

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
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Mr. Elvio Valente, Building Standards, Manager, Zoning Services and Zoning Administrator