


I, JOHN D. LEACH, City Clerk of the Corporation of the City of Vaughan, in the Regional Municipality of York, do hereby certify that attached is a true copy of Amendment Number 569 to the Official Plan of the Vaughan Planning Area, which was approved by the Ontario Municipal Board, as per Order #1302, dated October 7, 1997.



JOHN D. LEACH
City Clerk
City of Vaughan

DATED at the City of Vaughan
this 11th day of October, 2001.

ISSUE DATE
MAY 13 1998
DECISION/JUDGEMENT NO. 1177



PL968430

Ontario
Ontario Municipal Board
Commission des affaires municipales de l'Ontario

At the request of Nikitas Tzembelicos, et al., the Regional Municipality of York has referred to the Ontario Municipal Board under subsection 22(1) of the *Planning Act*, R.S.O. 1990, c. P.13, Council's refusal or neglect to enact a proposed amendment to the Official Plan for the City of Vaughan to redesignate Lot 2, Blocks 10, 11 & 13, and part of Honey Locust Court, Registered Plan 65M-2397 and Block Q, Registered Plan M-1732, to amend the access provisions of the Official Plan.

Ministry File No. 19-OP-1500-A56
O.M.B. File No. O960170

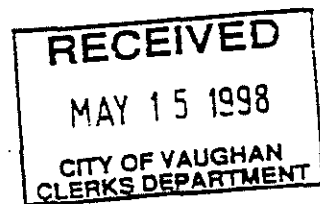
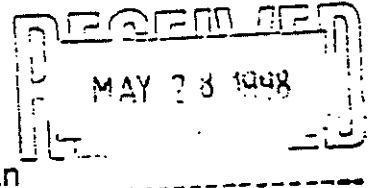
Nikitas Tzembelicos, et al. has appealed to the Ontario Municipal Board under subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, from Council's refusal or neglect to enact a proposed amendment to Zoning By-law 2523 of the City of Vaughan to rezone Lot 2, Blocks 10, 11 & 13, and part of Honey Locust Court, Registered Plan 65M-2397 and Block Q, Registered Plan M-1732 from "RR" and "OS1" to "RR" to permit 7 estate residential lots.
O.M.B. File No. Z970029

At the request of Nikitas Tzembelicos, et al., the Regional Municipality of York has referred to the Ontario Municipal Board under subsection 51(15) of the *Planning Act*, R.S.O. 1990, c. P.13, a proposed plan of subdivision on lands composed of Lot 2, Blocks 10, 11 & 13, and part of Honey Locust Court, Registered Plan 65M-2397 and Block Q, Registered Plan M-1732, in the City of Vaughan.

Ministry File No. 19T-92020
O.M.B. File No. S960052

COUNSEL:

O. Fatigati	for	City of Vaughan
G. A. McKay	for	Region of York
R. Elliot	for	Nikitas Tzembelicos, et al



AMENDING DECISION delivered by S. W. LEE AND ORDER OF THE BOARD

The Board's decision and order issued October 7, 1997 at Decision/Order No. 1302 is amended to change the exhibit reference number on page three of the decision from "Exhibit 4" to "Exhibit 9".

The Board so orders.

"S. W. Lee"

S. W. LEE
MEMBER

ISSUE DATE
OCT 07 1997
DECISION NUMBER 1302



PL968430

OP-1-93

239-93

19T-92020

Ontario Municipal Board
Commission des affaires municipales de l'Ontario

REC'D

At the request of Nikitas Tzembelicos, et al., the Regional Municipality of York has referred to the Ontario Municipal Board under subsection 22(1) of the *Planning Act*, R.S.O. 1990, c. P.13, Council's refusal or neglect to enact a proposed amendment to the Official Plan for the City of Vaughan to redesignate Lot 2, Blocks 10, 11 & 13, and part of Honey Locust Court, Registered Plan 65M-2397 and Block Q, Registered Plan M-1732, to amend the access provisions of the Official Plan.

