

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 045-2024

A By-law to amend the Vaughan Official Plan 2010 for the Vaughan Planning Area with Amendment Number 115, as effected by the Ontario Land Tribunal.

WHEREAS an application for Official Plan Amendment was filed with respect to the lands at 158 and 166 Wallace Street to permit 7 townhouse dwellings;

AND WHEREAS the application was appealed to the Ontario Land Tribunal as Case No. OLT-22-003307 and the Tribunal made an order with respect to the appeal;

NOW THEREFORE the Ontario Land Tribunal **ORDERS AS FOLLOWS:**

1. THAT Amendment Number 115 to the Vaughan Official Plan 2010 of the Vaughan Planning Area, as approved by the Ontario Land Tribunal Order dated the 23rd day of January, 2024 (OLT Case No. OLT-22-003307), is attached hereto as Attachment "1" consisting of the attached text, Schedules "1", "2", "3" and "4" and is effective January 23rd, 2024.

Steven Del Duca, Mayor

Todd Coles, City Clerk

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: January 23, 2024

CASE NO(S):

OLT-22-003307
(Formerly PL171351)

PROCEEDING COMMENCED UNDER subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant: Olga Fiala
Subject: Request to amend the Official Plan - Failure of the City of Vaughan to adopt the requested amendment
Existing Designation: Low Rise Residential
Proposed Designated: Site Specific (To Be Determined)
Purpose: To permit the construction of a two block, 33 unit residential development
Property Address/Description: 158 & 166 Wallace Street
Municipality: City of Vaughan
Approval Authority File No.: OP.17.006
OLT Case No.: 22-003307
Legacy Case No.: PL171351
OLT Lead Case No.: 22-003307
Legacy Lead Case No: PL171351
OMB Case Name: Fiala v. Vaughan (City)

PROCEEDING COMMENCED UNDER subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant: Olga Fiala
Subject: Application to amend Zoning By-law No. 1-88 - Refusal or neglect of the City of Vaughan to make a decision
Existing Zoning: R3 – Residential
Proposed Zoning: RM2-XX
Purpose: To permit the construction of a two block, 33 unit residential development
Property Address/Description: 158 & 166 Wallace Street
Municipality: City of Vaughan
Municipality File No.: Z.17.015

OLT Case No.: 22-003312
 Legacy Case No.: PL171352
 OLT Lead Case No.: 22-003307
 Legacy Lead Case No.: PL171351

Heard: January 18, 2024, by video

APPEARANCES:

Parties

King Home Construction Inc.
 (“Applicant”)

City of Vaughan
 (“City”)

Toronto and Region
 Conservation Authority

Counsel

Aaron Platt
 Alexandra Whyte

Effie Lidakis

Matthew Rutledge

DECISION DELIVERED BY JEAN-PIERRE BLAIS AND ORDER OF THE TRIBUNAL

[Link to Order](#)

[1] The Applicant seeks to redevelop lands known municipally as 158-166 Wallace in the City (“Subject Property”). Originally Olga Fiala, the previous owner of the Subject Property, sought to construct two residential mid-rise buildings with a total of 33 units, a height of three storeys and gross floor area of approximately 3,628 square metres. To this end, she sought an amendment to the City’s Official Plan (“OPA”) and a Zoning By-law amendment (“ZBA”). She commenced appeals in 2017 under subsections 22(7) and 34(19) of *the Planning Act*, R.S.O. 1990, c. P. 13, as amended (“Act”), based on the City’s failure to decide within the prescribed timeframe.

[2] Since 2021, the Applicant is now the owner of the Subject Property. The proposed development has been revised on many occasions. Disposition of the matter comes before the Tribunal as a settlement. The settlement proposal contemplates

seven townhouse units contained within two blocks of four and three units respectively, a building height of four storeys and a gross floor area of approximately 2,249 square metres.

[3] The Subject Property is in the Woodbridge Heritage Conservation District which is designated under Part V of the *Ontario Heritage Act*, R.S.O. 1990, c. O.18, as amended. However, the Subject Property is “non-contributing”, meaning that it does not contribute to the heritage character of the district.

