

As a resident of Vaughan, I would like to state that my husband and I are in opposition to the Zoning By-law Amendment File Z.21.03619T-21V0007.

I know that our neighbour Robert Kennedy has stated his concerns and we are in complete agree with all the points he has mentioned in his letter to Council. We feel there is no reason to reiterate those concerns but to make you aware that we, along with the vast majority of our neighbours are of the same mind.

We hope that Vaughan Council will vote in the only logical manner and that is to oppose the above mentioned zoning by-law.

Ted and Helen Traicus
[REDACTED] Hunterwood Chase
Maple, Ontario
[REDACTED]

COMMUNICATION C46

ITEM NO. 2

**COMMITTEE OF THE WHOLE
(PUBLIC MEETING)**

January 18, 2022

-----Original Message-----

From: Catherine Lazaric [REDACTED]

Sent: Monday, January 17, 2022 3:02 PM

To: Clerks@vaughan.ca; Council@vaughan.ca; Maurizio Bevilacqua <Maurizio.Bevilacqua@vaughan.ca>

Subject: [External] File Z. 21.03619T-21V0007

Dear Mayor Bevilacqua and Vaughan Councilors,

I am writing this communication in opposition to Zoning By-law Amendment File Z.21.046 of the Draft Plan of Subdivision Amendment 19T-17V009. Below are the reasons we oppose.

Reasons this is a problematic application:

- 1) We have a signed LPAT agreement of 90 units on 1600 Teston, with a proper storm management pond, and a plan that was based on clear and thoughtful recommendations from the TRCA. The city really should not consider these major changes that are far more than "tweaks" (as the Deputy City Manager of Planning noted) but are major and ones that will lead to a series of cascading changes. In short, the city has a fiduciary function of protecting the public from poor development decisions when an LPAT decision is made. The other issue is, does the city have the authority to make these changes that have major implications significantly impacting this development when there is a clear LPAT agreement?
- 2) They are asking for ridiculous exemptions that I discuss below. Even with the 90 units that we agreed on in the LPAT minutes of settlement, these will be much larger houses with smaller lots. As it is, there will not be a park, so if a family wants a decent size lot for children, a pool, pets, and other uses, the lots would be very small with a larger house. Of course, this will lead to more water running off from the hard surfaces that need to make its way into a proper storm management pond.
- 3) It was the TRCA that determined that the OS1-H area was not to be developed, as it was supposed to be left as natural heritage land due to it being at "top of bank" (the top of a high slope), a significant part of the Oak Ridges Moraine, and therefore logically should have a storm management pond at the bottom/low point in the southern part of the development. The other major problem with the application is that the city did not include the TRCA comments in

the package they sent nor Savanta's natural heritage studies (there are at least 2 studies and possibly more that were not included). Savanta submitted a very substandard and questionable 2019 Environmental Impact Assessment report of the Rizmi lands (11333 Dufferin) at Kirby/Dufferin.

4) Storm management tanks have not ever been used in Vaughan residential developments. While a couple of these tanks have been used in industrial developments in York Region, one is being piloted and the one in Richmond Hill was studied by TRCA and found to have deficiencies – it was not working as designed. Once built, deficiencies are almost impossible to rectify.

Some studies point out the benefits of these tanks such as keeping water cool for slow downstream release benefiting some aquatic species. The main problem is that the developer wants to put the storage tank on the side of a hill, whereas the stormwater management pond is always located at a low point in the subdivision such as the Laurentian, Maple Downs, and Mackenzie Ridge ponds.

The downsides of storm management tanks are numerous ranging from cost issues to other problems that may be associated with flooding and here are other reasons not to use storm management tanks:

a) They are expensive, difficult and costly to fix, can clog, and empty slowly. This would probably result in flooding.

b) The TRCA reviewed the water storage tank located in Richmond Hill, which sits underneath the commercial plaza parking lot. It found that water does not drain as it should, did not meet the objectives of the design which means that water ponds and can contribute to West Nile Virus

c) The risk of placing them in residential areas such as a valley land like 1600 Teston are high in terms of malfunctions and flooding. With what are seen as 100 or even 200 year storms on the west coast and east coast seem more frequent and have led to extensive and dramatic flooding. Storm management tanks empty very slowly and do get clogged, as well as difficult to clean. Storm management ponds are easily cleaned and maintained. Storm management tanks may have to be taken apart once they stop draining at an enormous expense to taxpayers.