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O. Fatigati for City of Vaughan

G. A. McKay for Region of York

R. Elliot for Nikitas Tzembelicos, et al

RECEIVED
OCT 7 1997
CITY OF VAUGHAN
CLERKS DEPARTMENT

DECISION delivered by S. W. LEE AND ORDER OF THE BOARD

At the commencement of these proceedings, the City of Vaughan advised it had not developed a position vis-a-vis the matters. Its counsel requested adjournment of the

hearing for a day although it had no objection to the owners to adducing evidence on the first day. He advised the Board that Council will deal with the matters on the first day of the hearing. In addition, he indicated that the City is unlikely to call professional evidence even if Council were to have concerns.

Mr. Elliot, counsel for the owners urged the Board to proceed without delay. We completed the hearing of the evidence on the basis that the City would advise the Board what its stance would be. The City subsequently did advise the Board that it did not object to the development proposal.

No one appeared to object to the proposed development

The Board heard noncontroverted evidence from a planner and a hydrogeologist. Notwithstanding the fact that the proposed development may, on the face, have the density in the north section different from that set out in an earlier Board decision in the 80's and an access different from another decision, we are satisfied that the proposed seven lots are justifiable from many standpoints. Not only the surrounding areas have been evolving, but newer study has put forth a density different from that set out. The proposed entrance is also warranted from an environmental and usage standpoint.

These lots will be quite sizable and no agency has indicated concerns with their configuration. As for the servicing, we have been advised that the Health Department has reviewed the hydrogeological study and agreed to the adequacy of the primary and secondary tile bed areas in each lot.

The area is serviced with municipal piped water, which therefore releases the concerns of cross-contamination. The lot configurations have also been satisfactorily reviewed by the Health Department. The agencies, including the MTCRA, the City, the Region and the Health Department have indicated what are required by way of conditions and they are properly reflected in the proposed conditions. All other agencies have been given notice of this hearing although only the Region chose to attend.

→ The Board will accordingly grant the Official Plan Amendment in accordance with Appendix B of Exhibit 4. It will allow the appeal and the amendment of the by-law in accordance with Appendix C of Exhibit 4 and approve the plan of subdivision in accordance with Exhibit 5, subject to the conditions set out in Appendix D of Exhibit 4. The Board finds that an additional condition is needed to address the existing right-of-way on lot 6. Prior to the approval of the Plan, the owner can either delete the right-of-way or undertake to give expressed and unambiguous warning to future buyers so that the right-of-way will not be encroached on by way of a building or a tile field. This condition must be incorporated into Appendix D and reflected in the subdivision agreement.

The Board so orders.



S. W. LEE
MEMBER

Appendix "B" to Ontario Municipal Board Order #1302, dated October 7, 1997.

**AMENDMENT NUMBER 569
TO THE OFFICIAL PLAN
OF THE CITY OF VAUGHAN PLANNING AREA**

The following text and Schedules "1" and "2" entitled Schedules "1" and "2" to Amendment Number 569 of the Official Plan of the Vaughan Planning Area constitutes Amendment Number 569.

I PURPOSE

The purpose of this Amendment to the Official Plan of the Vaughan Planning Area is twofold. Firstly, the Amendment permits access to a proposed plan of subdivision from Rebecca Court via Honey Locust Drive. Secondly, the Amendment permits a total of seven (7) rural residential lots, and refines the distribution within the proposed plan of subdivision.

II LOCATION

The lands subject to this Amendment hereinafter called the "Subject Lands", comprises two parcels totalling 4.87 ha (12.04) in area. The northerly parcel is shown as Lot 2, Plan 65M-2397, and is covered by Official Plan Amendment No. 117. The second parcel known as Block Q, Plan M-1732 which is located to the south of Lot 2, is covered by Official Plan Amendment No. 196. It is intended that both parcels will be developed comprehensively as part of one plan of subdivision. Both parcels are located on the west side of Bathurst Street, north of the south entrance to Woodland Acres, in the City of Vaughan.