[4] The Tribunal has received, reviewed, heard and considered the uncontested opinion evidence of Kayly Robbins, qualified by the Tribunal as an expert in land use planning, contained in his comprehensive Affidavit sworn January 12, 2024, and marked as **Exhibit 1**. Her affidavit includes a resolution of City Council endorsing the settlement proposal adopted on November 14, 2023.

[5] The evidence of Ms. Robbins reflects revisions to the applications before the Tribunal that were reached through the cooperative efforts of the Parties.

[6] The Tribunal accepts the opinion evidence of Ms. Robbins as presented and similarly finds that the subject applications, as revised, have regard to those applicable matters of provincial interest found in section 2 of the Act, are consistent with the Provincial Policy Statement (2020), conform to the Growth Plan for the Greater Golden Horseshoe (2020), conform to the Region of York Official Plan (2010), have regard to the Region of York Official Plan (2022), conform to the City’s Official Plan (2010), conform to the Woodbridge Centre Secondary Plan (2010) and otherwise reflect principles of good land use planning. Furthermore, considering the settlement has been endorsed by the City, the Tribunal makes its findings while exercising regard for the decision of the City pursuant to section 2.1(1)(a) of the Act.

[7] The proposed ZBA provides for the rezoning of the developable portion of the Subject Property to “RM1 Multiple Residential Zone” with site-specific provisions to

permit the residential townhouses. The western portion of the Subject Property containing the vegetated valley lands are proposed to be zoned “OS1 Open Space Conservation Zone” with site specific provisions. A “Hold (H)” Provision is to be included in the ZBA to capture requirements by the City for the Applicant to enter into a Subdivision Agreement with the City and that water and sanitary servicing capacity is to be identified and allocated.

ORDER

[8] THE TRIBUNAL ORDERS THAT:

- a. the Appeals are allowed in part;
- b. the Official Plan for the City of Vaughan is amended as set out **Attachment 1** to this Order;
- c. By-Law No. 1-88 of the City of Vaughan is amended as set out in **Attachment 2** to this Order. The Tribunal authorizes the Municipal Clerk of the City of Vaughan to assign a number to this by-law for record keeping purposes.

"Jean-Pierre Blais"

JEAN-PIERRE BLAIS
MEMBER

Ontario Land Tribunal

Website: www.olt.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

The Conservation Review Board, the Environmental Review Tribunal, the Local Planning Appeal Tribunal and the Mining and Lands Tribunal are amalgamated and continued as the Ontario Land Tribunal (“Tribunal”). Any reference to the preceding tribunals or the former Ontario Municipal Board is deemed to be a reference to the Tribunal.

ATTACHMENT 1**Official Plan Amendment 115****CITY OF VAUGHAN OFFICIAL PLAN 2010****I PURPOSE**

The purpose of this Amendment to the Vaughan Official Plan 2010 (“VOP 2010”) (the “Amendment”) is to amend the provisions of the Official Plan of the Vaughan Planning Area, specifically, Volume 2, Section 11.11, Policy 4.1.2.5 – “Site-Specific Policies”, Schedule 2 – “Land Use Plan”, Schedule 3 – “Density Plan”, and Schedule 4 – “Building Height Maximums” to facilitate the development of seven (7) townhouse dwellings at 158 and 166 Wallace Street (the “Development”).

This Amendment will facilitate the following with respect to the Subject Lands identified as, “Lands Subject to this Amendment No. 115” on Schedules “1”, “2”, “3” and “4” attached hereto:

1. Redesignate a portion of the Subject Lands from “Low-Rise Residential (1)” to “Natural Areas”;
2. Permit a maximum building height of 4-storeys (12.8 m);
3. Permit a maximum Floor Space Index (“FSI”) of 1.75 times the area of the lot, calculated using the Gross Floor Area definition in Zoning By-law 001-2021, on the portion of the lands designated Low-Rise Residential (1);
4. Permit a maximum lot coverage of 64% on the portion of the lands designated Low-Rise Residential (1); and

5. Require a “Minimum Vegetation Protection Zone” from the “Natural Areas” land use designation as set-out in the implementing Zoning By-law.

