

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: June 28, 2023

CASE NO.: OLT-22-004083

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

Applicant/Appellant: G Group Major Mackenzie Inc.
Subject: Request to amend the Official Plan – Failure to adopt the requested amendment
Description: To permit the development of five residential and mixed-use buildings, ranging in height from 4 to 36-storeys
Reference Number: OP.21.019
Property Address: 3812 Major Mackenzie Drive W
Municipality/UT: Vaughan/York
OLT Case No: OLT-22-004083
OLT Lead Case No: OLT-22-004083
OLT Case Name: G Group Major Mackenzie Inc. v. Vaughan (City)

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

Applicant/Appellant: G Group Major Mackenzie Inc.
Subject: Application to amend the Zoning By-law – Refusal or neglect to make a decision
Description: To permit the development of five residential and mixed-use buildings, ranging in height from 4 to 36-storeys
Reference Number: Z.21.040
Property Address: 3812 Major Mackenzie Drive W
Municipality/UT: Vaughan/York
OLT Case No: OLT-22-004084
OLT Lead Case No: OLT-22-004083

PROCEEDING COMMENCED UNDER section 34(19) of the *Planning Act, R.S.O. 1990, c. P. 13, as amended.*

Applicant/Appellant: G Group Major Mackenzie Inc.
Subject: Zoning By-law
Description: Comprehensive Zoning By-law for all lands in the City of Vaughan
Reference Number: Comprehensive Zoning By-law No. 001-2021

Property Address: 3812 Major Mackenzie Drive W
 Municipality/UT: Vaughan/York
 OLT Case No: OLT-22-002104
 OLT Appeal No: 2748

BEFORE:

G. BURTON)	
VICE-CHAIR)	Wednesday, the 28 th
)	
D.S. COLBOURNE)	day of June, 2023
VICE-CHAIR)	

THESE MATTERS having come on for a public hearing, and the Tribunal in its Decision issued on June 13, 2023, having withheld its final order pending notification that the conditions noted in the Decision have been met to the satisfaction of the Appellant and the City, and the Tribunal having now been advised that all the conditions have been met;

THE TRIBUNAL ORDERS that the appeal is allowed in part and the Official Plan for the City of Vaughan is amended as set out in Attachment "A" to this Order, and as amended is approved;

AND THE TRIBUNAL ORDERS that the appeal is allowed in part that the appeal is allowed and the municipality is directed to amend By-law 1-88 as set out in Attachment "B" to this Order;

AND THE TRIBUNAL FURTHER ORDERS that the appeal is allowed in part that the appeal is allowed and the municipality is directed to amend By-law 001-2021 as set out in Attachment "C" to this Order;

AND THE TRIBUNAL FURTHER ORDER that the appeal against Comprehensive Zoning By-law 001-2021 (OLT-22-002104, Appeal No. 2748) is resolved in full and the balance of the appeal is hereby dismissed.

1. This Order and the Tribunal's Final Order approving the amendment to Zoning By-law No. 001-2021 is without prejudice to the disposition of any other appeal of Zoning By-law No. 001-2021 in OLT-22-002104 and any unapproved portions of Zoning By-law No. 001-2021, such that if those appeals proceed to a subsequent hearing or motion, either on their own or as may be consolidated with other proceedings, the City will not take the position that the Tribunal ought not to approve amendments to Zoning By-law No. 001-2021 on the basis that such amendments deviate from or are inconsistent with the amendments hereto as brought into force by this Order and the Tribunal's Final Order. However, this does not affect the City's right to assert that Zoning By-law No. 001-2021, as amended hereto, to the extent brought into force by this Order and the Tribunal's Final Order, should be applied to specific sites or areas without amendment on the basis that doing so is consistent with the Planning Act and provincial policies, conforms to provincial and official plans and/or constitutes good planning.

"Euken Lui"

ACTING REGISTRAR

Ontario Land Tribunal

Website: 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 "A"***THE CITY OF VAUGHAN******BY-LAW*****BY-LAW NUMBER XXX-2023**

A By-law to adopt Amendment Number 98 to the Vaughan Official Plan 2010 for the Vaughan Planning Area, as effected by the Ontario Land Tribunal.

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

1. THAT the attached Amendment Number 98 to the Vaughan Official Plan 2010 of the Vaughan Planning Area, as effected by the Ontario Land Tribunal Order, dated _____, 2023, (OLT Case No. OLT-22-004083) attached hereto as Attachment "1" consisting of the attached text and Schedules "1" and "2" is hereby adopted
2. AND THAT this By-law shall come into force and take effect the day after the last day for filing a notice of appeal.

Enacted by City of Vaughan Council this ____th day of _____, 2023.

Steven Del Duca, Mayor

Todd Coles, City Clerk

ATTACHMENT 1

**AMENDMENT NUMBER 98
TO THE VAUGHAN OFFICIAL PLAN 2010
OF THE VAUGHAN PLANNING AREA**

The following text and Schedules "1" and "2" constitute Amendment Number 98 to the Official Plan of the Vaughan Planning Area.

Also attached hereto but not constituting part of the Amendment are Appendices "I" and "II".

I PURPOSE

The purpose of this Amendment to the Vaughan Official Plan 2010 (VOP 2010) is to amend the provisions of the Official Plan of the Vaughan Planning Area, specifically, Volume 1, Schedule 13 – Land Use and Schedule 14-C – Areas Subject to Site Specific Policies, and Volume 2, Section 13 – Site Specific Policies, to permit a mixed-use development consisting of eight (8) apartment buildings with a permitted maximum height of 19 storeys and a permitted maximum Floor Space Index (FSI) of 4.7 times the net developable area of the Subject Lands.

This Amendment will facilitate the following with respect to the Subject Lands identified as, "Lands Subject to Amendment No. 98" on Schedule "1" attached hereto:

1. Redesignate the Subject Lands identified on Schedule 1 attached hereto, from "Mid-Rise Mixed-Use" to "High-Rise Mixed-Use" and "Parks" as shown on Schedule 2 attached hereto.
2. Permit an increase in the maximum Floor Space Index (FSI) from 1.581 times the area of the Subject Lands to 4.7 times the net developable area.
3. Permit an increase in the maximum building height from 12 storeys to 19 storeys in the "High-Rise Mixed-Use" designation of the Subject Lands.
4. Permit amendments to the policies and development criteria that apply to Low-Rise Buildings and High-Rise Buildings.

II LOCATION

The lands subject to this Amendment, hereinafter referred to as the "Subject Lands", are located on the northwest corner of Major Mackenzie Drive West and Weston Road, and municipally known as 3812 Major Mackenzie Drive West, being Part of Lot 21, Concession 6, City of Vaughan, as shown on Schedule "1" attached hereto as "Lands

Subject to Amendment No. 98.”

III BASIS

The decision to amend City of Vaughan Official Plan 2010 ('VOP 2010') is based on the following considerations:

1. In accordance with Section 3 of the *Planning Act*, all land use decisions in Ontario “shall be consistent” with the Provincial Policy Statement, 2020 ('PPS'). The PPS provides policy direction on matters of provincial interest related to land use planning and development. Key policy objectives include building strong, healthy communities, the wise use and management of resources, and protecting public health and safety.

The PPS recognizes that local context is important. The Amendment is consistent with the PPS, specifically Sections 1.1.1, 1.1.3, 1.1.3.3, 1.4.1, 1.4.3, 1.4.3 b), d) and f), and 1.6.3 a) regarding: accommodating a market-based range and mix of residential types, and using land use planning to promote growth management and intensification to minimize land consumption and servicing costs; focusing development to development areas; applying appropriate development standards to facilitate transit-supportive intensification; providing a range of housing options required to meet the social, health, economic and needs of residents to support their well-being, and in locations and at densities required to address the short-term and long-term projected market-based and affordable needs of current and future residents, while also efficiently using land resources, infrastructure, and public service facilities, and also supporting the use of active transportation and transit in areas where it exists or is to be developed; establishing development standards for residential intensification to facilitate compact form; and, optimizing the use of existing infrastructure and public service facilities.