III BASIS

The Subject Lands are currently designated "Rural Residential" and "Open Space" by Official Plan Amendment Nos. 117 and 196. There is a need to change the land use policies of these respective Amendments in order to facilitate the most desirable pattern of development and appropriate access to the consolidated site. The intent of this Amendment is to permit access from all of the proposed lots to Rebecca Court via Honey Locust Drive. Currently OPA No. 196 prevents access to these streets for the southerly five lots, and development must take its access to the south through another private property. Furthermore, in considering the northerly parcel in association with other lands, a decision of the Ontario Municipal Board in 1984 restricted the zoning of this northerly parcel of the plan of subdivision to one lot. The intent of this Amendment is also to provide for a total of seven lots within the consolidated site.

The planning rationale in support of these two policy amendments can be summarized as follows:

- a) Since the approval of OPA No. 196, new information has become available with respect to the environmental sensitivity of this tributary to the Don River and associated wetland area which abuts the subject lands to the west and south. Furthermore, changes in Provincial Policy direction have provided a greater emphasis on environmental matters.

Independent environmental studies have determined that this wetland area is part of a natural drainage pattern within the Oak Ridges Moraine, and thus, is an area of aquifer recharge. Any road crossing of this wetland will adversely affect this ecological system, and remove a natural vegetative buffer. The proposed access to Rebecca Court via Honey Locust Drive will entirely avoid any environmental impact on this ecological system. The Ministry of Natural Resources and the Metropolitan Toronto and Region Conservation Authority have expressed serious concerns as to access to the south, and would support access to Rebecca Court through Honey Locust Drive as an alternative. Furthermore, access to Bathurst Street is not permitted due to property grades and intersection spacing requirements of the Region of York, and therefore, the property would essentially be landlocked.

- b) The proposed access to Rebecca Court for the new lots has been considered from a traffic impact perspective. Due to low traffic volumes to be generated from the new dwellings, there will be no adverse impact on the existing road system.
- c) The proposed Amendment conforms with the general intent of OPA Nos. 57, 117 and 196. Furthermore, the Amendment will provide for comprehensive and co-ordinated development, and will be compatible with surrounding land uses.
- d) The proposed Amendment conforms with the Region of York Official Plan, and approved Provincial Policy.