d) Who is going to compensate those who experience flood damage as a result of irresponsible decisions? Will councilors and engineers who support using storm management tanks in residential areas share the costs and responsibility when residence and insurance companies sue them?

e) The storm management tank will be on a hill and not at the lowest part of the subdivision, but at one of the highest points. How will the water get up there? Will there be pumping stations? How about drainage? Will we have

flooding issues, since the tank is on a hill above parts of the subdivision? What will be the long range costs of such a ridiculous proposal? Who will cover the costs of maintenance? The storm management was placed where the old house will be torn down because it is one of the lowest parts of the development (in OS1-H) in order to easily draining the Little Don River (next to the proposed storm management pond).

Proposed Zone Exemptions:

Unfortunately, even though we have a clear LPAT agreement for 90 lots, there is also a request for zone exemptions for the 90 residential lots for building heights, rear yard setbacks, setbacks to accessory structures, yard encroachments and side yard setback reductions adjacent to public walkways and open space blocks. Put simply, they want to build larger units, with a notable footprint (taking up more lot, smaller backyards (which are not too generous relative to our area), and much higher than permitted. In short, even with the 90 units that we agreed on in the LPAT minutes of settlement, these will be much larger houses with smaller lots. As it is, there will not be a park, so if a family wants a decent size lot for children, a pool, pets, and other uses, the lots would be very small with a larger house. Of course, this will lead to more water running off from the hard surfaces that need to make its way into a proper storm management pond.

Final Thoughts:

What is most troubling is that documents are missing such as the TRCA, Savanta, and other reports. It was the TRCA that determined the OSI-H designation and for that portion not to be developed. We also do not know what they want to place on what could be "freed up" OS1-H land. The documentation provided does not say what will happen if this OS1-H land stays in private hands instead of being a storm management pond and hill that would be part of the natural heritage system on the property. Having this green space on the Oak Ridges Moraine (ORM) adds to the area and preserves part of the ORM. Based on the attached 2017 drawings (see the attachment), we can only guess that it would be a future phase 2 development. This would probably be quite a few townhouses. In addition, my guess that this would also open the possibility of the 90 lots becoming over 250 to 300 townhouses. If the OSI-H land is included, it could be well over 300 townhouses shoehorned into this piece of land. In terms of development, it seems everything goes to maximize intensification. Then, with all these hard surfaces, how would the storm management tank operate on a hill? In addition, there is still NO park being proposed/added to this development and the children of the area must walk at least 1+ km to the closest park. Moving the storm water management pond to a storage tank on a hill freeing up OS1-H land (where the pond was supposed to be) and now having the ability to be developed as a future phase, would create a further erosion of the greenspace left. Also, if the storage tanks fail, who will be flooded?

So far, we do not have public transportation on Dufferin north of Major Mackenzie. The Kirby GO station is not a reality nor do we have public transportation on Kirby. Dufferin north of Eagle's Nest has two lanes as well as Kirby and Teston. The Teston extension is complicated, going through two former landfills (Toronto and Vaughan), wetlands, and other sensitive areas (not to mention the estimated \$100,000,000.00 bridge over the Little Don). The Kirby extension has been a problematic process, so far costing us almost \$1,000,000.00 extra for the financially botched Kirby Road Environmental Assessment. Our schools will eventually be overflowing again, roads will be again jammed with traffic, and water supply

(water pressure) / wastewater will surely become an issue due to the York Region's questionable management and almost 3 billion dollar debt, along with potential flooding problems.

We will have to hire a lawyer and experts to help navigate through this unnecessary mess. I do blame the city for not stopping the developer for trying to change this LPAT agreement that took us so long to negotiate in terms time and financial resources, all to have this headache of more unnecessary development and the potential townhouses. Keep in mind that whatever happens at 1600 Teston will set a precedent in Vaughan and will influence development of Rizmi (11333 Dufferin), the property at the northeast corner of Teston and Dufferin, the land north of Kirby by Dufferin, and other land. This developer has already put townhouses in at Grand Trunk and made a Faustian bargain with the city and TRCA, ignoring residents. Once a terrible precedent like this is set, we will have further issues that are far worse with rogue developers and some councilors who continually ignore us, putting us into debt instead of promoting responsible and thoughtful development. I have always said we are not against forward-thinking development and would prefer state-of-the-art planning guided by civic-minded innovators.