II LOCATION

The lands subject to this Amendment, hereinafter referred to as the “Subject Lands”, are located on the west side of Wallace Street, north of Regional Road 7, municipally known as 158 and 166 Wallace Street being Part of Lot 6, Concession 7, City of Vaughan, as shown on Schedule “1” attached hereto as “Lands Subject to this Amendment No. 115.”

III BASIS

The decision to amend VOP 2010, is based on the following considerations:

1. The Amendment is consistent with the Provincial Policy Statement, 2020 (“PPS”) as it represents appropriate intensification and efficient use of land. The PPS promotes efficient, cost-effective development and land use patterns that are based on densities which:
 - a. 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; and,
 - b. Are transit-supportive, where transit is planned, exists or may be developed.

The PPS promotes an appropriate range and mix of housing types and densities required to meet projected requirements of current and future residents, by maintaining residential growth for a minimum of 10 years

- through residential development and intensification. The Amendment to facilitate the Development is consistent with the PPS.
2. As directed by the A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 (“Growth Plan”) intensification is to be implemented by way of municipal Official Plans. The Growth Plan’s intensification strategy places the onus on the upper tier and local municipalities to decide where and how to accommodate growth and intensification. The lands subject to the Amendment are within the Built-up Area which is where intensification is encouraged to be located. This Amendment plans for appropriate intensification in the form of a low-density townhouse development on the Subject Lands. The Development conforms to the Growth Plan by contributing to the range and mix of housing types within the community.
 3. The York Region Official Plan, 2010 (“YROP 2010”) designates the Subject Lands as “Urban Area” on Map 1 – Regional Structure. Urban Areas permit a wide range of residential, commercial, institutional and industrial uses. This designation is intended for the majority of growth within the region to *“enhance the Region’s urban structure through city building, intensification and compact and complete communities.”* The Development conforms to the policies of the YROP 2010 as it will facilitate an appropriate low-density residential development adjacent to a low-rise neighbourhood.
 4. York Region Official Plan 2022 (“YROP 2022”) was adopted by Regional Council on June 30, 2022 and was approved with modifications by the

- Ministry of Municipal Affairs and Housing on November 4, 2022. Transition provision 7.4.13 of the YROP 2022 identifies that development applications which have not been deemed complete by the date of YROP 2022's approval shall be subject to the policies of the YROP 2022. The Applications were deemed complete on April 28, 2017 and are therefore subject to the YROP 2010, however an analysis of YROP 2022 has been provided to demonstrate that the development does not conflict with the policies of the YROP 2022. The Development conforms to the policies of the YROP 2022 as it will facilitate residential development within the "*Urban Area*" which is the primary location for growth and development to take place.
5. Schedule 1 of the VOP 2010 designates the Subject Lands as "*Built-Up Valley Lands*" in accordance with Schedule 2 Natural Heritage Network. New development within "*Built-Up Valley Lands*" is to be in accordance with the approved Secondary Plan. The Subject Lands are located within the Woodbridge Centre Secondary Plan ("WCSP").
 6. The WCSP designates the Subject Lands as "*Low Rise Residential (1)*" with a maximum permitted height of three-storeys or 11 metres, and a maximum density of 0.5 FSI. The applicable designation permits the proposed residential use on the Subject Lands. The Development has been "*designed in a manner that is complementary to the overall heritage character of the area and in keeping with the policies and guidelines of the Woodbridge Heritage Conservation District Plan*". Amendments are required with respect to height, lot coverage and density to facilitate the Development. The

Amendment also recognizes and preserves the valley lands within the western portion of the Subject Lands and associated setbacks to long-term stable toe of slope.