IV DETAILS OF THE ACTUAL AMENDMENT AND POLICIES RELATIVE THERETO

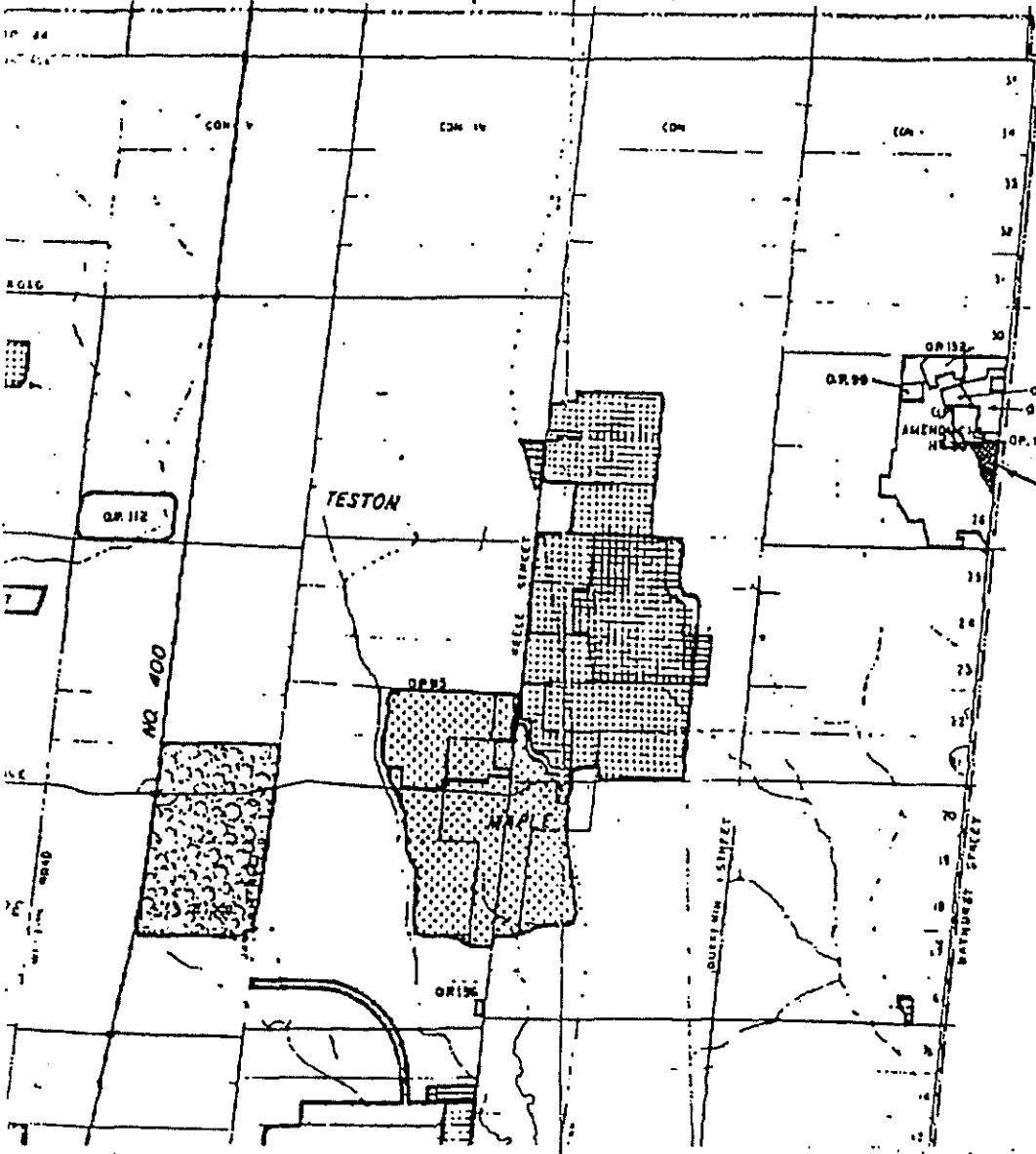
- 1. The area subject to this Amendment (the Subject Lands) is shown on Schedule "2" attached hereto.
- 2. Development of a plan of subdivision on the Subject Lands shall occur in conformity with the policies contained in OPA Nos. 57, 117 and 196 to the Official Plan of the Vaughan Planning Area, subject to the following specific modifications noted below:
 - a) OPA No. 196 is amended by deleting Policy IV 2.(f)(ii), and replacing it with the following text: "Access for the subdivision of Block Q, Plan M-1732 shall be permitted to Rebecca Court via Honey Locust Court".
 - b) Seven (7) rural residential lots shall be permitted with the Subject Lands.

V IMPLEMENTATION

The policies of this Amendment shall be implemented through a plan of subdivision, a subdivision agreement and an amendment to the City of Vaughan Restricted Area Zoning By-law, pursuant to the Planning Act, 1983.

VI INTERPRETATION

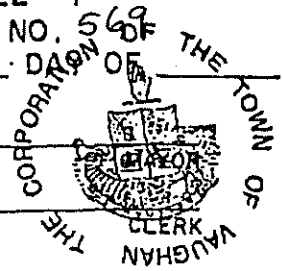
The provisions of the Official Plan of the Vaughan Planning Area, as amended from time to time regarding the plan apply with respect to this Amendment.