The Subject Lands are located within a Settlement Area as defined by the PPS and located at the northwest corner of two major arterial regional roads (Major Mackenzie Drive West and Weston Road), which are served by bus services on Major Mackenzie Drive West and Weston Road.

2. A Place to Grow: Growth Plan for the Greater Golden Horseshoe 2019 ('Growth Plan'), as amended, is intended to guide decisions on a wide range of issues, including economic development, land-use planning, urban form, and housing. The Growth Plan provides a framework for managing growth in the Greater Golden Horseshoe, by encouraging the concentration of population and employment growth within the settlement areas and promotes the development of complete communities that offer a mix of housing types, access to local amenities and connections to municipal water and wastewater systems. Vaughan Council's planning decisions are required by the *Planning Act* to conform, or not conflict with, the Growth Plan.

The Growth Plan's emphasis on optimizing the use of the existing urban land supply represents an intensification first approach to development and city-building, one which focuses on making better use of existing infrastructure and public service facilities, and less on continuously expanding the Urban Boundary.

The Amendment will facilitate a development that conforms to the policy framework of the Growth Plan, as the built form would efficiently and appropriately intensify the Subject Lands at a density supportive of Growth Plan objectives, specifically Sections 2.2.1, 2.2.2, 2.2.6, 2.2.6.3 with respect to directing growth to Settlement Areas in built-up locations; supporting a diverse range and mix of housing options; providing densities to meet the needs of current and future residents; and supporting the achievement of a complete community.

The Amendment contributes to the achievement of a complete community by supporting a range and mix of housing types and unit sizes and providing a built form that utilizes the Subject Lands more efficiently and at a density that would meet the needs of future and current residents. The Amendment is also compatible with the existing built form in the surrounding community, while also making efficient use of available and planned infrastructure.

3. Official Plan Amendment File OP.21.019 was deemed complete on November 16, 2021 and is therefore subject to the York Region Official Plan 2010 ('YROP'). The YROP guides economic, environmental, and community building decisions across

York Region. The Subject Lands are designated "Urban Area" on Map 1: Regional Structure, of the YROP, which permits a range of residential, industrial, commercial, and institutional uses. Section 5.0 of the YROP states that "intensification within the Urban Area will accommodate a significant portion of the planned growth in the Region". Section 5.3 of the YROP encourages intensification within the built-up areas that maximizes efficiencies in infrastructure delivery and supports active and public transportation use.

The Subject Lands are identified as a "Local Centre" by VOP 2010. Section 5.5 of the YROP provides policy direction for development in Local Centres which are smaller in scale and scope than Regional Centres, but identified as a focal point for residential, human services, commercial and office activities for the surrounding community. It further states that the appropriate level of development and density will depend on site-specific circumstances and the nature of the surrounding area. Local Centres are recognized for the role they play in achieving the Region's intensification objectives and will be addressed within local intensification strategies. The Amendment is consistent with the policy framework of the YROP, specifically with the following policies:

- Section 5.5.1 - That local centres serve as important neighbourhood focal points that provide a range of working, shopping, recreation, human services and housing opportunities with appropriate forms and scale that complement the surrounding community.
- Section 5.5.5 - That the planning and implementation of Local Centres shall be consistent with the intensification policies of Section 5.3 of this Plan.

The Amendment achieves the objectives outlined in the policies above by providing a range of housing and commercial opportunities on the Subject Lands, including apartment and townhouse dwelling units and retail space as part of the mixed-use residential buildings proposed. The Amendment would facilitate the creation of a public park and Privately Owned Public Space ('POPS') in the form of two urban squares, which provide passive recreational opportunities for future and existing residents of the community. On this basis, the Amendment meets the policy objectives for a Local Centre and therefore conforms to the YROP.

4. The Subject Lands are identified as being located within a "Local Centre" as identified on Schedule 1 - Urban Structure, of VOP 2010, specifically the "Vellore Centre" as identified on Figure 6 – Intensification Areas, of VOP 2010. "Local Centres" are identified by VOP 2010 as the mixed-use cores of their respective communities that are predominantly residential in character but will also include a mix of uses to allow residents of the Local Centre and of the surrounding community to meet daily needs close to where they live and work. Local Centres are to be pedestrian oriented places with good urban design and an intensity of development appropriate for supporting efficient transit service. The Vellore Centre is identified by VOP 2010 as an emerging Local Centre in this community that will be the focus for multi-family developments and may include mid-rise or high-rise buildings as appropriate.

The Amendment is appropriate for the following reasons:

- Section 9.2.2.6 of VOP 2010 states that High-Rise Mixed-Use areas are generally located in Intensification Areas and provide for a mix of residential, retail, community, and institutional uses.
 - The "High-Rise Mixed-Use" designation of VOP 2010 permits Mid-Rise Buildings and High-Rise Buildings, and within 70 metres of an area designated as "Low-Rise Residential" or on streets that are not arterial streets or Major Collector Streets, Townhouses, Stacked Townhouses and Low-Rise Buildings are also permitted, in order to provide for an appropriate transition to the Low-Rise Residential Area. Section 9.2.3.6.a. of VOP 2010 defines High-Rise Buildings as generally buildings over twelve (12) storeys in height up to a maximum height as permitted through policy 9.2.1.4 and Schedule 13.
5. The statutory Public Meeting was held on March 1, 2022. The recommendation of the Committee of the Whole to receive the Public Meeting report of March 1, 2022, and to forward a comprehensive report to a future Committee of the Whole meeting, was ratified by Vaughan Council on March 22, 2022. Vaughan Council,

on December 13, 2022, ratified the December 12, 2022 Committee of the Whole recommendation, to refuse Official Plan Amendment File OP.21.019 (together with Zoning By-law Amendment File Z.21.040). The applicant subsequently revised the development proposal in accordance with this Official Plan Amendment and on January 13, 2023, a Settlement Hearing was held before the Ontario Land Tribunal for Official Plan Amendment and Zoning By-law Amendment Files OP.21.019 and Z.21.040 (G Group Major Mackenzie Inc.) in respect of the Subject Lands.

This Amendment to VOP 2010 was approved in principle by the Ontario Land Tribunal pursuant to Section 17(50) of the *Planning Act*, R.S.O. 1990, c.P.13 on January 13, 2023 (OLT Case No. OLT-22-004083).

IV DETAILS OF THE AMENDMENT AND POLICIES RELATIVE THERETO

The following Schedules and Sections of the Vaughan Official Plan 2010 ('VOP 2010') are hereby amended, as approved by the Ontario Land Tribunal on January 13, 2023 (OLT Case No. OLT-22-004083), by:

1. Amending Volume 1, Schedule 13 - Land Use of VOP 2010 by redesignating the Subject Lands, as identified on Schedule '1' hereto, from "Mid-Rise Mixed-Use" to "High-Rise Mixed-Use" and "Parks" and identifying a Maximum Building Height ("H") of 19 storeys and a maximum Floor Space Index (FSI) of 4.7 times the net developable area ("D") of the Subject Lands.
2. Amending Volume 1, Schedule 14-C – Areas Subject to Site Specific Plans of VOP 2010 by adding the Subject Lands identified on Schedule '1' to this Amendment as Item 71.
3. Amending Volume 2, Section 13.1 – Areas Subject to Site-Specific Policies of VOP 2010 by adding the following policy, to be renumbered in sequential order:
“(OPA #98) 13.1.1.71 The lands known as 3812 Major Mackenzie Drive West are identified on Schedule 14-C as Item 71 and are subject

to the policies set out in Section 13.72 of this Plan. (OPA #98)"

4. Adding the following policies to Volume 2, Section 13.1 – Site Specific Policies of VOP 2010, and renumbering in sequential order:

“(OPA #98)	13.72	3812 Major Mackenzie Drive West
	13.72.1	General
	13.72.1.1	The following policies shall apply to the lands identified on Map 13.72.A
	13.72.1.2	Notwithstanding the High-Rise Mixed-Use Policy 9.2.2.6.
		i) High-Rise Buildings to a maximum height of 19 storeys with a maximum FSI of 4.7 times the net developable area, and a Privately Owned Public Space (‘POPS’) are permitted.
	13.72.1.3	Notwithstanding the Low-Rise Buildings Policy 9.2.3.4.b.
		i) Low-Rise Buildings up to a maximum of four (4) storeys shall not be required to be contained within a 45 degree angular plane measured from the property line
	13.72.1.4	Notwithstanding the High-Rise Buildings Policy 9.2.3.6.b.
		i) The podium shall be a maximum of eight (8) storeys in height for High-Rise Buildings along Major Mackenzie Drive West and Weston Road
	13.72.1.5	Notwithstanding the High-Rise Buildings Policy 9.2.3.6.d.i.
		i) For High-Rise Buildings that are not

fronting on Major Mackenzie Drive West, Weston Road, and the Sunset Terrace extension (New Road A) the maximum floorplate shall not apply.