Thank you..
Catherine Lazaric

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, ON
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 Laurier Harbour (Keele) Inc. (“Laurier”)**

We are counsel Laurier, the owner of the lands municipally known as 9785 and 9797 Keele Street (the “**Subject Lands**”). Laurier is an Appellant in the Ontario Land Tribunal (the “**Tribunal**”) proceeding concerning the New ZBL. Laurier’s appeal has been assigned Appeal No. 83.

On behalf of Laurier, 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 and technical provisions of the New ZBL (the “**Proposed Amendments**”).

Our client’s concerns regarding the Proposed Amendments relate to the effect of the New ZBL on its applications, which have been approved in principle by the Tribunal, but not yet received final approval. In addition, the Proposed Amendments do not account for possible future amendments to its application, the transition rights have a limit of ten years, and Exception 295 is inaccurately applied to the Subject 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.

Zoning By-law Amendments and Concurrent Applications

The proposed changes in section 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 the 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 section 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.

Technical Amendments

Schedule A to the New ZBL inappropriately applies Exception 295 to parts of the Subject Lands. Such revision to Schedule A should be included as part of the technical revisions being completed.

Conclusion

Laurier 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.

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



Aaron I. Platt
Professional Corporation

AIP: 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
Mr. Ryan Guetter, Weston Consulting
Client

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
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Attention: Todd Coles, City Clerk

Your Worship and Members of Council:

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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 Sharewell Investments Inc. (“Sharewell”)**

We are counsel Sharewell, the owner of the property municipally known as 9929 Keele Street (the “**Subject Lands**”). Sharewell is an Appellant in the Ontario Land Tribunal proceeding concerning the New ZBL.

On behalf of Sharewell, 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 other technical.

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 the site-specific provisions on the Subject Lands, and whether the Proposed Amendments will apply so that they do not preclude future applications. In addition, the Proposed Amendments do not account for possible future amendments to *Planning Act* approvals and the transition rights are limited to ten years.

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.

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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



Aaron I. Platt
Professional Corporation

AIP: go

copy: Ms. Wendy Law, Deputy City Manager, Legal and Administrative Services & City Solicitor
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Mr. Elvio Valente, Building Standards, Manager, Zoning Services and Zoning Administrator
Mr. Ryan Guetter, Weston Consulting
Client

