

# *THE CITY OF VAUGHAN*

# *BY-LAW*

## **BY-LAW NUMBER 081-2022**

**A By-law to designate by Number an amendment to City of Vaughan By-law 1-88, as amended, as effected by the Ontario Land Tribunal.**

The Council of the Corporation of the City of Vaughan **ENACTS AS FOLLOWS:**

1. THAT the Amendment to City of Vaughan By-law 1-88, as amended, as effected by the Ontario Land Tribunal Order Issue, dated the 23rd day of November 2021 (OLT Case No. PL160978), attached hereto as Attachment 1, is hereby designated as By-Law Number 081-2022.

Enacted by City of Vaughan Council this 17<sup>th</sup> day of May, 2022.

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Hon. Maurizio Bevilacqua, Mayor

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Todd Coles, City Clerk

**Ontario Land Tribunal**  
Tribunal ontarien de l'aménagement  
du territoire



**ISSUE DATE:** November 23, 2021

**CASE NO(S):**

PL160978

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

Applicant and Appellant:	Dufferin Vistas Ltd.
Subject:	Application to amend Zoning By-law No. 1-88, as amended – Neglect of application by the City of Vaughan
Existing Zoning:	“A Agricultural Zone” and “OS5 Open Space Environmental Protection Zone”
Proposed Zoning:	“RT1 Residential Townhouse Zone” and “OS5 Open Space Environmental Protection Zone”
Purpose:	To permit the development of 32 single detached residential lots and the extension of Grand Trunk Avenue on the western portion of the subject property as the 1 <sup>st</sup> phase and 42 townhouse units on the eastern portion of the subject property as the 2 <sup>nd</sup> phase, and to create 2 open space blocks adjacent to the existing forest blocks located to the north and south of the subject property as well as vegetated corridors along the west and south property lines
Property Address/Description:	230 Grand Trunk Avenue/ Part of Lot 17, Concession 3
Municipality:	City of Vaughan
Municipality File No.:	Z.16.016
OLT Case No.:	PL160978
OLT File No.:	PL160978
OLT Case Name:	Dufferin Vistas Ltd. v. Vaughan (City)

**PROCEEDING COMMENCED UNDER** subsection 51(34) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	Dufferin Vistas Ltd.
Subject:	Proposed Plan of Subdivision - Failure of the City of Vaughan to make a decision
Purpose:	To permit the development of 32 single detached

residential lots and the extension of Grand Trunk Avenue on the western portion of the subject property as the 1<sup>st</sup> phase and 42 townhouse units on the eastern portion of the subject property as the 2<sup>nd</sup> phase, and to create 2 open space blocks adjacent to the existing forest blocks located to the north and south of the subject property as well as vegetated corridors along the west and south property lines

Property Address/Description: 230 Grand Trunk Avenue/ Part of Lot 17, Concession 3

Municipality: City of Vaughan

Municipality File No.: 19T-16V001

OLT Case No.: PL160978

OLT File No.: PL160980

**Heard:** October 25, 2021 via video hearing

**APPEARANCES:**

**Parties**

**Counsel**

Dufferin Vistas Ltd.

M. Di Vona

City of Vaughan

P. Patterson

Toronto Region Conservation Authority

T. Duncan

Friends of the Grand Trunk Ravine Inc.

D. Donnelly

Block 18 Landowners Group Inc. and Block 18 Properties Inc.

I. Kagan

**DECISION DELIVERED BY R. G. M. MAKUCH and C. TUCCI ON OCTOBER 25, 2021 AND ORDER OF THE TRIBUNAL**

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[1] Dufferin Vistas Ltd. (the “Appellant”) made applications under 34(11) and 51(34) of the *Planning Act* (“Act”) for a zoning by-law amendment and approval of a draft plan of subdivision for the property known municipally as 230 Grand Trunk Avenue and has

appealed the failure of the City of Vaughan ("City") to make a decision within the timeframes set out in the *Act*.