IV DETAILS OF THE AMENDMENT AND POLICIES RELATIVE THERETO

VOP 2010, Volume 2, Section 11.11 – Woodbridge Centre Secondary Plan is hereby amended by:

1. Amending Schedule 2 “Land Use Plan” of Volume 2, Section 11.11 of VOP 2010, as identified on Schedule “2” hereto, by redesignating a portion of the Subject Lands, from “Low-Rise Residential (1)” to “Natural Areas”;
2. Amending Schedule 3 “Density Plan” of Volume 2, Section 11.11 of VOP 2010, as identified on Schedule “3” hereto, to identify a maximum FSI of 1.75 times the area of the lot for the Subject Lands; whereas an FSI of 0.5 times the area of the lot is permitted;
3. Amending Schedule 4 “Building Height Maximums” of Volume 2, Section 11.11 of VOP 2010, as identified on Schedule “4” hereto, to identify a maximum Building Height of 4-storeys (12.8 m) for the Subject Lands; whereas a maximum Building Height of 3-storeys (11 m) is permitted; and
4. Amending Volume 2, Section 11.11 of VOP 2010, Policy 4.1.2.5 “Site-Specific Policies” by adding the following policy, to be renumbered in sequential order:

“(OPA #115) f. 158, and 166 Wallace Street designated Low-Rise Residential (1):

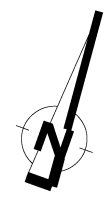
- i. Notwithstanding Section 4.1.2.1.a., a maximum building height of 4-storeys (12.8 m) shall be permitted.
- ii. Notwithstanding Section 4.1.2.1.d., a maximum FSI of 1.75 times the area of the lot, calculated using the definition of “Gross Floor Area” in Zoning By-law 001-2021, shall be permitted on the portion of the lands designated Low-Rise Residential (1).
- iii. Notwithstanding Section 4.1.2.1.e., a maximum lot coverage of 64% shall be permitted on the portion of the lands designated Low-Rise Residential (1).
- iv. Notwithstanding Section 3.2.3.4 in Volume 1 of VOP 2010, the required Minimum Vegetation Protection Zone shall be set-out in the implementing Zoning By-law.

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 amendments to the City of Vaughan Zoning By-law 1-88 and City of Vaughan Comprehensive Zoning By-law 001-2021, and Draft Plan of Subdivision, pursuant to the *Planning Act*.

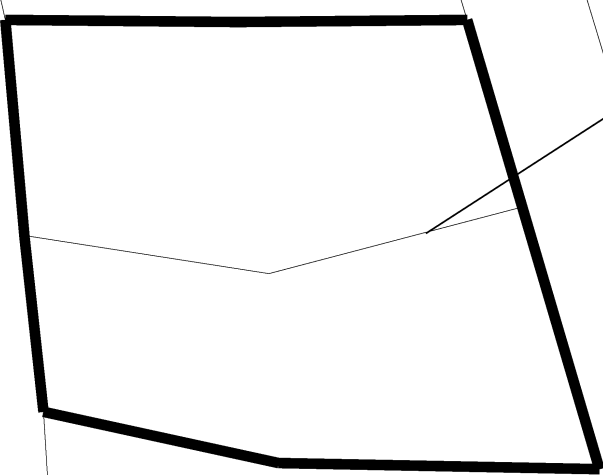
VI INTERPRETATION

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.