COMMUNICATION C49
ITEM NO. 1
COMMITTEE OF THE WHOLE
(PUBLIC MEETING)
January 18, 2022



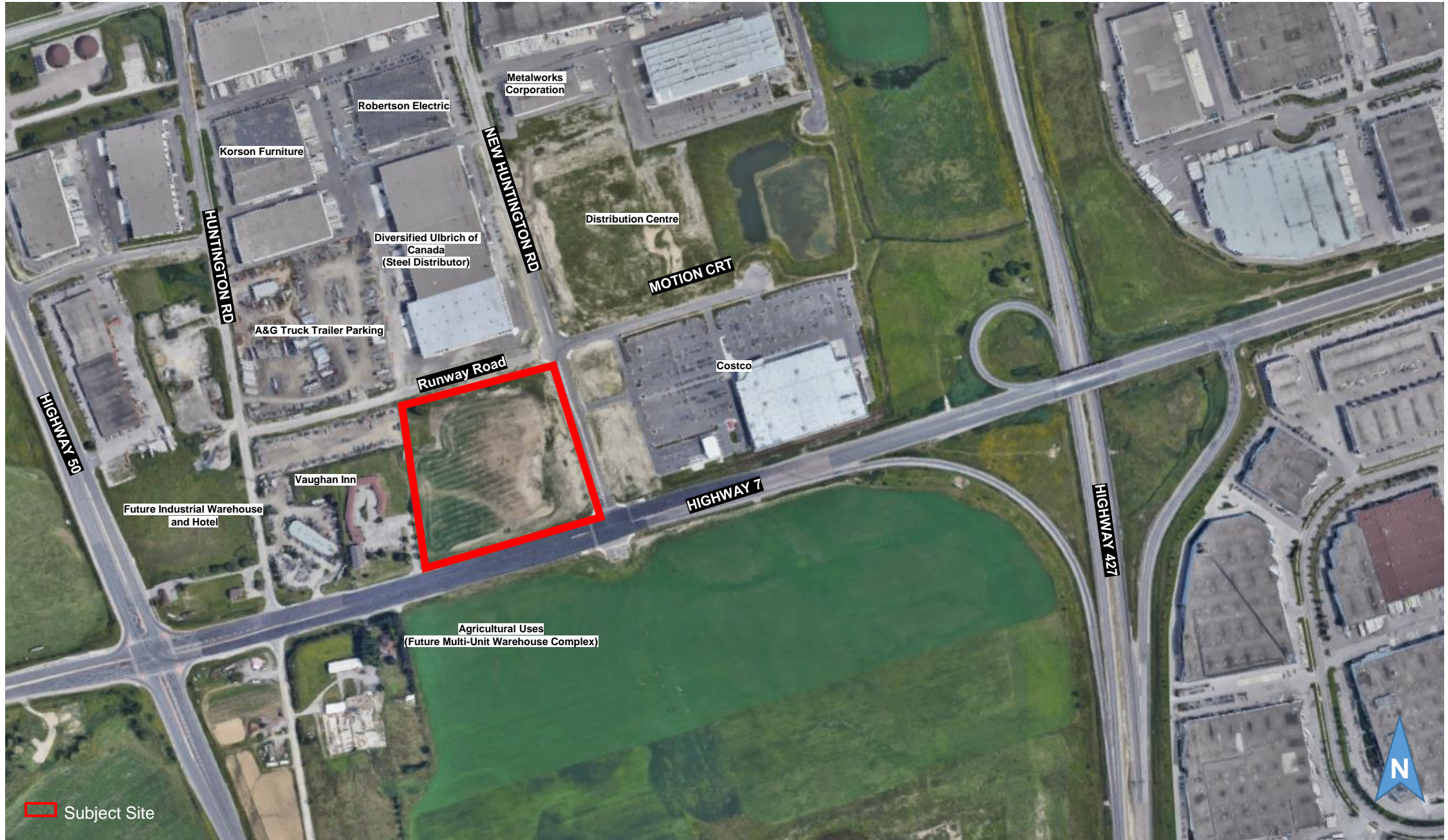
NEW HUNTINGTON ROAD & HIGHWAY 7
PUBLIC MEETING

JANUARY 18, 2022



SITE CONTEXT

AERIAL



SITE OVERVIEW

AERIAL

Site Size: 10.09 acres

Ownership: Seven 427 Developments Inc.

