

Transition

For the purposes of determining zoning compliance for matters covered by Section 1.6 of this By-law, the provisions of Zoning By-law 1-88, as amended, shall apply.

1.6.1 Building Permit Applications

1. Nothing in this By-law shall prevent the erection or use of a building or structure for which an application for a building permit has been filed on or prior to October 20, 2021.
2. Nothing in this By-law shall prevent the erection or use of a building or structure for which an application for a building permit has been filed after October 20, 2021, where:
 - (a) Planning Act approvals have been obtained in accordance with Subsection 1.6.2; or
 - (b) Planning Act applications are in process in accordance with Subsection 1.6.3.

1.6.2 Planning Act Approvals

1. The requirements of this By-law do not apply to a lot where a minor variance to Zoning By-law 1-88, as amended, was authorized by the Committee of Adjustment of the City or the Ontario Municipal Board, the Local Planning Appeal Tribunal or the Ontario Land Tribunal (collectively, the "Tribunal") and finally approved on or after January 1, 2010 and on or before October 20, 2021 and a building permit for the applicable project has not yet been issued.
2. The requirements of this By-law do not apply to a lot where a provisional consent has been given by the Committee of Adjustment of the City or the Tribunal on or after January 1, 2010 and on or before October 20, 2021 and a building permit for the applicable project has not yet been issued, the lot has not yet been registered at the Land Registry Office, or the applicable easement or agreement has not yet been registered on title.
3. The requirements of this By-law do not apply to a lot where a conditional or final site plan approval has been granted by the City or the Tribunal on or after January 1, 2010 and on or before October 20, 2021 and a building permit for the applicable project has not yet been issued.
4. Where a minor variance to Zoning By-law 1-88, as amended, was authorized by the Committee of Adjustment of the City or the Tribunal on or after January 1, 2010 and on or before October 20, 2021 as a requisite condition for a site plan approval, Section 1.6.2.3 shall apply to give effect to the applicable site plan approval.
5. Where this By-law is amended after the date of final approval of a site plan or minor variance, the regulations in effect on the date of final approval of the site plan or minor variance shall apply to building permit applications for the applicable project for which such final approvals were granted.
6. The requirements of this By-law do not apply to a lot where an amendment to Zoning By-law 1-88 was finally approved and in effect on or after January 1, 2010, and such amendment has not been included in Section 14 herein.

7. The requirements of this By-law do not apply to prevent the removal of a holding symbol (“H”) from an amendment to Zoning By-law 1-88 that was finally approved and in effect on or after January 1, 2010.
8.
 1. The requirements of this By-law do not apply to prevent the approval of the following applications filed after October 20, 2021 if such application(s) are complete and, save under (f), comply with an amendment to Zoning By-law 1-88 that was finally approved and in effect on or after January 1, 2010 and on or before October 20, 2021, or that has been approved in principle by the Tribunal after January 1, 2010 where the final order has been withheld, and comply with all requirements of the Planning Act:
 - (a) site plan drawings and conditions;
 - (b) a consent to sever;
 - (c) an approval of draft plan of subdivision;
 - (d) a plan of condominium approval;
 - (e) a part-lot control exemption approval pursuant to Section 50 of the Planning Act; or
 - (f) a minor variance required as a condition or consequence of one of (a) to (e) above, or identified as required upon review of a building permit application.
 2. Nothing in this By-law shall prevent the erection or use of a building or structure on a lot where the applicable applications under Section 1.6.2.8.1 have been finally approved and the building permit application complies with the provisions of Zoning By-law 1-88, as amended and all final approved minor variances.
 3. Upon completion of the project for which approvals and permits have been obtained pursuant to Sections 1.6.2.8.1 and 1.6.2.8.2, this exemption under Section 1.6.2.8 shall cease to apply.

1.6.3 Planning Applications in Process

1.6.3.1 Minor Variance Applications

1. Nothing in this By-law shall prevent the erection or use of a building or structure, in the circumstances set out in Section 1.6.3.1.1(a) and (b), for which:
 - (a) a complete application for a minor variance under Section 45 of the Planning Act was filed on or before October 20, 2021; or
 - (b) a complete application for minor variance under Section 45 of the Planning Act was filed after October 20, 2021 based on a building permit application referred to in Section 1.6.1.1.
2. Where a project qualifies under Section 1.6.3.1.1:
 - (a) the minor variance may be granted in compliance with Section 45 of the Planning Act in the context of Zoning By-law 1-88, as amended, as it read on October 20, 2021; and

- (b) a building permit for that project may be issued after final approval is received for the minor variance if the project in question and the building permit application complies with the provisions of Zoning By-law 1-88, as amended, as it read on October 20, 2021, and all final approved minor variances.