13.72.1.6 Notwithstanding the High-Rise Buildings Policy 9.2.3.6.d.ii.

- i) the portions of High-Rise Buildings above twelve (12) storeys shall be set back a minimum of 6 metres from any property line.

13.72.1.7 Notwithstanding the High-Rise Buildings Policy 9.2.3.6.d.iii.

- i) where more than one High-Rise Building is located on the same lot, the distance between any portions of the High-Rise Buildings above twelve (12) storeys shall be a minimum of 25 metres;
- ii) Notwithstanding Subsection 13.72.1.7 i), the minimum distance separation between the High-Rise buildings that are fronting on Major Mackenzie Drive West, Weston Road, and the Sunset Terrace extension (New Road A) and the buildings that do not have frontage on Major Mackenzie Drive West, Weston Road, and the Sunset Terrace extension (New Road A), shall be determined at the Site Development application stage; and
- iii) where more than one High-Rise Building is located on the same lot, the distance

between any portions of the podiums of the High-Rise Buildings shall be a minimum of 15 metres.

13.72.1.8 Notwithstanding the High-Rise Buildings Policy 9.2.3.6.f.

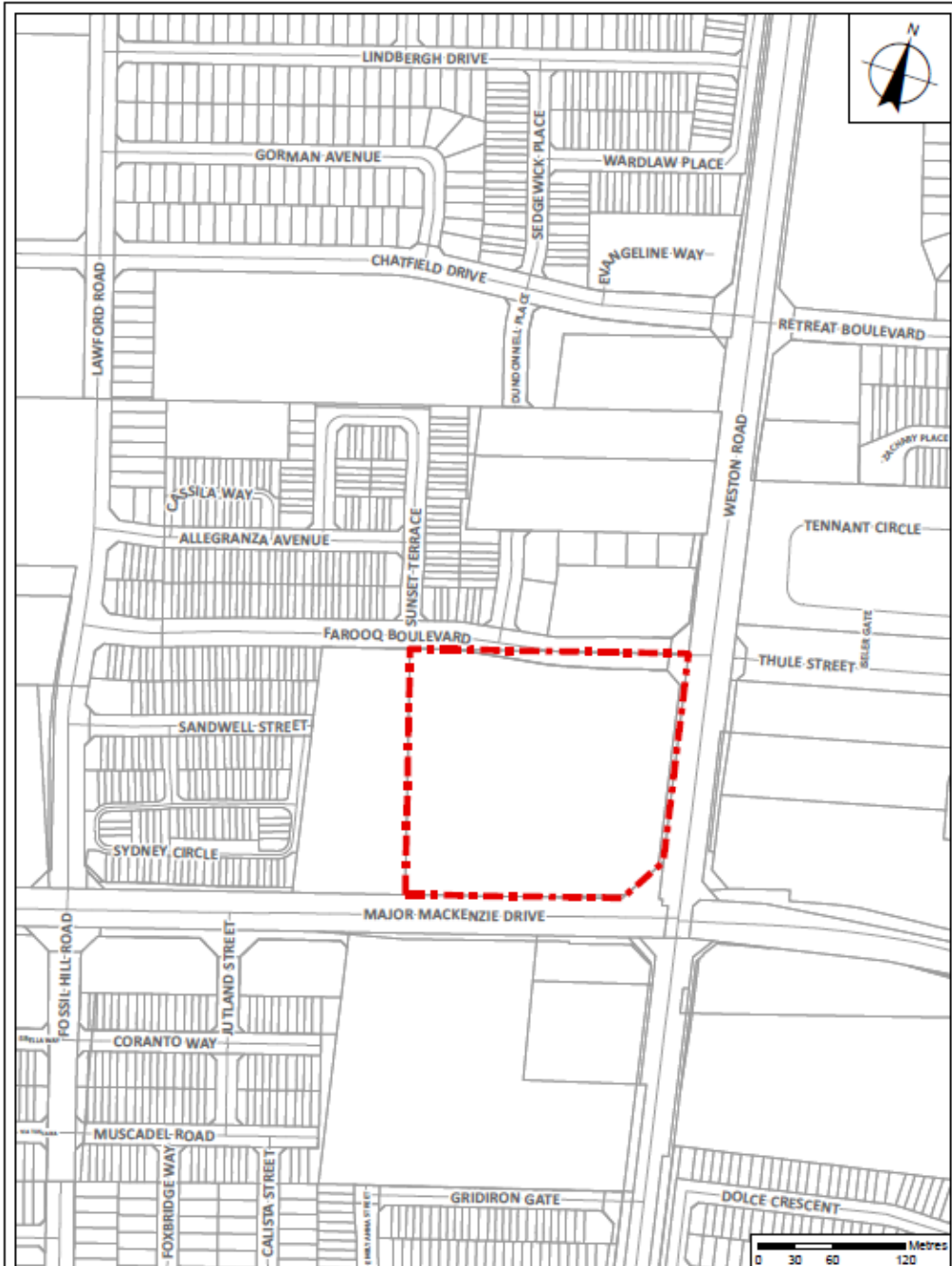
- i) Rooftop private outdoor amenity space for High-Rise Buildings should be located over the podiums (OPA #98)*

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 Comprehensive Zoning By-laws 1-88 and 001-2021, Draft Plan of Subdivision Approval, and Site Development Approval, pursuant to the *Planning Act*, R.S.O. 1990, c. P. 13.


VI INTERPRETATION

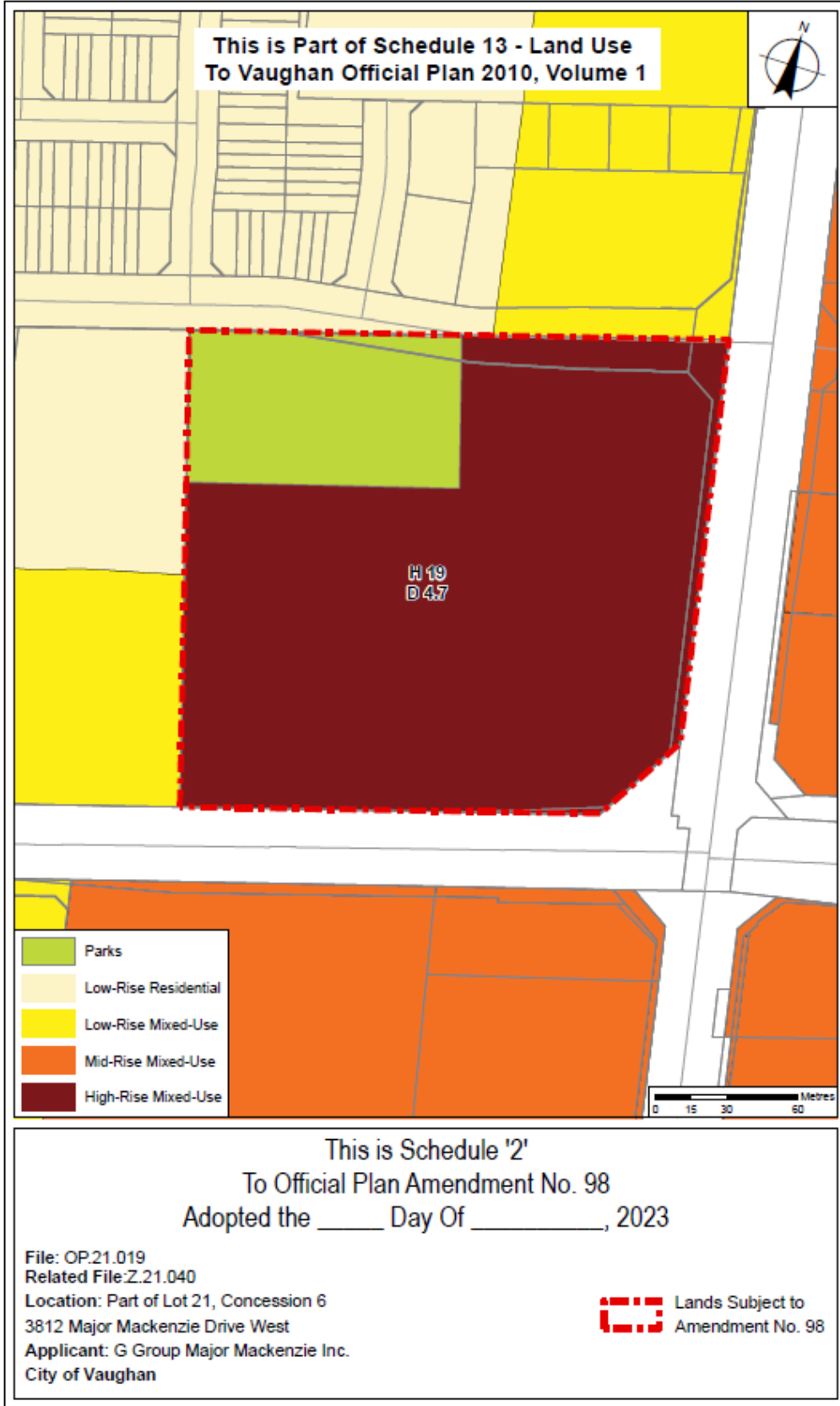
The provisions of the Official Plan of the Vaughan Planning Area as amended from time to time regarding the interpretation of that Plan shall apply with respect to this Amendment.