Current Use: Vacant



SITE CONTEXT

STREET VIEW



LOOKING NORTH FROM HIGHWAY 7



LOOKING SOUTH FROM NEW HUNTINGTON



LOOKING WEST FROM NEW HUNTINGTON

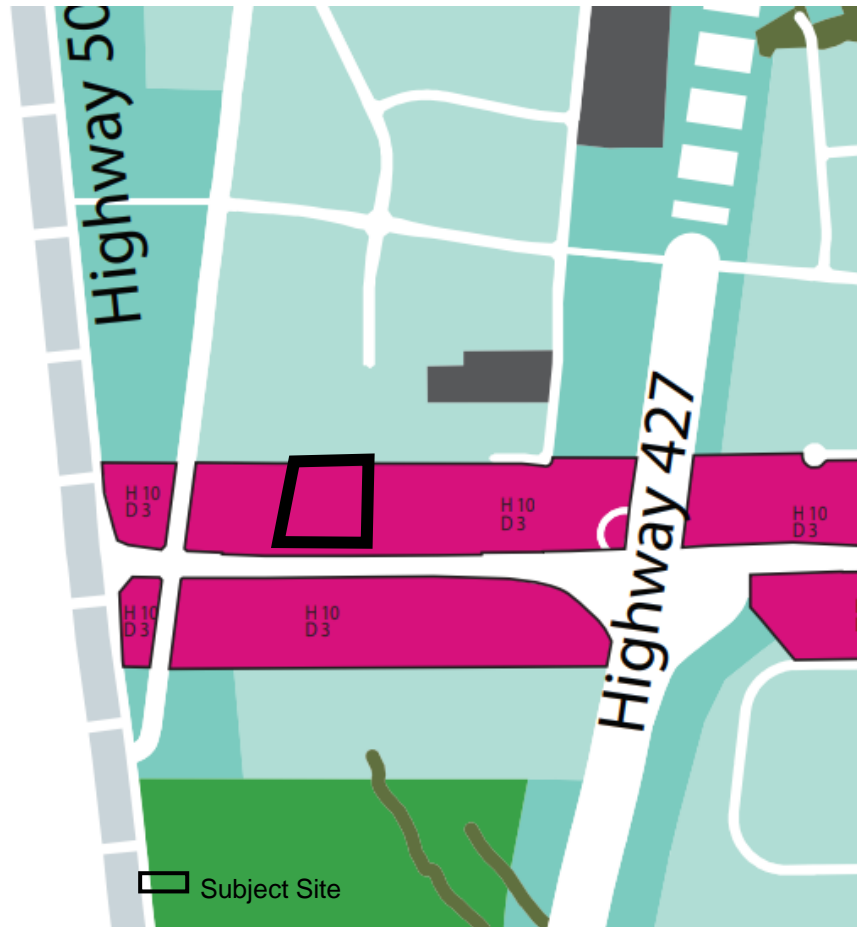


LOOKING EAST FROM RUNWAY ROAD

PLANNING OVERVIEW

OFFICIAL PLAN AND ZONING BY-LAW DESIGNATION

Vaughan Official Plan: Employment Commercial Mixed-Use



- | | | | |
|--|-----------------------|--|---------------------------------|
| | Low-Rise Residential | | Community Commercial Mixed-Use |
| | Low-Rise Mixed-Use | | Employment Commercial Mixed-Use |
| | Mid-Rise Residential | | General Employment |
| | Mid-Rise Mixed-Use | | Prestige Employment |
| | High-Rise Residential | | Major Institutional |
| | High-Rise Mixed-Use | | |

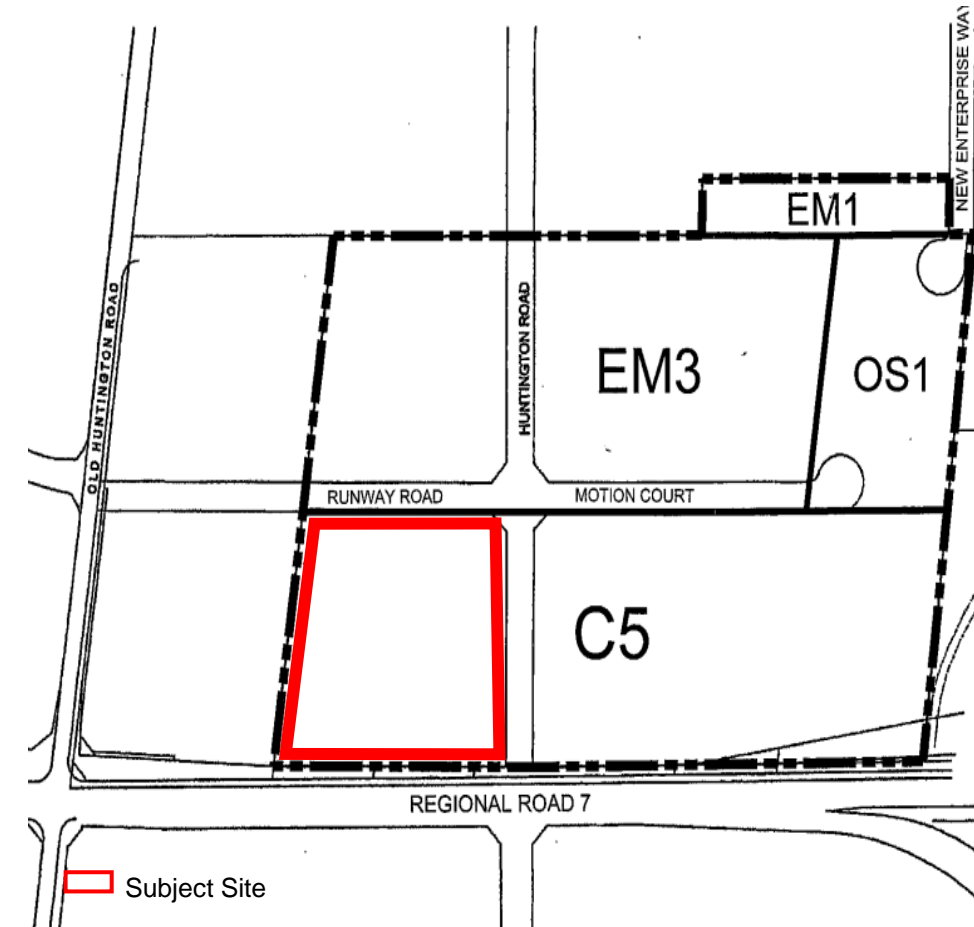
Zoning: C5 – Community Commercial



The following uses are permitted: commercial; office building; The following uses shall be permitted only if they are carried on entirely within a shopping centre and with no open storage: Any "commercial" use permitted in a C4 Zone; Eating Establishment; Convenience with Drive-Through; Office Building; Place of Amusement