WALLACE ST

**SUBJECT
LANDS**



HWY 7

WALLACE ST

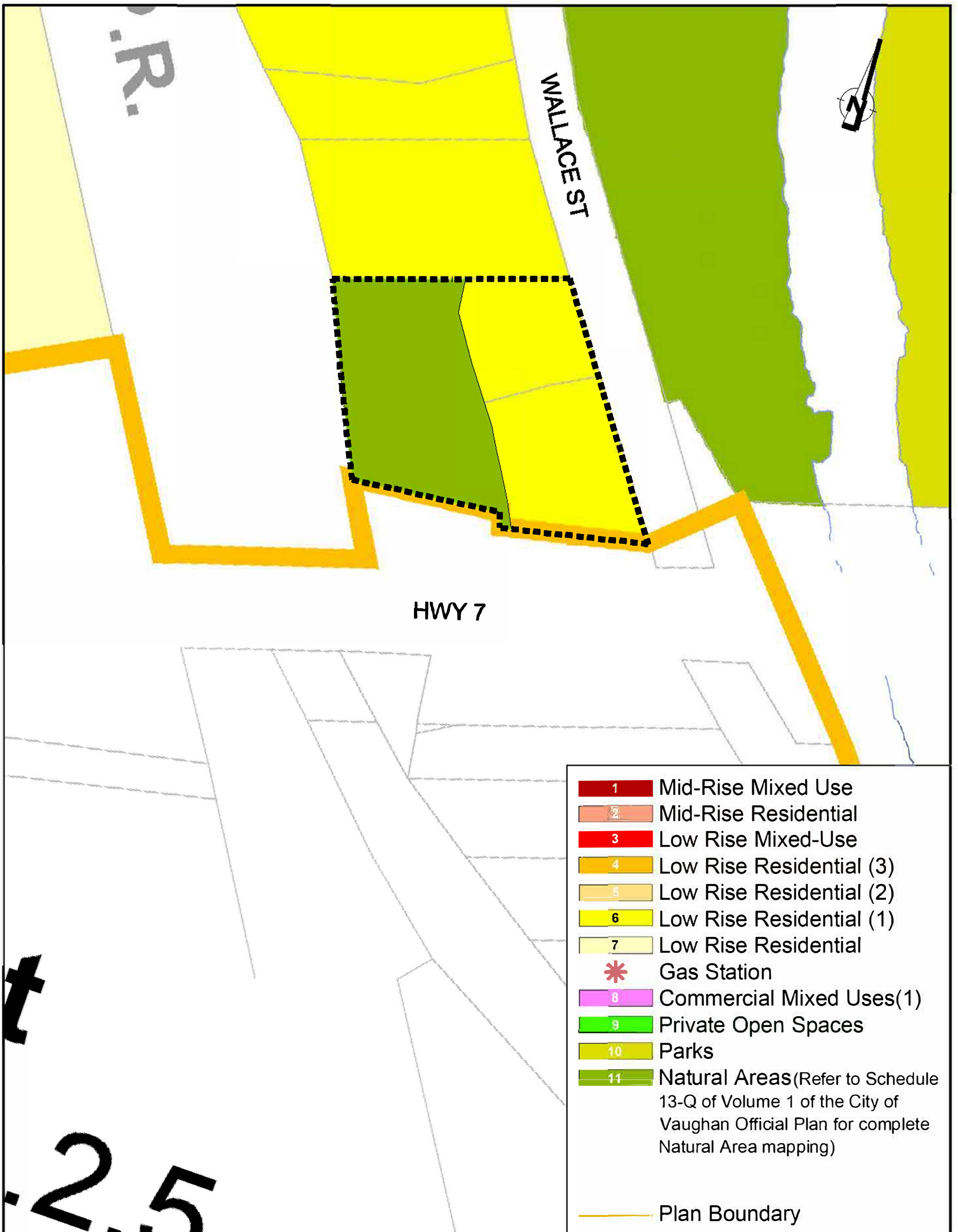


LANDS SUBJECT TO THIS AMENDMENT NO. 115

**THIS IS SCHEDULE '1'
TO OFFICIAL PLAN AMENDMENT NO.115**

PASSED THE 26TH DAY OF MARCH, 2024

FILE NO.: OP.17.006
LOCATION: 158 & 166 WALLACE STREET
APPLICANT: KING HOME CONSTRUCTION INC.
NOT TO SCALE
CITY OF VAUGHAN