[2] The applications were to permit the development of 32 single detached residential lots and the extension of Grand Trunk Avenue on the western portion of the subject property as the first phase and 42 townhouse units on the eastern portion of the subject property as the second phase, and to create two open space blocks adjacent to the existing forest blocks located to the north and south of the subject property as well as vegetated corridors along the west and south property lines.

[3] The subject lands are currently zoned "A Agricultural Zone" and "OS5 Open Space Environmental Protection Zone". The proposed zoning for the subject lands are "RT1 Residential Townhouse Zone" and "OS5 Open Space Environmental Protection Zone."

[4] The Tribunal was advised prior to the scheduled hearing that the parties had resolved their differences and would be seeking an order of the Tribunal on consent approving a revised proposal.

[5] The only evidence before the Tribunal is the oral testimony of Michael Bissett including his Witness Statement dated July 19, 2021 and entered as Exhibit 1 in this hearing. Mr. Bissett, who is the Applicant/Appellant's land use planning consultant, provided the Tribunal with a comprehensive overview of the applications and applicable policies in his witness statement. The Tribunal is satisfied based on this evidence that the settlement before the Tribunal should be approved and that the appeals should be allowed.

[6] The Tribunal finds that;

- the proposed subdivision application is appropriate having due consideration to the relevant criteria set out in section 51(24) of the *Act*.

- The proposal is consistent with the Provincial Policy Statement.
- The proposal is in conformity with the Growth Plan for the Greater Golden Horseshoe.
- The proposal is in conformity with the Oak Ridges Moraine Conservation Plan.
- The proposal is in conformity with the York Region Official Plan.
- The proposal is in conformity with the City of Vaughan Official Plan.
- The proposed development provides for the minimum buffers and compensation measures in accordance with the Toronto Region Conservation Authority Living City Policies, which are intended to protect and enhance the natural features of the site.
- The proposed zoning by-law represents land use planning and is in conformity with the relevant official plan policies.
- The applications have appropriate regard to the relevant matters of Provincial interest set out in section 2 of the *Planning Act* as the Subject Site is located within the designated greenfield area of the City of Vaughan settlement area in a location planned for residential development and is in proximity to existing communication, transportation, sewage and water services and waste management systems.
- The proposal will contribute to a full range of housing within the City in an orderly manner and will facilitate new housing opportunities and planned transportation connections in an area planned for residential growth at the Regional and Local municipal levels.

[7] Accordingly, the appeals are allowed and the Tribunal hereby orders as follows:

- the City's zoning by-law is amended in accordance with Attachment 1 hereto;
- the plan of subdivision is approved in accordance with Attachment 2 hereto subject to the conditions set out in Attachment 3 hereto; and
- authority to clear the conditions of draft plan approval and to administer final approval of the plan of subdivision is given to the City of Vaughan in accordance with sections 51(56.1) and 51(58) of the *Planning Act*.

[8] It is so ordered.

*"R.G.M. Makuch"*

R.G.M. MAKUCH  
VICE-CHAIR

*"C. Tucci"*

C. TUCCI  
MEMBER

**Ontario Land Tribunal**

Website: [olt.gov.on.ca](http://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**

# *THE CITY OF VAUGHAN*

# *BY-LAW*

## BY-LAW NUMBER 081-2022

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

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

**AND WHEREAS** there has been no amendment to the Vaughan Official Plan adopted by Council but not approved at this time, with which the matters herein set out are not 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 RT1(H) Residential Townhouse Zone with the Holding Symbol “(H)”, OS1 Open Space Conservation Zone and OS5 Open Space Environmental Protection Zone, in the manner shown on Schedule “1”.
  - b) Adding the following Paragraph to Section 9.0 “EXCEPTIONS”:

“(1536) A. The following provisions shall apply to all lands zoned with the Holding Symbol “(H)” as shown on Schedule “E-1667” until the Holding Symbol “(H)” is removed pursuant to Section 36(4) of the Planning Act:

    - i) Lands zoned with the Holding Symbol “(H)” shall be used only for the production of field crops or a use legally existing as of the date of the enactment of By-law 081-2022. The Holding Symbol “(H)” shall not be removed until such time as:
      - a. York Region is in possession of a preliminary



functional design and cost estimate for the roadway and intersection improvements required to Dufferin Street (both north and south) from Marc Santi Boulevard/District Avenue to Apple Blossom Drive/Dufferin Hill Drive intersections and its intersection with Rutherford Road, which are necessary to accommodate the proposed developments in the surrounding area;

- b. York Region has completed a full review and issued approval of the preliminary functional design and cost estimate for the required roadway and intersection improvements identified above in item “a.”;
- c. The Dufferin Street and Rutherford Road intersection improvement project incorporating the elements identified in item “a.” is identified and approved by Regional Council in the Region’s 2017 or future 10-Year Roads Capital Construction Program;
- d. The interim and final design of the proposed sanitary servicing strategy for the proposed development shall be approved by the City of Vaughan Development Engineering Department.

B. Notwithstanding the provisions of:

- a) Subsection 4.1.1 j) respecting the height and setback of a retaining wall between two (2) residential lots;
- b) Subsection 4.22.3 and Schedule “A3” respecting Minimum Zone requirements in the RD4 Detached Residential Zone Four;

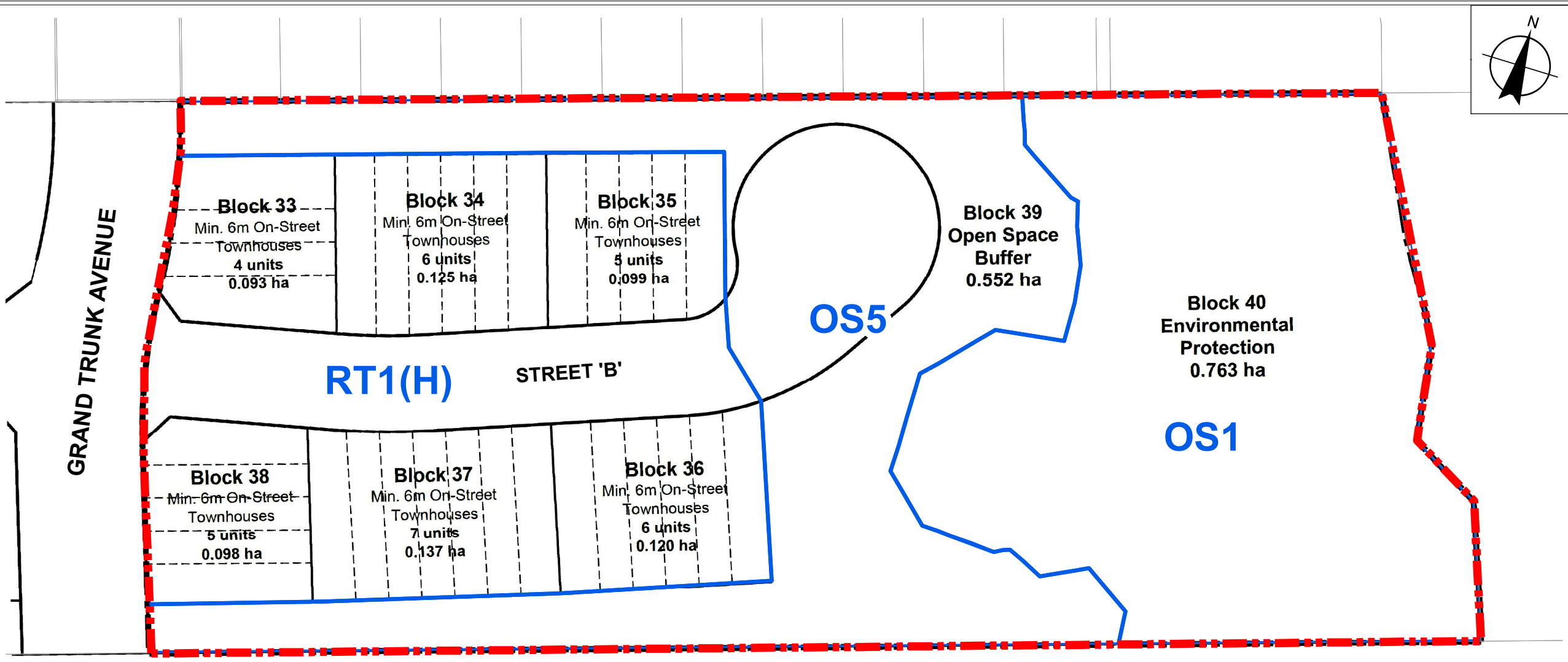
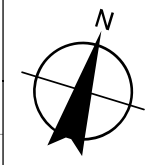
the following provisions shall apply to the lands shown as “Subject Lands” on Schedule “E-1667”:

- ai) Subsection 4.1.1 j) shall not apply to Block 37;
- bi) the minimum interior side yard setback to a non-residential use including a walkway, greenway, buffer block or stormwater management pond shall be 1.2 m for Blocks 33, 35, 36 and 38;
- bii) the minimum rear yard setback shall be 6 m;
- biii) the minimum exterior side yard setback shall be 1.2 m;
- biv) the maximum building height shall be 13 m for Blocks 36, 37 and 38.”


c) Adding Schedule “E-1667” attached hereto as Schedule “1”.

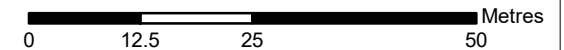
d) Deleting Key Map 3D and substituting therefor the Key Map 3D attached hereto as Schedule “2”.

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



THIS IS SCHEDULE 'E-1667'  
TO BY-LAW 1-88  
SECTION 9(1536)

 SUBJECT LANDS

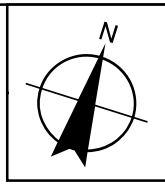


FILE: Z.16.016  
RELATED FILE: 19T-16V001  
LOCATION: Part of Lot 17, Concession 3  
APPLICANT: Dufferin Vistas Ltd.  
CITY OF VAUGHAN

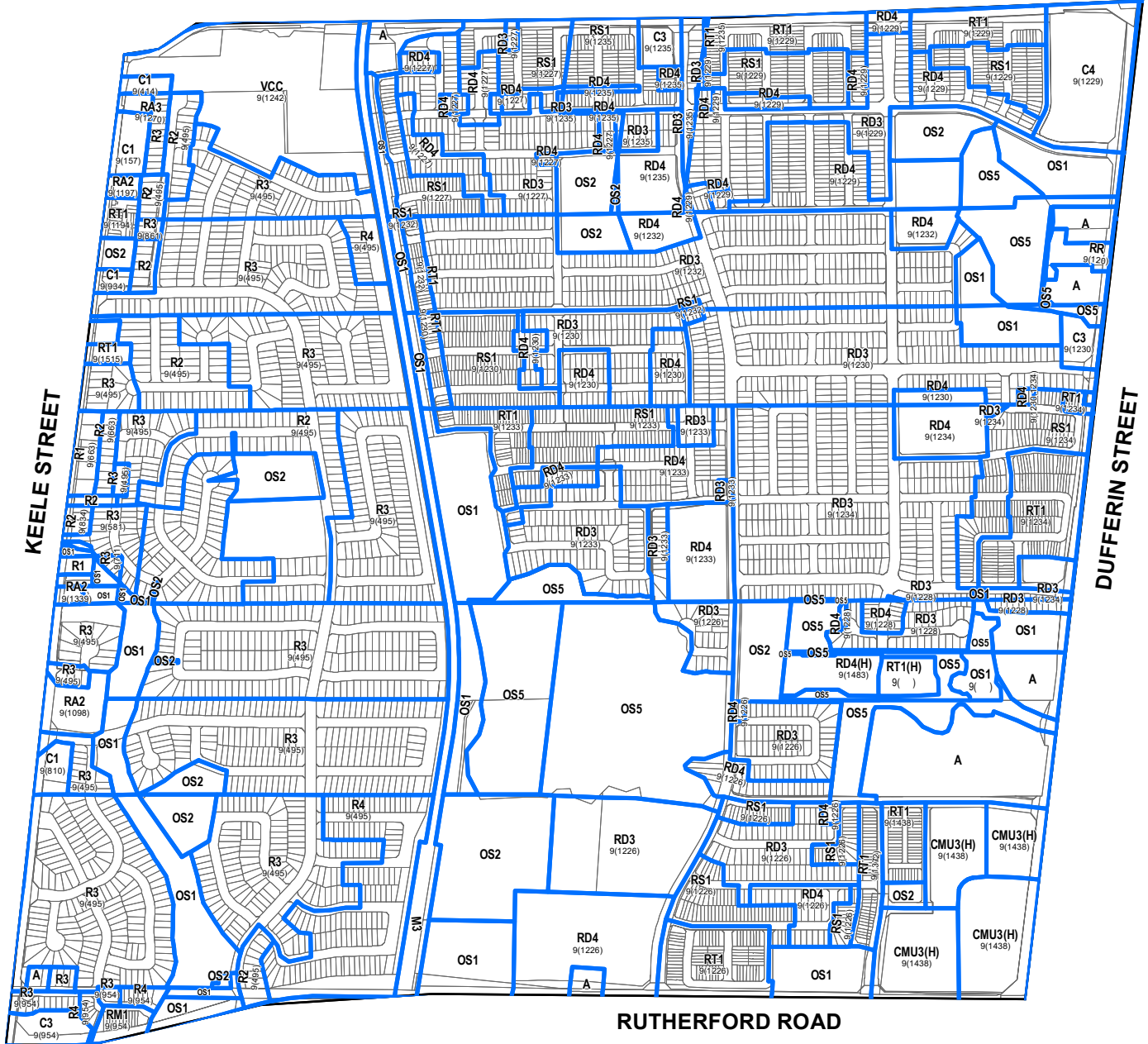
THIS IS SCHEDULE '1'  
TO BY-LAW 081- 2022  
PASSED THE 17<sup>th</sup> DAY OF MAY, 2022

SIGNING OFFICER'S  
**OLT ORDER NO. PL160978**  
**NOVEMBER 23, 2021**

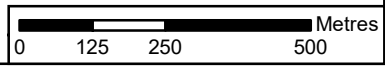
CLERK



**MAJOR MACKENZIE DRIVE**



**KEY MAP 3D  
BY-LAW 1-88**



**THIS IS SCHEDULE '2'  
TO BY-LAW 081- 2022  
PASSED THE 17<sup>th</sup> DAY OF MAY, 2022**

**FILE: Z.16.016  
RELATED FILE: 19T-16V001  
LOCATION: Part of Lot 17, Concession 3  
APPLICANT: Dufferin Vistas Ltd.  
CITY OF VAUGHAN**