Vaughan's Comprehensive Zoning By-law 001-2021 (under appeal) proposes EMU (Employment Commercial Mixed-Use Zone) zoning on the site which plans to introduce light manufacturing use, micro-manufacturing, and service or repair shop uses. Commercial storage remains a forbidden use.

Site Specific Zoning: E-1519 – Community Commercial



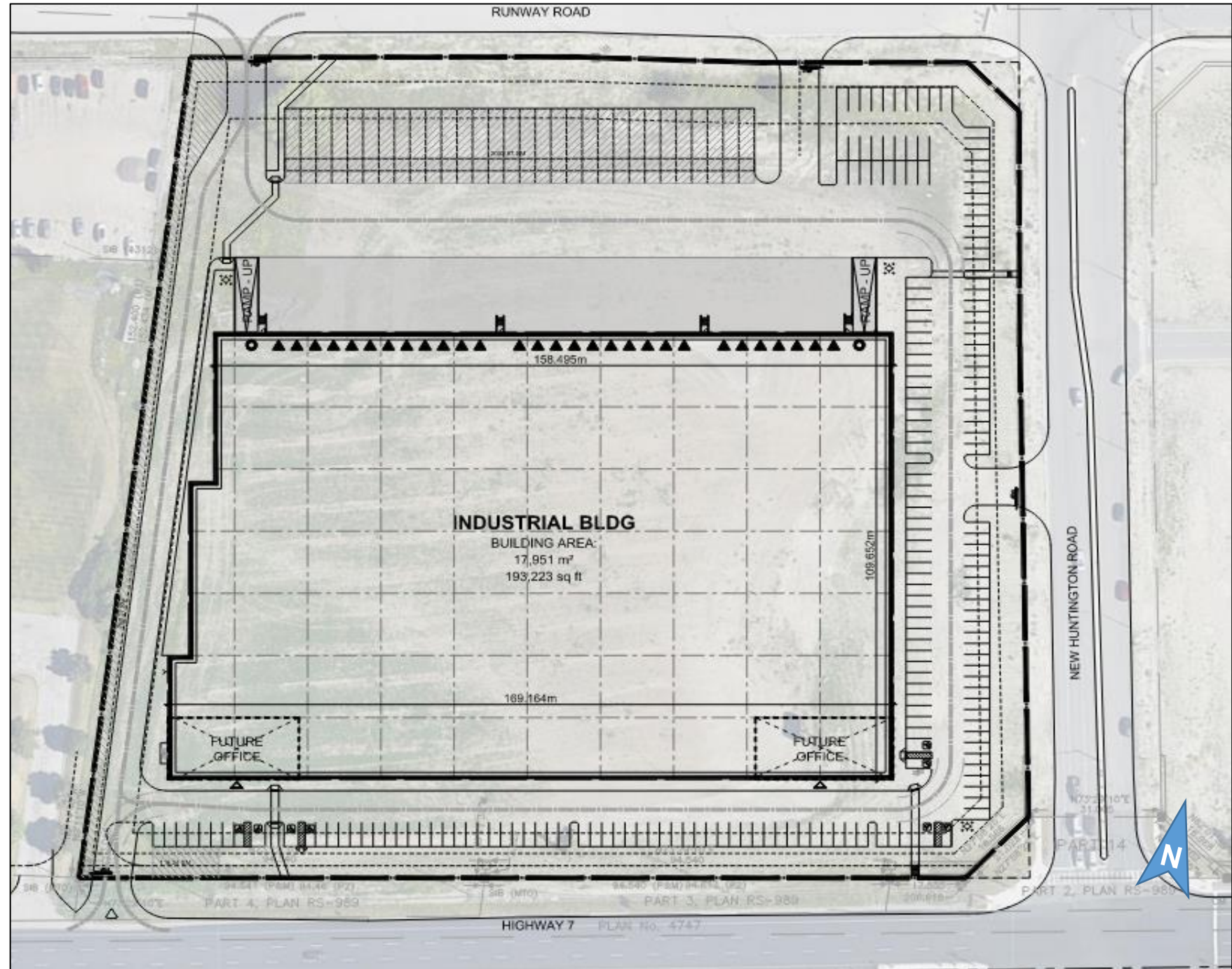
Site specific zoning E-1519, enacted through By-law Number 101-2013, amended the City's Zoning By-law 1-88 to rezone the lands shown above, from "A" Agricultural Zone to C5 Community Commercial Zone and EM3 (H) Retail Warehouse Employment Area Zone with the Holding Symbol "(H)", in manner shown above.