This is Schedule '1'
 To Official Plan Amendment No. 98
 Adopted the ____ Day Of _____, 2023

File: OP.21.019
 Related File: Z.21.040
 Location: Part of Lot 21, Concession 6
 3812 Major Mackenzie Drive West
 Applicant: G Group Major Mackenzie Inc.
 City of Vaughan

 Lands Subject to
 Amendment No. 98



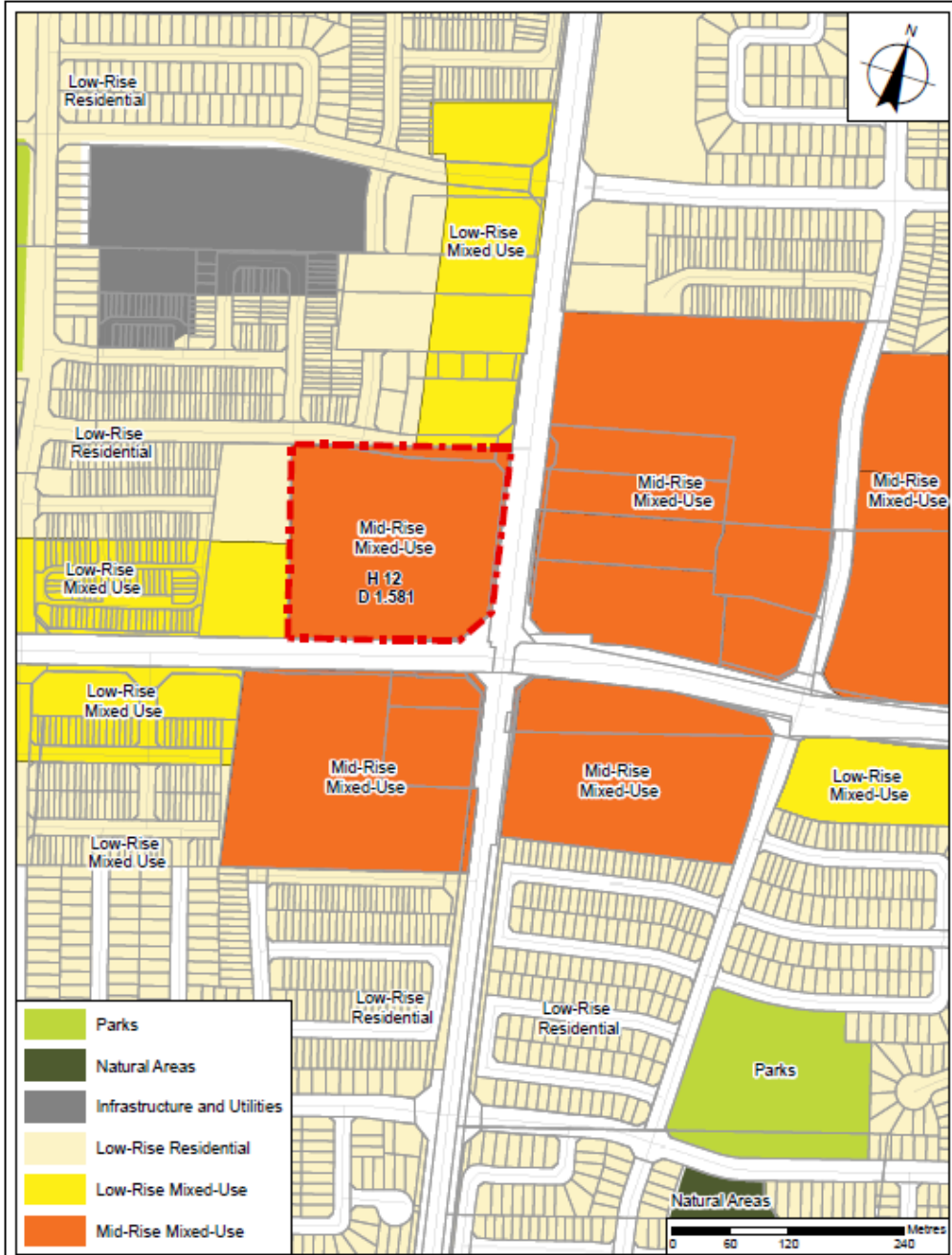
APPENDIX I

The Subject Lands are located at the northwest corner of Major Mackenzie Drive West and Weston Road, being Part of Lot 21, Concession 6, and municipally known as 3812 Major Mackenzie Drive West, in the City of Vaughan.

The purpose of this Amendment is to amend VOP 2010, specifically to redesignate the Subject Lands from "Mid-Rise Mixed-Use" to "High-Rise Mixed-Use" and "Parks" and to add site-specific policy 13.72 "3812 Major Mackenzie Drive West" to VOP 2010, to permit a high-rise mixed-use development with a permitted maximum building height of 19 storeys and a permitted maximum FSI of 4.7 times the net developable area of the Subject Lands.


The Owner submitted Official Plan and Zoning By-law Amendment Application Files OP.21.019 and Z.21.040 to the City of Vaughan on October 21, 2021. The City of Vaughan deemed these Applications complete on November 16, 2021. On June 14, 2022, the Owner appealed the Applications to the Ontario Land Tribunal, pursuant to subsection 22(7) and 34(11) of the *Planning Act*, citing the City's failure to make a decision on the Applications within the prescribed timelines of the *Planning Act*.

The Amendment was approved in principle by the Ontario Land Tribunal pursuant to Section 176(5) of the *Planning Act*, R.S.O. 1990, c. P. 13 (OLT Case No. OLT-22-004083).



Appendix II Existing Land Uses Official Plan Amendment No. 98

File: OP.21.019
Related File: Z.21.040
Location: Part of Lot 21, Concession 6
3812 Major Mackenzie Drive West
Applicant: G Group Major Mackenzie Inc.
City of Vaughan

 Lands Subject to
Amendment No. 98

ATTACHMENT "B"

*THE CITY OF VAUGHAN**BY-LAW***BY-LAW NUMBER XXX-2023**

A By-law to designate by Number an amendment to City of Vaughan By-law 1-88, as amended by By-law 234-2010, 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 the City of Vaughan By-law 1-88, as amended by By-law 234-2010, as effected by the Ontario Land Tribunal Order, dated the ____ day of _____, 2023 (OLT Case No. OLT OLT-22-004083), attached hereto as Attachment "1", is hereby designated as By-law Number xxx-2023.