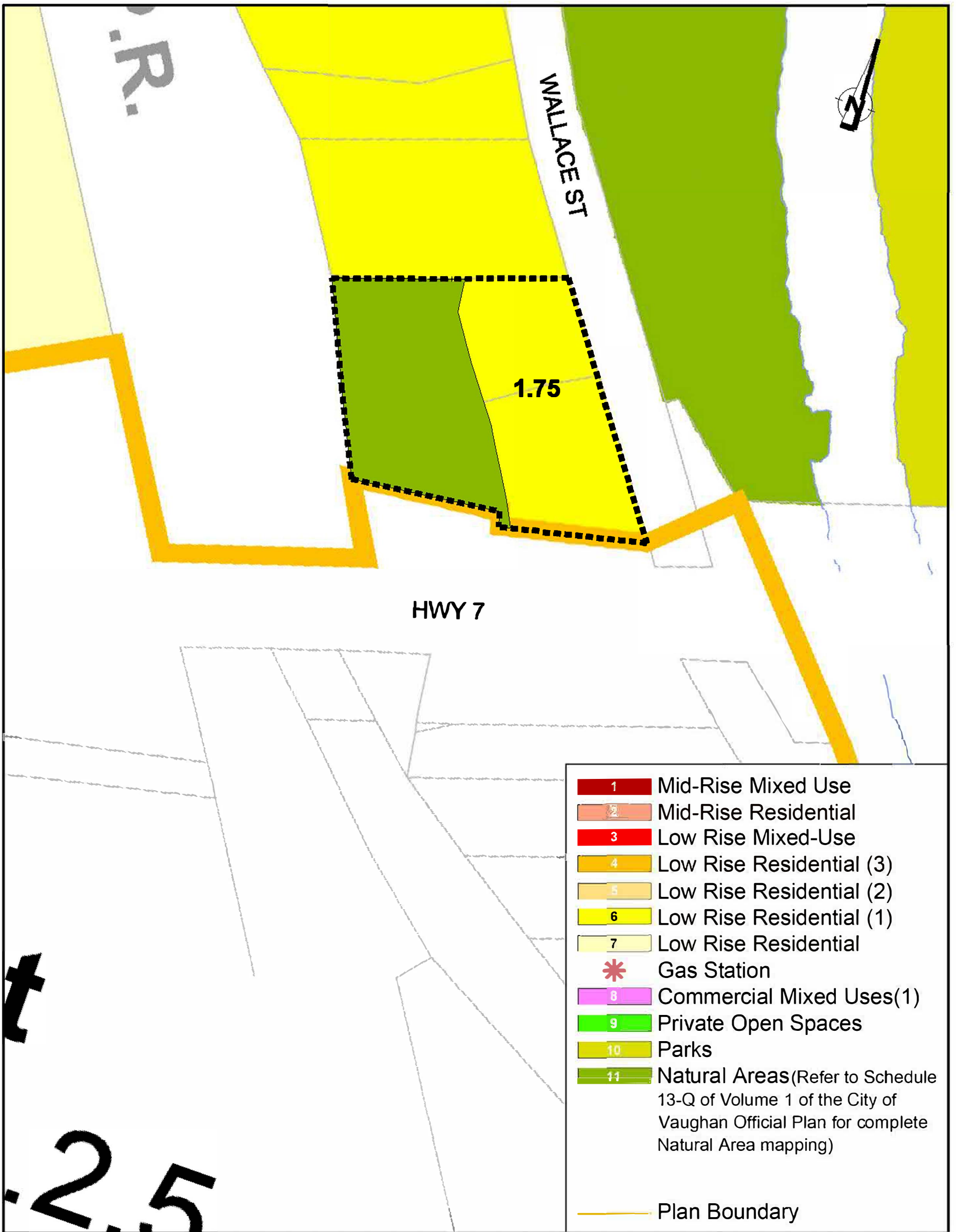


LANDS SUBJECT TO AMENDMENT NO. 115

THIS IS SCHEDULE '2' TO OFFICIAL PLAN AMENDMENT NO.115

PASSED THE 26TH DAY OF MARCH, 2024

FILE NO.: OP.17.006
 LOCATION: 158 & 166 WALLACE STREET
 APPLICANT: KING HOME CONSTRUCTION INC.
 NOT TO SCALE
 CITY OF VAUGHAN