PROPOSED DEVELOPMENT

OVERVIEW

SITE STATISTICS

Office GFA	951 m ²
Industrial GFA	17,000 m ²
Total GFA	17,951 m²
FSI	0.44
Storeys	1
Lot Coverage	43.44%
Parking Proposed	199 spaces
Parking Required	189 spaces



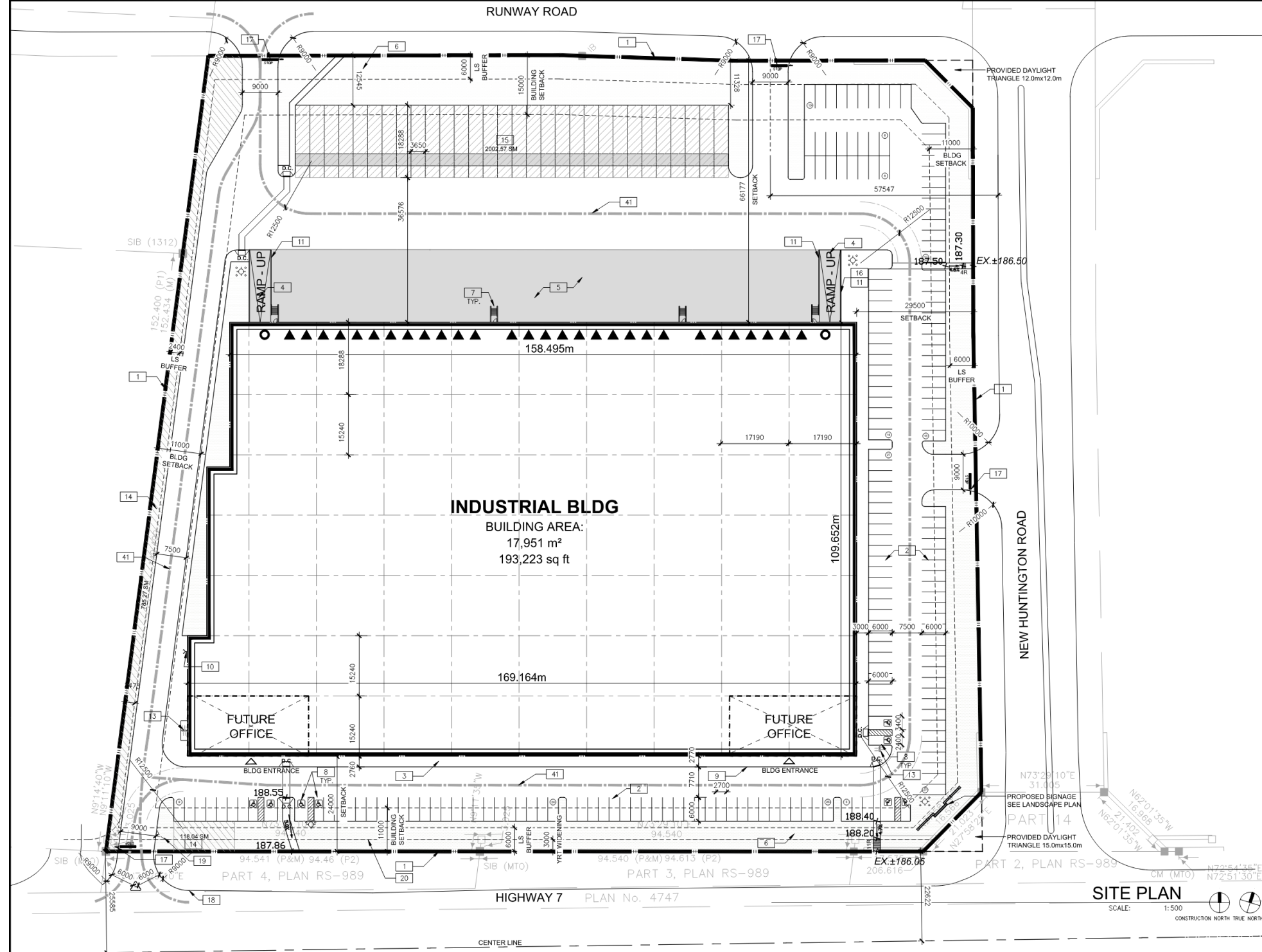
PROPOSED DEVELOPMENT

RENDERING