Enacted by the City of Vaughan Council this ____ day of _____, 2023.

Steven Del Duca, Mayor

Todd Coles, City Clerk

ATTACHMENT 1

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER XXX-2023

A By-law to amend City of Vaughan By-law 1-88, as amended by By-law 234-2010.

WHEREAS there has been an amendment to the Vaughan Official Plan adopted by Council but not approved at this time, with which the matters herein set out are in conformity;

AND WHEREAS Subsection 24(2) of the *Planning Act*, R.S.O.1990, c.P.13, provides that Council may pass a By-law that does not conform to the Official Plan on lands that are subject of an adopted amendment, and that once the amendment comes into effect, the By-law shall then conform; and

AND WHEREAS Subsection 24 (2.1) of the *Planning Act*, R.S.O.1990, c.P.13. provides that the By-law comes into force and effect upon the Official Plan Amendment coming into effect;

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) Deleting Exception 9(1351) in its entirety from Section 9.0 "EXCEPTIONS" and substituting therefor the following:
 - "(1351) A. The following provisions shall apply to all lands zoned with the Holding Symbol "(H)" as shown on Schedule "E-1479", until the Holding Symbol "(H)" is removed pursuant to Subsection 36(1) or (3) 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 this By-law. Notwithstanding the foregoing, the following uses are permitted prior to the removal of the Holding

Symbol “(H)”:

- a. One (1) temporary sales office, in accordance with Subsection 3.25 respecting Temporary Sales Office in the City of Vaughan By-law 1-88;
 - b. Below-grade parking structure including shoring and excavation work, provided that a Site Development Application for a permitted use under Section 1.B.fi) has been submitted to the City.
- ii) The removal of the Holding Symbol “(H)” from the Subject Lands or a portion or Phase thereof is contingent on satisfying the following conditions:
- a. York Region Infrastructure Asset Management staff have confirmed that water and wastewater servicing capacity is available to support the proposed development at such time as:
 - i. The City of Vaughan approves servicing allocation to this development that is not dependent upon the completion of any new infrastructure; or
 - ii. York Region has advised in writing that the required infrastructure to support the capacity assignment associated with this development will be completed within a time period acceptable to the Region to permit the plan registration; or
 - iii. The Regional Commissioner of Public Works confirms servicing allocation for this development by a suitable alternative method and the City of Vaughan allocates the capacity to this

development.

- b. The Owner must demonstrate a sanitary and water servicing strategy can be achieved utilizing a comprehensive study and must enter into an Agreement with the City to design and construct the works, to the satisfaction of the City. The study shall include approved and proposed development applications surrounding the Subject Lands, including, but not limited to, NJS Developments Inc. – 3836 and 3850 Major Mackenzie Drive West (Files OP.21.023 & Z.21.047), Calvin Estates Inc. – 10130/10144/ 10160 Weston Road (Files Z.16.018 & 19T-16V003), and Maplequest (Vaughan) Developments Inc. (Files DA.17.082 & DA.17.118), to ensure any infrastructure improvements accommodates the remaining growth in Block 40 South including an Agreement, by the City and/or Region, for any applicable Development Charge credit for any infrastructure improvements including front ended infrastructure. The study shall also identify and commit to any improvements to any municipal and/or private sewers and mains, free of all costs and encumbrances to the City, that are required to service the Subject Lands, to the satisfaction of the City.
- c. As the Subject Lands require the future ‘Sunset Terrace extension/ New Road A’ and Farooq Boulevard to be constructed with interest from the adjacent lands known as NJS

Developments Inc. – 3836 and 3850 Major Mackenzie Drive West (Files OP.21.023 & Z.21.047), the “H” is to only be lifted under one of the following two scenarios:

- i. The ‘Sunset Terrace extension/ New Road A’ and Farooq Boulevard are constructed by the Owner or adjacent landowner to the west and the Owner has secured the necessary lands external to the Subject Lands to be conveyed to the City, free of all costs and encumbrances, prior to the occupancy of any units on the Subject Lands; or
 - ii. The Owner has demonstrated that an alternate interim roadway for ‘Sunset Terrace extension/ New Road A’ and Farooq Boulevard can be achieved through a comprehensive Transportation Impact Study (‘TIS’) including, but not limited to, functional design drawings, to the satisfaction of the City. The Owner shall identify and secure any necessary lands required to facilitate the interim solution, including lands external to the Subject Lands to be conveyed to the City, free of all costs and encumbrances, prior to the occupancy of any units on the Subject Lands.
- d. The Owner shall submit and obtain approval of a Draft Plan of Subdivision Application (subject to conditions) from City of Vaughan Council.

- e. A Subdivision Agreement has been executed and registered (without clearing of conditions of Draft Plan Approval or Plan Registration) on title to the Subject Lands, and any other agreement(s) be executed to the satisfaction of the City.

(1479) B. Notwithstanding the provisions of:

- a) Subsection 2.0 respecting the Definition of “Community Facility”, “Lot”, “Front Lot Line”, and “Privately-Owned Publicly Accessible Space”;
- b) Subsection 3.8, Paragraphs a) and c) respecting the Parking Requirements;
- c) Subsection 3.13 respecting the Minimum Landscaped Area;
- d) Subsection 3.17 respecting the Portions of Buildings Below Grade;
- e) Subsection 4.1.6 respecting Minimum Amenity Area;
- f) Subsection 4.1.7 and Subsection 4.12 respecting permitted uses in an RA3 Residential Apartment Zone;
- g) Schedule “A” respecting the zone standards in the RA3 Apartment Residential Zone;
- h) Schedule “A” respecting the zone standards in the OS2 Open Space Park Zone;

the following provisions shall apply to the lands shown as “Subject Lands” on Schedule “E-1479”:

- ai) For the purposes of this By-law, the following definitions shall apply:
 - i) COMMUNITY FACILITY – Means premises used for indoor and outdoor recreational, institutional, social, or cultural activities, and may include a health and fitness centre, library, or museum.

- ii) FRONT LOT LINE – Means the lot line of the Subject Lands that abuts the Major Mackenzie Drive West street line.
- iii) LOT – Means that regardless of the number of buildings constructed, the creation of separate units and/or lots by way of Plan of Condominium, Consent, conveyance of private or public roads; strata title arrangements, or other permissions, and any easements or registrations that are granted, the Subject Lands shall be deemed to be one (1) lot.
- iv) URBAN SQUARE – Means a publicly accessible and principally outdoor area that is used for public gathering, parks, temporary commercial vendor or markets, outdoor patio, performance and exhibition spaces, or similar activities, and may include privately owned public space or a breezeway.
 - bi) For the purposes of this By-law the following parking requirements shall apply:
 - i) The minimum parking space requirements are as follows:
 - a. Apartment Dwelling Residential – 0.8 spaces per dwelling unit
 - b. Apartment Dwelling Visitor – 0.2 spaces per dwelling unit
 - c. Multiple Family Dwelling – 1.0 space per dwelling unit
 - d. Multiple Family Dwelling Visitor – 0.2 spaces per dwelling unit
 - e. Non-Residential, excluding a Day Nursery – 4.5 spaces/100 m² of non-residential gross floor area

- f. Day Nursery – 1.0 space per employee
- ci) A strip of land not less than 3 metres in width abutting all street lines shall be used for no other purpose than landscaping;
- cii) An urban square, comprised of soft and hard landscaping, shall be provided in the locations and manner shown on Schedule “E-1479”;
- di) The minimum setback from the ultimate front lot line after any road widenings to the nearest part of a building/underground parking structure below finished grade shall be 1 metre;
- ei) For the purposes on this By-law the following amenity area requirements shall apply:
- i) The minimum amenity area requirement for an apartment dwelling shall be 8 m² per dwelling unit for the first 8 (eight) dwelling units; and an additional 5 m² of amenity area per dwelling unit for each additional dwelling unit;
- ii) The minimum amenity area requirement for a multiple family dwelling shall be 10m² per dwelling unit for the first 8 (eight) dwelling units; and an additional 8 m² of amenity area per dwelling unit for each additional dwelling unit;
- fi) For the purposes of this By-law the following additional uses shall be permitted in the RA3 Apartment Residential Zone:
- Bank or Financial Institution;
 - Business or Professional Office;
 - Community Facility;
 - Eating Establishment;
 - Eating Establishment, Convenience;
 - Eating Establishment, Take-Out;