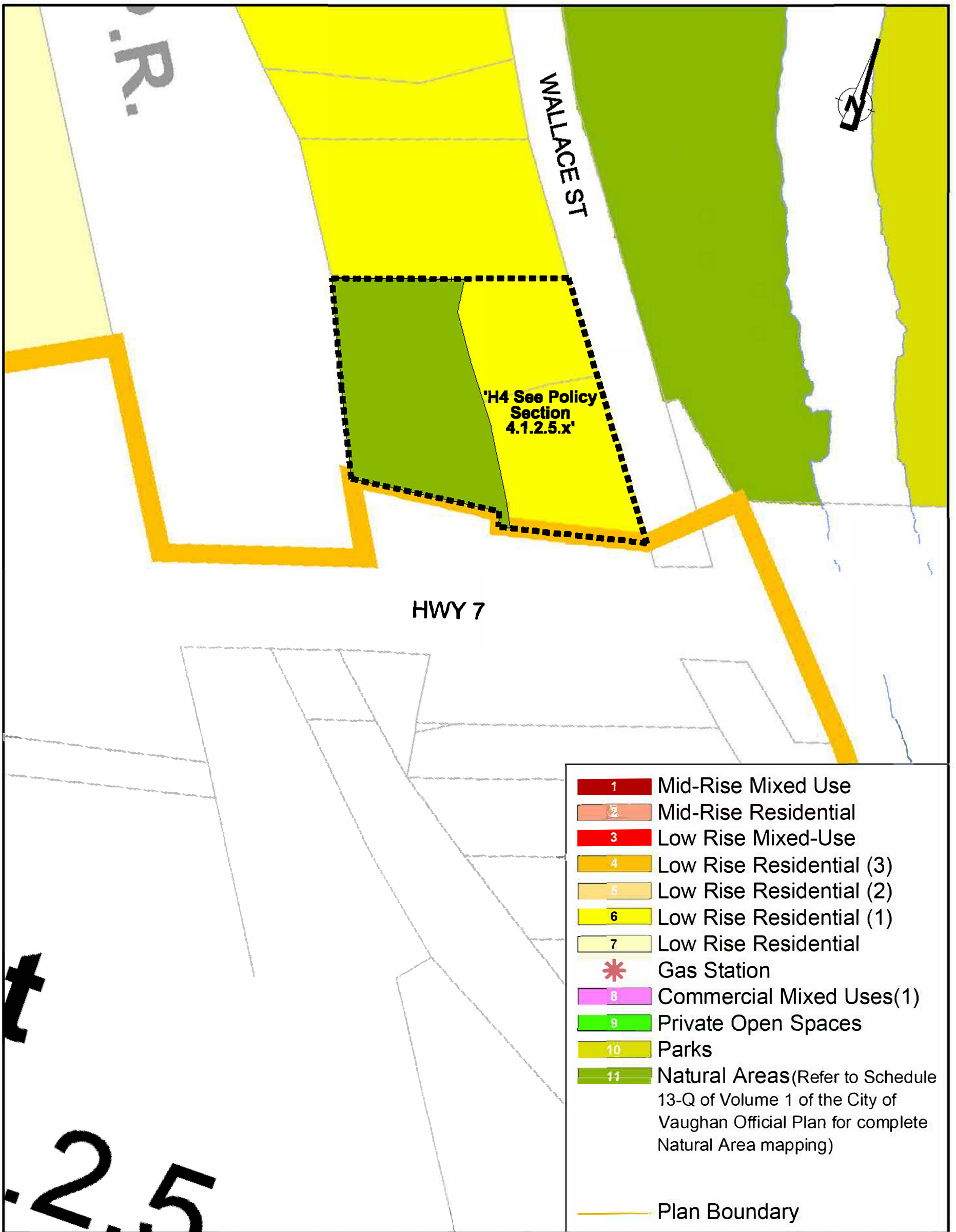


LANDS SUBJECT TO AMENDMENT NO. 115

**THIS IS SCHEDULE '3'
TO OFFICIAL PLAN AMENDMENT NO.115**

PASSED THE 26TH DAY OF MARCH, 2024

FILE NO.: OP.17.006
 LOCATION: 158 & 166 WALLACE STREET
 APPLICANT: KING HOME CONSTRUCTION INC.
 NOT TO SCALE
 CITY OF VAUGHAN



LANDS SUBJECT TO AMENDMENT NO. 115

THIS IS SCHEDULE '4' TO OFFICIAL PLAN AMENDMENT NO.115

PASSED THE 26TH DAY OF MARCH, 2024

FILE NO.: OP.17.006
 LOCATION: 158 & 166 WALLACE STREET
 APPLICANT: KING HOME CONSTRUCTION INC.
 NOT TO SCALE
 CITY OF VAUGHAN