1.6.3.2 Site Plan Approval Applications

1. Nothing in this By-law shall prevent the erection or use of a building or structure for a project for which a complete application for site plan approval was filed on or before October 20, 2021, if the project in question complies with the provisions of Zoning By-law 1-88, as amended, as it read on October 20, 2021.
2. Where a project qualifies under Section 1.6.3.2.1:
 - (a) The Conditions of final site plan approval may be granted if the project complies with the provisions of Zoning By-law 1-88, as amended, as it read on October 20, 2021, and all requirements of the Planning Act; and
 - (b) after the conditions of site plan approval or final site plan approval is received for a project that qualifies under Section 1.6.3.2.1, a building permit for that project may be issued if the project in question and the building permit application for the project complies with the provisions of Zoning By-law 1-88, as amended, as it read on October 20, 2021, the site plan approval, and all approved minor variances.

1.6.3.3 Other Approvals

1. The requirements of this By-law do not apply to prevent the approval of an application to amend Zoning By-law 1-88 as amended if the application was filed and deemed complete in accordance with the City of Vaughan Official Plan, 2010 on or before October 20, 2021, and complies with all requirements of the Planning Act.
2. The requirements of this By-law do not apply to prevent the approval of the following applications if such application(s), save under (f), are complete and comply with an amendment to Zoning By-law 1-88 that was finally approved and in effect in accordance with Section 1.6.3.3.1, and comply with all requirements of the Planning Act:
 - (a) site plan drawings and conditions;
 - (b) a consent to sever;
 - (c) an approval of draft plan of subdivision;
 - (d) a plan of condominium approval;
 - (e) a part-lot control exemption approval pursuant to Section 50 of the Planning Act; or
 - (f) a minor variance required as a condition or consequence of one of (a) to (e) above, or identified as required upon review of a building permit application.

Attachment 1
Transition Provisions Proposed for Adoption

3. Nothing in this By-law shall prevent the erection or use of a building or structure on a lot where the applicable applications under Sections 1.6.3.3.1 and 1.6.3.3.2 have been finally approved and are in effect and the building permit application complies with the provisions of Zoning By-law 1-88, as amended and all final approved minor variances.
4. Upon completion of the project for which approvals and permits have been obtained pursuant to Sections 1.6.3.3.1 to 1.6.3.3.3, this exemption shall cease to apply.
5. The requirements of this By-law do not apply to prevent the approval of the following applications where the application was filed and deemed complete in accordance with the City of Vaughan Official Plan, 2010 on or before October 20, 2021:
 - (a) a consent to sever;
 - (b) an approval of draft plan of subdivision;
 - (c) a plan of condominium approval; or
 - (d) a part-lot control exemption approval pursuant to Section 50 of the Planning Act.
6. Where a project qualifies under Section 1.6.3.3.5:
 - (a) the consent to sever, the approval of the draft plan of subdivision, the plan of condominium approval and the part-lot control exemption approval may be granted if the project complies with the provisions of Zoning By-law 1-88, as amended, as it read on October 20, 2021 and all requirements of the Planning Act; and
 - (b) a building permit for that project may be issued after final approval is received for the consent to sever, the approval of the draft plan of subdivision, the plan of condominium approval and the part-lot control exemption approval, based on an application for a building permit filed after October 20, 2021, if the project in question and the building permit application complies with the provisions of Zoning By-law 1-88, as amended, as it read on October 20, 2021, and all final approved minor variances.
7. The requirements of this By-law do not apply to a lot where the Tribunal has, on or after January 1, 2010, granted approval in principle for a zoning by-law amendment or minor variance to Zoning By-law 1-88, as amended, a provisional consent, or conditional or final site plan approval, but has decided that the final order shall be withheld until such time as the performance of certain terms imposed by the Tribunal have been satisfied.

1.6.4 Duration of Transition Provisions

1. Nothing in this By-law applies so as to continue the application of Sections 1.6.1 to 1.6.3 beyond the issuance of the building permit or permits upon which the exemptions are founded.
2. Notwithstanding Section 1.6.4.1 above, the provisions of Section 1.6 shall be repealed ten (10) years after October 20, 2021. This provision shall not require an amendment to this By-law to take effect.