- Health Centre;
 - Multiple Family Dwelling;
 - Personal Service Shop;
 - Pharmacy;
 - Retail Store;
 - Urban Square
- gi) The minimum front yard setback shall be 3.0 metres;
- gii) The minimum rear yard setback shall be 4.2 metres;
- giii) The minimum exterior side yard setbacks shall be 3.0 metres;
- giv) The maximum permitted building heights are as follows:
- a. Buildings A and B – 49.5 metres
 - b. Buildings C and F – 55.5 metres
 - c. Buildings D and E – 58.5 metres
- gv) The minimum lot area shall be 35,600 m²
- hi) The minimum rear yard setback shall be 0.0 metres;
- hii) The minimum exterior side yard setback shall be 0.0 metres; and
- hiii) The minimum setback abutting the internal private road (east and south of the public park) shall be 4.5 metres.”
- c) Deleting Schedule “E-1479” and substituting therefor with Schedule “E-1479” attached hereto as Schedule “1”.
- d) Deleting Key Map 6E and substituting therefor the Key Map 6E attached hereto as Schedule “2”.
2. Schedules “1” and “2” shall be and hereby form part of this By-law.

Enacted by City of Vaughan Council this _____ day of _____ 2023.

Steven Del Duca, Mayor

Todd Coles, City Clerk

Authorized by the Ontario Land Tribunal
on _____, 2023
Case No. OLT OLT-22-004083

SUMMARY TO BY-LAW XXX-2023

The lands subject to this By-law are located at the northwest corner of Major Mackenzie Drive West and Weston Road, being in Part of Lot 21, Concession 6, City of Vaughan.

The purpose of this by-law is to amend the RA3 Residential Apartment Zone with the Holding Symbol "(H)" and OS2 Open Space Park Zone, subject to Exception 9(1351), to permit a mixed-use development consisting of eight (8) residential/mixed-use buildings, ranging in height from 4 to 19 storeys, containing a total of approximately 2,400 residential dwelling units, space devoted to commercial uses, office uses, a day nursery, and community facilities, and two Urban Squares (i.e. Privately Owned Public Spaces) that are 3,000 m² and 1,000 m² each. A 4,900 m² Public Park is also provided on the Subject Lands.

The Holding Symbol "(H)" has been placed on the Subject Lands and shall not be removed from the Subject Lands or any portion thereof, until the conditions have been satisfied.

The Ontario Land Tribunal is the approval authority for this By-law.

FAROOQ BOULEVARD

NEW ROAD A

WESTON ROAD

MAJOR MACKENZIE DRIVE

PUBLIC PARK
4500 sq.m.
OS2
9(1351)

BUILDING G
4-STOREYS

BUILDING F
18-STOREYS

BUILDING H
14-STOREYS

URBAN SQUARE
3000 sq.m.
RA3(H)
9(1351)

BUILDING E
19-STOREYS

URBAN SQUARE
1000 sq.m.

BUILDING I
14-STOREYS

BUILDING D
19-STOREYS

BUILDING C
18-STOREYS

BUILDING B
16-STOREYS

BUILDING A
16-STOREYS

HATCHED AREA INDICATES EXTENT OF THE ROAD WIDENING

THIS IS SCHEDULE 'E- 1479'
TO BY-LAW 1-88
SECTION 9(1351)

SUBJECT LANDS


THIS IS SCHEDULE '1'
TO BY-LAW _____ - 2023
PASSED THE _____ DAY OF _____, 2023

FILE: Z.21.040
RELATED FILE: OP.21.019
LOCATION: Part of Lot 21, Concession 6
3812 Major Mackenzie Drive West
APPLICANT: G Group Major Mackenzie Inc.
CITY OF VAUGHAN

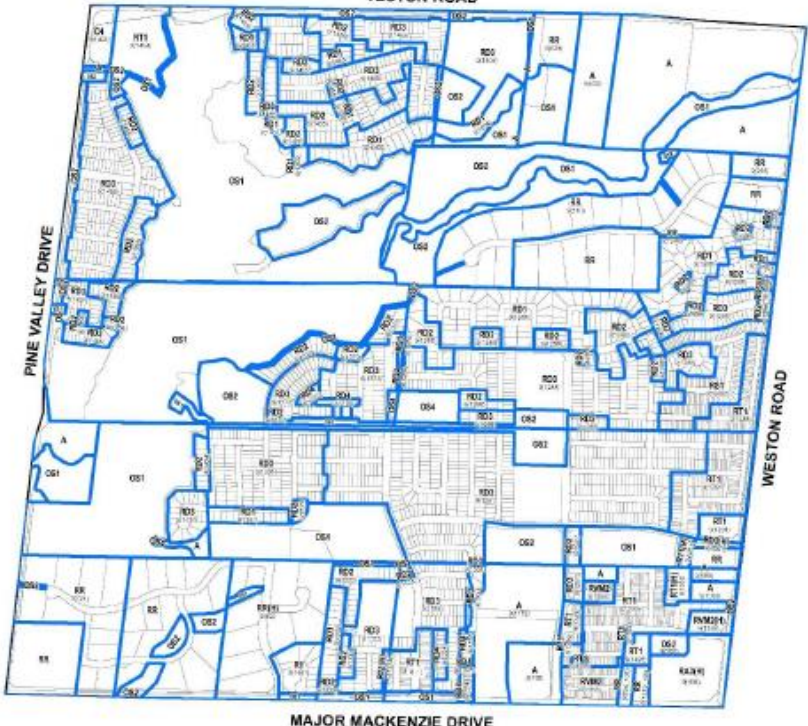
SIGNING OFFICERS

MAYOR

CLERK



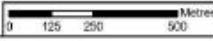
TESTON ROAD



PINE VALLEY DRIVE
WESTON ROAD

MAJOR MACKENZIE DRIVE

KEY MAP 6E
BY-LAW 1-88



THIS IS SCHEDULE '2'
TO BY-LAW _____ - 2023
PASSED THE ____ DAY OF _____, 2023

FILE: Z.21.040
RELATED FILE: OP.21.019
LOCATION: Part of Lot 21, Concession 6
3812 Major Mackenzie Drive West
APPLICANT: G Group Major Mackenzie Inc.
CITY OF VAUGHAN

SIGNING OFFICERS

_____ **MAYOR**

_____ **CLERK**



LOCATION MAP
TO BY-LAW _____ - 2023

FILE: Z.21.040
RELATED FILE: OP.21.019
LOCATION: Part of Lot 21, Concession 6
3812 Major Mackenzie Drive West
APPLICANT: G Group Major Mackenzie Inc.
CITY OF VAUGHAN



ATTACHMENT "C"

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER XXX-2023

A By-law to designate by Number an amendment to City of Vaughan By-law 001-2021, 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 the City of Vaughan By-law 001-2021, as amended, as effected by the Ontario Land Tribunal Order, dated the ____ day of _____, 2023 (OLT Case No. OLT OLT-22-004083), attached hereto as Attachment "1", is hereby designated as By-law Number xxx-2023.

Enacted by the City of Vaughan Council this ____ day of _____, 2023.

Steven Del Duca, Mayor

Todd Coles, City Clerk

ATTACHMENT 1

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER XXX-2023

A By-law to amend City of Vaughan By-law 001-2021, as amended.