**SIGNING OFFICERS**

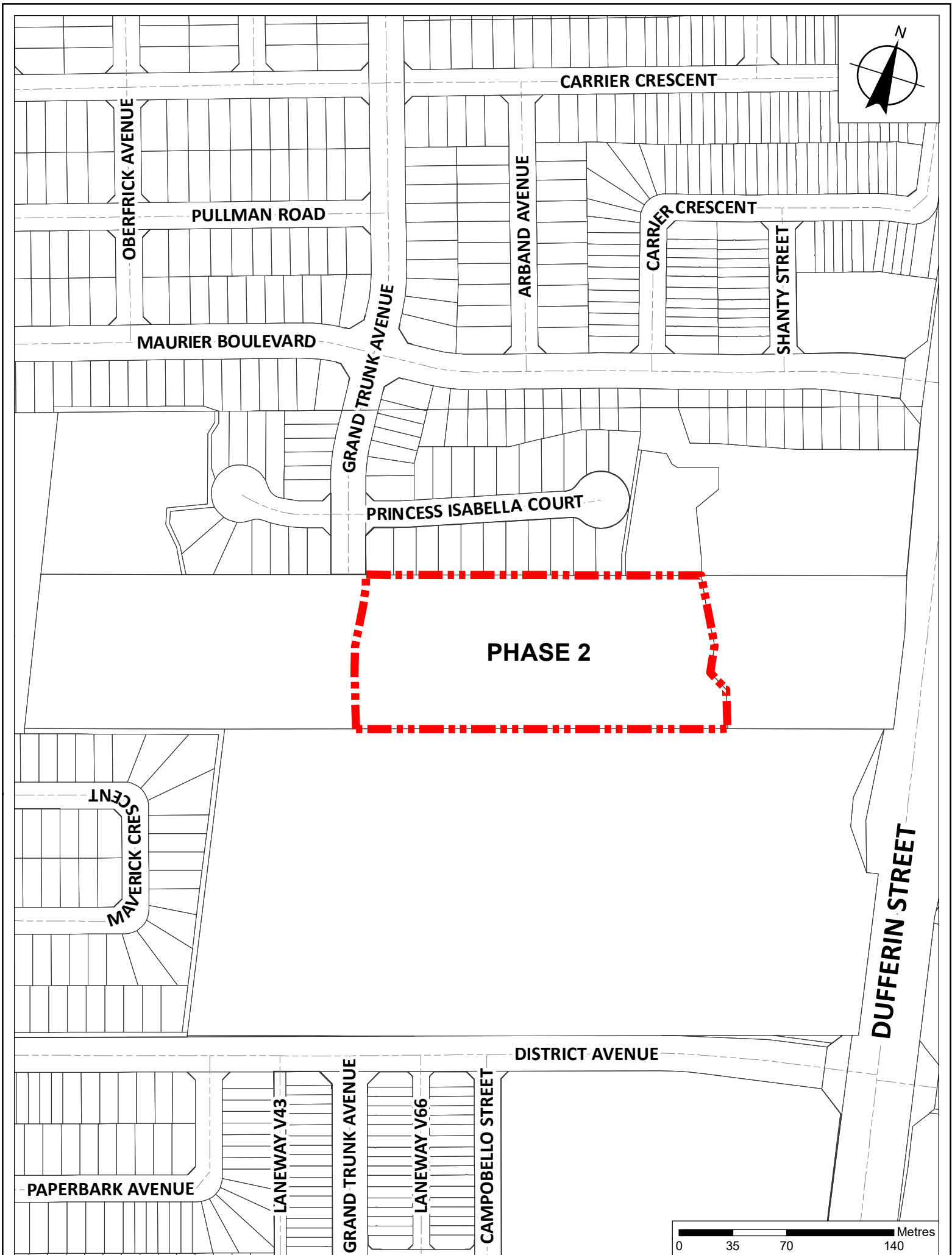
**OLT ORDER NO. PL160978  
NOVEMBER 23, 2021**

**CLERK**

## **SUMMARY TO BY-LAW 081-2022**

The lands subject to this By-law are located north of Rutherford Road, west of Dufferin Street, in Lot 17, Concession 3, City of Vaughan, and are municipally known as 230 Grand Trunk Avenue.

The purpose of this by-law is to rezone the Subject Lands from A Agricultural Zone and OS5 Open Space Environmental Protection Zone to RT1(H) Residential Townhouse Zone with the Holding Symbol "(H)", OS1 Open Space Conservation Zone and OS5 Open Space Environmental Protection Zone to implement Phase 2 of Draft Plan of Subdivision File 19T-16V001 for 28 street townhouse lots. This By-law also provides site-specific zoning exceptions to rear and side yard setbacks and building height.



# LOCATION MAP TO BY-LAW 081- 2022

**FILE:** Z.16.016  
**RELATED FILE:** 19T-16V001  
**LOCATION:** Part of Lot 17, Concession 3  
**APPLICANT:** Dufferin Vistas Ltd.  
**CITY OF VAUGHAN**