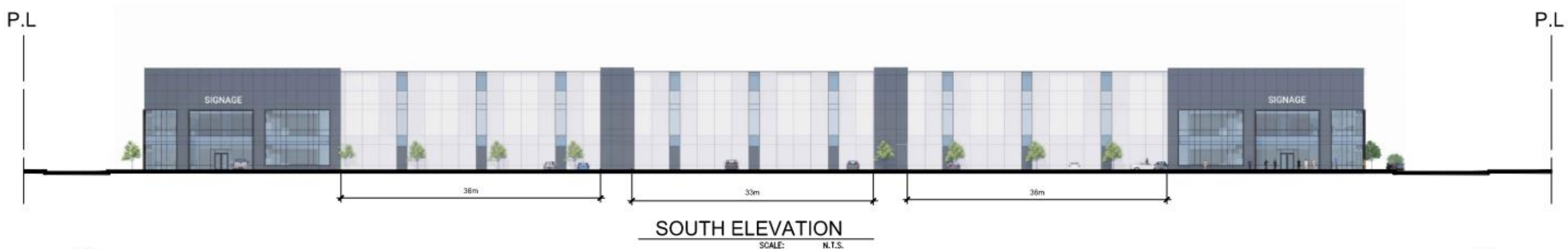
THANK YOU

APPENDIX



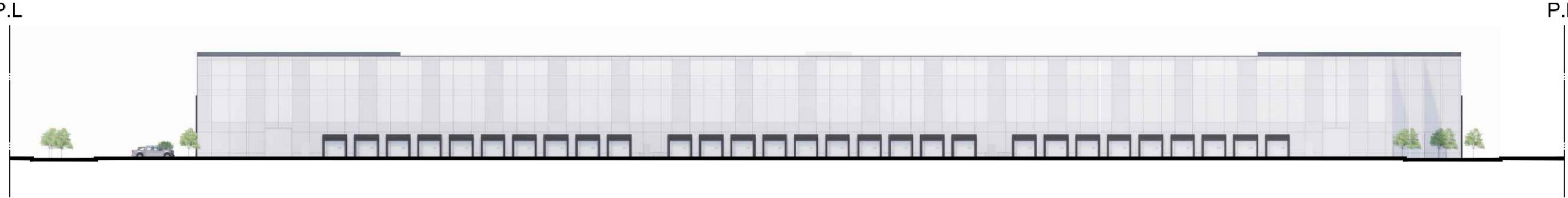
PROPOSED DEVELOPMENT

ELEVATIONS

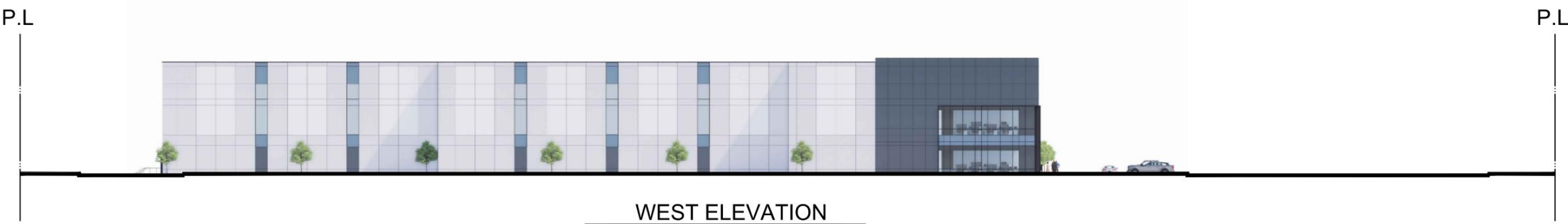


PROPOSED DEVELOPMENT

ELEVATIONS



NORTH ELEVATION
SCALE: N.T.S.



WEST ELEVATION
SCALE: N.T.S.

PROPOSED DEVELOPMENT

BUILDING SECTIONS