WHEREAS there has been an amendment to the Vaughan Official Plan adopted by Council but not approved at this time, with which the matters herein set out are in conformity;

AND WHEREAS Subsection 24(2) of the *Planning Act*, R.S.O.1990, c.P.13, provides that Council may pass a By-law that does not conform to the Official Plan on lands that are subject of an adopted amendment, and that once the amendment comes into effect, the By-law shall then conform; and

AND WHEREAS Subsection 24 (2.1) of the *Planning Act*, R.S.O.1990, c.P.13. provides that the By-law comes into force and effect upon the Official Plan Amendment coming into effect;

NOW THEREFORE the Council of The Corporation of the City of Vaughan ENACTS AS FOLLOWS:

1. That City of Vaughan By-law Number 001-2021, as amended, be and it is hereby further amended by:
 - b) Rezoning the lands shown as “Subject Lands” on Schedule “1” attached hereto from RM2(H) Multiple Unit Residential Zone with the Holding Symbol “(H)” and OS1 Public Open Space Zone subject to Exception 14.985, to HMU High-Rise Mixed-Use Zone with the addition of the Holding Symbol “(H)” and OS1 Public Open Space Zone subject to site specific zone exceptions, in the manner shown on the said Schedule “1”.
 - c) Deleting Map 163 in Schedule A and substituting therefor the Map 163 attached hereto as Schedule “2”.
 - d) Deleting Schedule “E-1479” and substituting therefor Schedule “E-1479” attached hereto as Schedule “1”.
 - e) Deleting Subsection 14.985 in Part 14 Exception Zones, and replacing it with a

new Section 14.985 as follows:

Exception Number 985	Municipal Address: 3812 Major Mackenzie Drive West
able Parent Zone: OS1, HMU	
Schedule A Reference: 163	
By-law/Tribunal Decision Reference: OLT Case No. OLT-22-004083	
14.985.1 Permitted Uses	
<p>1. The following provisions shall apply to all lands zoned with the Holding Symbol “(H)” as shown on Figure “E-1479”, until the Holding Symbol “(H)” is removed pursuant to Subsection 36(1) or (3) of the <i>Planning Act</i>:</p> <p>a. Lands zoned with the Holding Symbol “(H)” shall be used only for the production of field crops, or a <u>use</u> legally existing as of the date of the enactment of this By-law. Notwithstanding the foregoing, the following uses are permitted prior to the removal of the Holding Symbol “(H)”:</p> <p>i. One (1) <u>temporary sales office</u>, in accordance with Subsection 5.11.2 respecting <u>Temporary Sales Office</u> in the City of Vaughan By-law 001-2021; and</p> <p>ii. Below-grade <u>parking structure</u> including shoring and excavation work, provided that a Site Development Application for a permitted <u>use</u> under Section 14.985.1.2 has been submitted to the City.</p> <p>b. The removal of the Holding Symbol “(H)” from the Subject Lands or a portion or Phase thereof is contingent on satisfying the following conditions:</p> <p>i. York Region Infrastructure Asset Management staff have confirmed that water and wastewater servicing capacity is available to support the proposed development at such time as:</p>	

- a. The City of Vaughan approves servicing allocation to this development that is not dependent upon the completion of any new infrastructure; or
 - b. York Region has advised in writing that the required infrastructure to support the capacity assignment associated with this development will be completed within a time period acceptable to the Region to permit the plan registration; or,
 - c. The Regional Commissioner of Public Works confirms servicing allocation for this development by a suitable alternative method and the City of Vaughan allocates the capacity to this development.
- ii. The Owner must demonstrate a sanitary and water servicing strategy can be achieved utilizing a comprehensive study and must enter into an Agreement with the City to design and construct the works, to the satisfaction of the City. The study shall include approved and proposed development applications surrounding the Subject Lands, including, but not limited to, NJS Developments Inc. – 3836 and 3850 Major Mackenzie Drive West (Files OP.21.023 & Z.21.047), Calvin Estates Inc. – 10130/10144/10160 Weston Road (Files Z.16.018 & 19T-16V003), and Maplequest (Vaughan) Developments Inc. (Files DA.17.082 & DA.17.118), to ensure any infrastructure improvements accommodates the remaining growth in Block 40 South including an Agreement, by the City and/or

Region, for any applicable Development Charge credit for any infrastructure improvements including front ended infrastructure. The study shall also identify and commit to any improvements to any municipal and/or private sewers and mains, free of all costs and encumbrances to the City, that are required to service the Subject Lands, to the satisfaction of the City.

- iii. As the Subject Lands require the future ‘Sunset Terrace extension/ New Road A’ and Farooq Boulevard to be constructed with interest from the adjacent lands known as NJS Developments Inc. – 3836 and 3850 Major Mackenzie Drive West (Files OP.21.023 & Z.21.047), the “H” is to only be lifted under one of the following two scenarios:
 - a. The ‘Sunset Terrace extension/ New Road A’ and Farooq Boulevard are constructed by the Owner or adjacent landowner to the west and the Owner has secured the necessary lands external to the Subject Lands to be conveyed to the City, free of all costs and encumbrances, prior to the occupancy of any units on the Subject Lands; or
 - b. The Owner has demonstrated that an alternate interim roadway for ‘Sunset Terrace extension/ New Road A’ and Farooq Boulevard can be achieved through a comprehensive Transportation Impact Study (‘TIS’) including, but not limited to, functional design drawings, to the satisfaction of the City. The Owner shall identify and secure

any necessary lands required to facilitate the interim solution, including lands external to the Subject Lands to be conveyed to the City, free of all costs and encumbrances, prior to the occupancy of any units on the Subject Lands.

- iv. The Owner shall submit and obtain approval of a Draft Plan of Subdivision Application (subject to conditions) from City of Vaughan Council.
 - v. A Subdivision Agreement has been executed and registered (without clearing of Conditions of Draft Plan Approval or Plan Registration) on title to the Subject Lands, and any other agreement(s) be executed to the satisfaction of the City.
2. The following uses shall be the only uses permitted in the HMU High-Rise Mixed-Use Zone, as shown on Figure “E-1479”:
- a. Apartment Dwelling
 - b. Clinic
 - c. Community Facility
 - d. Day Care Centre
 - e. Financial Institution
 - f. Health and Fitness Centre
 - g. Multiple-Unit Townhouse Dwelling
 - h. Office
 - i. Outdoor Patio
 - j. Personal Service
 - k. Podium Townhouse Dwelling
 - l. Privately Owned Public Space
 - m. Restaurant

- n. Restaurant, Take-out
- o. Retail
- p. Retail, Convenience
- q. Urban Square

14.985.2 Lot and Building Requirements

1. The maximum height of a rooftop mechanical penthouse shall be 6 m;
2. The minimum amenity area shall be as follows:
 - a. A minimum of 31% of the required amenity space shall be provided as common space.
 - b. Outdoor amenity areas may consist of amenity areas located on a rooftop or terrace that exceed 11 m²
3. The minimum front yard setback to the below-grade parking structure shall be 1.0 m from the ultimate street line, after any road widenings.
4. The following provisions shall apply to the lands zoned HMU High-Rise Mixed-Use on Figure E-1479:
 - a. Minimum front yard (abutting Major Mackenzie Drive): 3 m.
 - b. Minimum rear yard (abutting Farooq Boulevard): 4.2 m.
 - c. Minimum exterior side yards (abutting Weston Road and 'New Road A' respectively): 3 m.
 - d. Minimum build-to-zone: 3 m.
 - e. Maximum podium height for Buildings C, D, E and F: 25.5 m.
 - f. Minimum tower separation: 25 m.
 - g. Minimum tower separation distances shall not apply to Buildings H and I, identified on Figure E-1479.
 - h. A 45-degree angular plane from the HMU Zone shall not be applied from Low-Rise Buildings (up to a maximum 4 storeys) to the rear lot line (Farooq Boulevard).