GENERAL LAND USE








THIS IS SCHEDULE "1"
 TO AMENDMENT NO. 569
 ADOPTED THE _____ DAY OF _____, 19__

BOARD ORDER # 1302
 OCTOBER 7, 1997

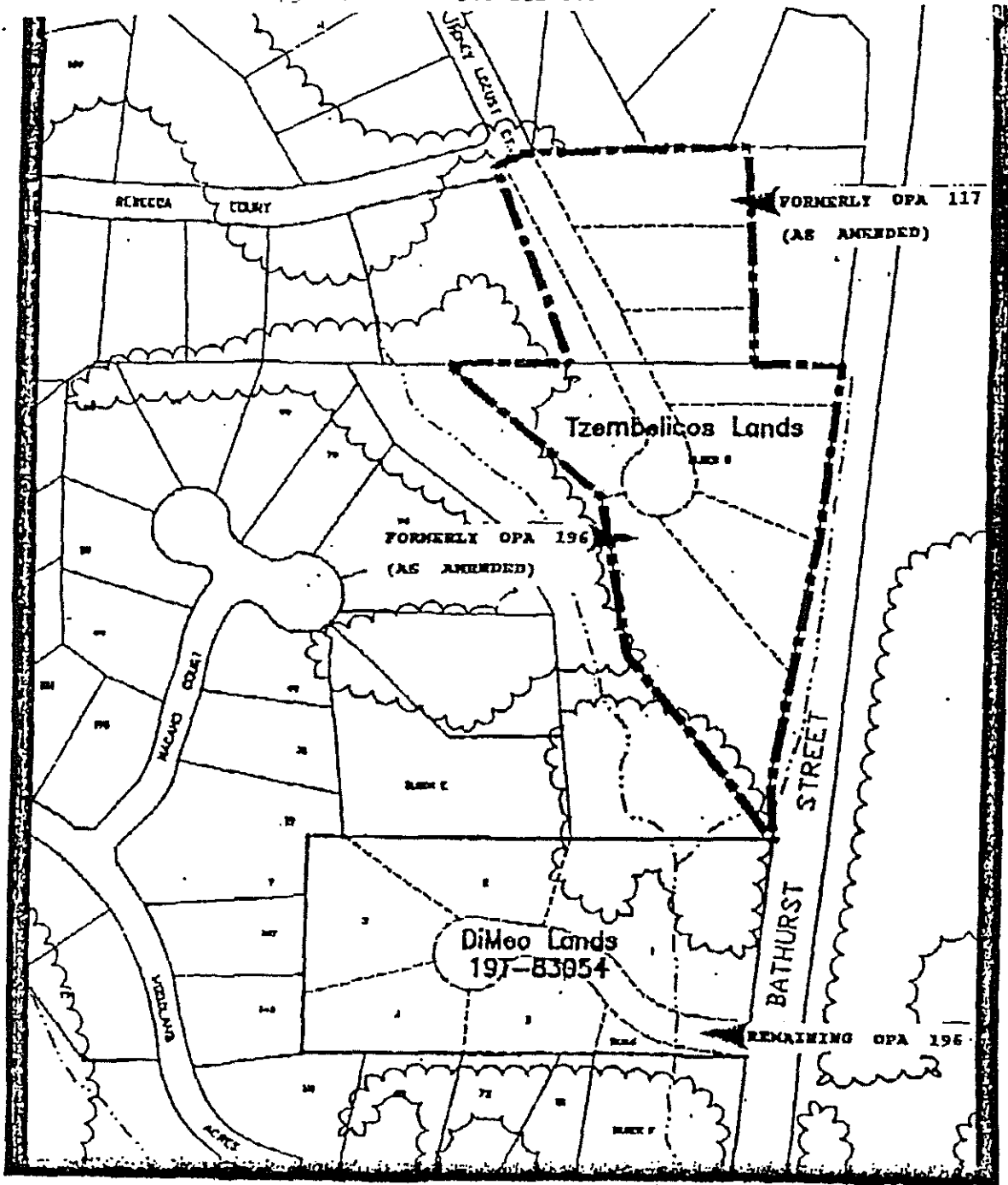


AREA SUBJECT TO
 AMENDMENT NO. 569

LEGEND

-  BOUNDARY OF PLANNING AREA
-  RESIDENTIAL AREA
-  INDUSTRIAL AREA
-  RURAL AREA
-  TRANSPORTATION AREA
-  THEME PARK AREA
-  PARKWAY BELT WEST PLAN

FROM :
 TO :
 905 932 6080
 2001.05-25
 11:00
 HOLD P.07.09



THIS IS SCHEDULE "2"
 TO AMENDMENT NO. 569
 ADOPTED THE ___ DAY OF ___, 1995.

BOARD ORDER #1302
OCTOBER 7, 1997
 _____ MAYOR
 _____ CLERK

NOT TO SCALE



AREA SUBJECT TO
 AMENDMENT NO. 569