<ul style="list-style-type: none"> i. Maximum <u>lower floor plate</u> area of 850 m² shall not apply to Buildings H and I identified on Figure E-1479. j. Minimum <u>landscape</u> strip width abutting a <u>street line</u>: 3 m. <p>5. The following provisions shall apply to the lands zoned OS1 Public Open Space, as shown on Figure E-1479:</p> <ul style="list-style-type: none"> a. Minimum <u>rear yard setback</u> (abutting Farooq Boulevard): 0.0 m b. Minimum <u>exterior side yard setback</u> (abutting 'New Road A'): 0.0 m. c. Minimum <u>setback</u> abutting the internal <u>private road</u> (east and south of the public <u>park</u>): 4.5 m. <p>6. The <u>ground floor</u> frontage along Farooq Boulevard and 'New Road A' may consist of <u>podium townhouse dwellings</u>.</p> <p>7. The maximum <u>gross floor area</u> of the development shall be 1,800,000 ft² or 167,225.5 m²</p>
<p>14.985.3 Parking, Bicycle Parking, and Loading Requirements</p>
<ul style="list-style-type: none"> 1. The minimum parking requirement for non-residential <u>uses</u>, excluding a <u>day care centre use</u>: 4.5 <u>parking spaces</u> per 100 m² <u>gross floor area</u>. 2. The minimum parking requirement for a <u>day care centre use</u>: 1 parking space per employee. 3. The minimum <u>bicycle parking space</u> requirements shall be as follows: <ul style="list-style-type: none"> a. Commercial <u>uses</u>: long-term – 0.05/100 m²; short-term 0.2/100 m² or 3 spaces, whichever is greater. b. Community <u>uses</u>: long-term – 0.05/100 m²; short-term 0.2/100 m² or 3 spaces, whichever is greater. 4. <u>Long-term bicycle parking space</u> may have indirect access from the exterior of the <u>building</u> and that access may be located on the <u>ground floor</u> or within the below-grade <u>parking structure</u>.
<p>14.985.4 Other Provisions</p>

The following provisions shall apply to the lands labelled "Subject Lands", as shown on Figure "E-1479":

1. FRONT LOT LINE – Means the lot line of the Subject Lands that abuts the Major Mackenzie Drive West street line.
2. LOT – Means that regardless of the number of buildings constructed, the creation of separate units and/or lots by way of Plan of Condominium, Consent, conveyance of private or public roads; strata title arrangements, or other permissions, and any easements or registrations that are granted, the Subject Lands shall be deemed to be one (1) lot.
3. PRIVATELY OWNED PUBLIC SPACE – Means premises that are publicly accessible and intended for active recreational uses and passive recreational uses, but that are privately-owned and maintained, and shall include an urban square.

14.985.5 Figures

Figure E-1479

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

Enacted by City of Vaughan Council this ____ day of _____, 2023.

Steven Del Duca, Mayor

Todd Coles, City Clerk

Authorized by the Ontario Land Tribunal
on _____, 2023
Case No. OLT OLT-22-004083

SUMMARY TO BY-LAW XXX-2023

The lands subject to this By-law are located at the northwest corner of Major Mackenzie Drive West and Weston Road, being in Part of Lot 21, Concession 6, City of Vaughan.

The purpose of this by-law is to rezone the Subject Lands from RM2(H) Multiple Unit Residential Zone with the Holding Symbol "(H)" and OS1 Public Open Space Zone subject to Exception 14.985, to HMU High-Rise Mixed-Use Zone with the addition of the Holding Symbol "(H)" and OS1 Public Open Space Zone, subject to site specific zone exceptions, to permit a mixed-use development consisting of eight (8) residential/mixed-use buildings, ranging in height from 4 to 19 storeys, containing a total of approximately 2,400 residential dwelling units, space devoted to commercial uses, office uses, a day nursery, and community facilities, and two Urban Squares (i.e. Privately Owned Public Spaces) that are 3,000 m² and 1,000 m² each. A 4,900 m² Public Park is also provided on the Subject Lands.

The Holding Symbol "(H)" has been placed on the Subject Lands and shall not be removed from the Subject Lands, or any portion thereof, until the conditions have been satisfied.

The Ontario Land Tribunal is the approval authority for this By-law.



THIS IS SCHEDULE '1'
TO BY-LAW _____ - 2023
PASSED THE ____ DAY OF _____, 2023

FILE: Z.21.040
RELATED FILE: OP.21.019
LOCATION: Part of Lot 21, Concession 6
3812 Major Mackenzie Drive West
APPLICANT: G Group Major Mackenzie Inc.
CITY OF VAUGHAN

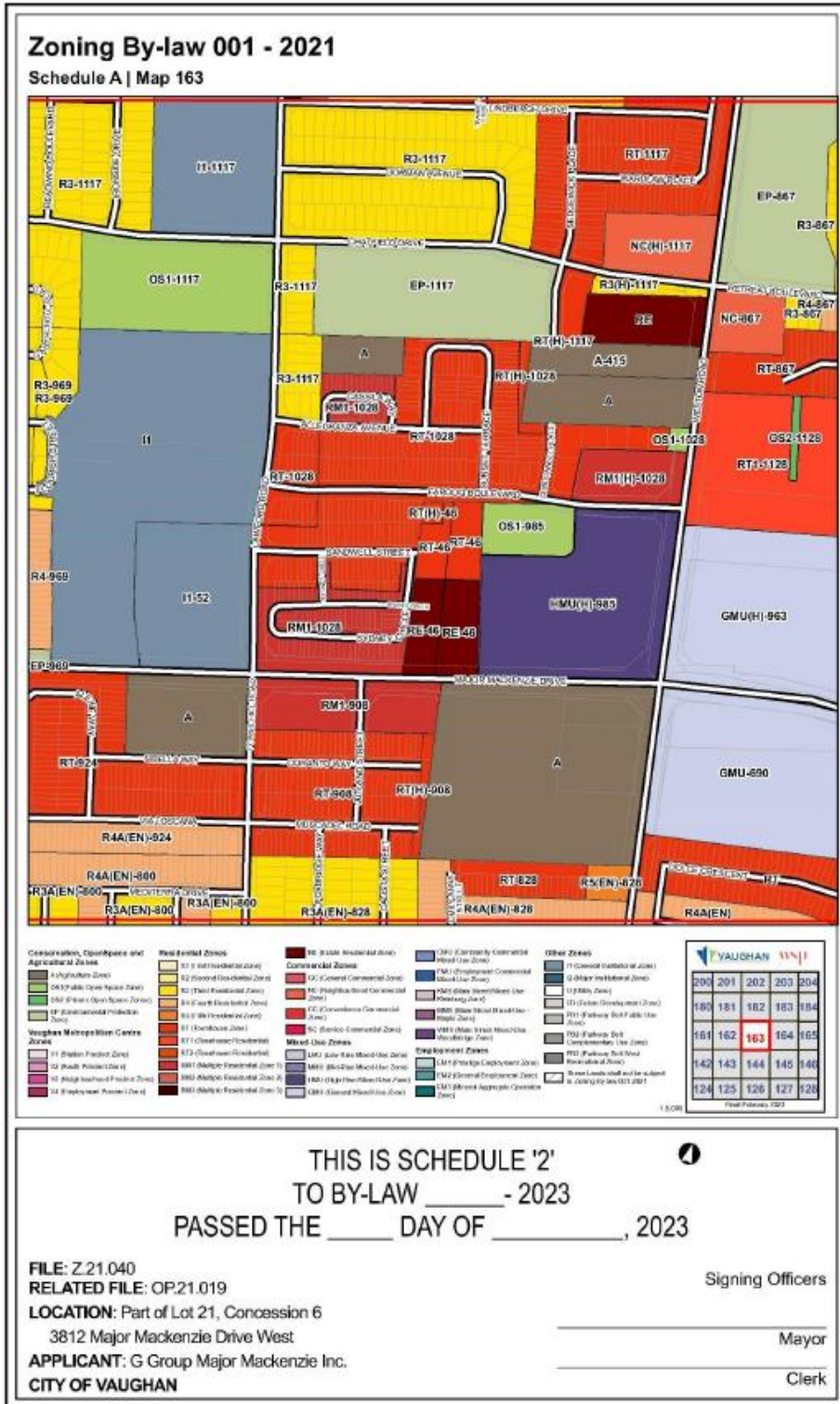
SIGNING OFFICERS

MAYOR

CLERK

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Created on: 3/28/2023



THIS IS SCHEDULE '2'
TO BY-LAW _____ - 2023
PASSED THE ____ DAY OF _____, 2023

FILE: Z.21.040
RELATED FILE: OP.21.019
LOCATION: Part of Lot 21, Concession 6
3812 Major Mackenzie Drive West
APPLICANT: G Group Major Mackenzie Inc.
CITY OF VAUGHAN

Signing Officers

Mayor

Clerk

