

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



**ISSUE DATE:** February 05, 2026

**CASE NO(S):**

OLT-24-000811  
OLT-24-000812

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

Applicant/Appellant	3300 Rutherford Developments Inc.
Subject:	Request to amend the Official Plan – Failure to adopt the requested amendment To facilitate a high-rise mixed-use development, up to 29 storeys high and with 2,009 units
Description:	OP.23.001
Reference Number:	3300 Rutherford Road
Property Address:	Vaughan/York
Municipality/UT:	OLT-24-000811
OLT Case No:	OLT-24-000811
OLT Lead Case No:	3300 Rutherford Developments Inc. v Vaughan (City)
OLT Case Name:	

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

Applicant/Appellant	3300 Rutherford Developments Inc.
Subject:	Application to amend the Zoning By-law – Refusal or neglect to make a decision To facilitate a high-rise mixed-use development, up to 29 storeys high and with 2,009 units
Description:	Z.23.002
Reference Number:	3300 Rutherford Road
Property Address:	Vaughan/York
Municipality/UT:	OLT-24-000812
OLT Case No:	OLT-24-000811
OLT Lead Case No:	

**Heard:**

September 18–26, 2025 by Video Hearing

**APPEARANCES:**

<b><u>Parties</u></b>	<b><u>Counsel</u></b>
3300 Rutherford Developments Inc.	Patrick Harrington John Pappas
City of Vaughan	Raj Kehar Zaynab Al-waadh

**DECISION DELIVERED BY C.I. MOLINARI AND INTERIM ORDER OF THE TRIBUNAL**

---

**INTRODUCTION**

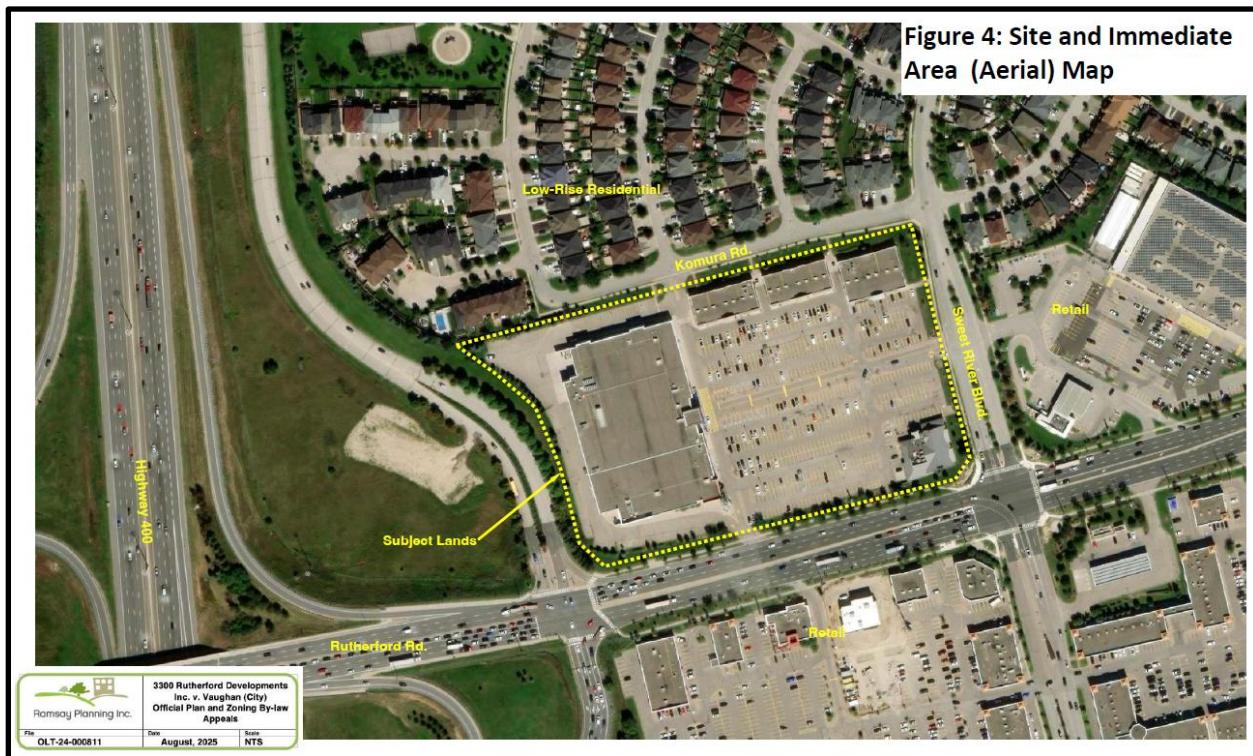
[1] The matter before the Tribunal arises from appeals filed by 3300 Rutherford Developments Inc. (“Appellant”) pursuant to ss. 22(7) and 34(11) of the *Planning Act* (“Act”) with respect to the failure of the City of Vaughan (“City”) to make a decision within the statutory timeframes on Official Plan Amendment (“OPA”) and Zoning By-law Amendment (“ZBA”) applications (together “Applications”) for the property known municipally as 3300 Rutherford Road (“Property”).

[2] Having considered all the evidence, and for the reasons set out herein, the Tribunal allows the appeals on an interim basis.

**THE PROPERTY AND SURROUNDING CONTEXT**

[3] The Property is located on the north side of Rutherford Road (“Rutherford”), east of the Highway 400 (“Hwy 400”) interchange and Canada’s Wonderland Drive (“CW Drive”), west of Sweet River Boulevard (“Sweet River”) and south of Komura Road (“Komura”). It is currently developed with a commercial plaza with a mix of retail, personal service, and restaurant uses, with a significant portion occupied by surface parking. The Property has an area of approximately 4.73 hectares (“ha”), frontage of approximately 265 metres (“m”) along Rutherford and a depth of approximately 177 m. Access to the Property is currently available from Rutherford, Sweet River, and Komura.

[4] As shown below in Figure 1, with the Property outlined in yellow, the surrounding land uses include low-rise residential to the north, retail to the east and south, including the Vaughan Mills Centre shopping centre further south, and CW Drive and the Hwy 400 interchange to the west.



**Figure 1: Site and Immediate Area (Aerial) Map of Exhibit 10: 'Visual Evidence – City'**

## EXISTING LAND USE POLICY CONTEXT

[5] The Property is located within the urban area in the Regional Municipality of York (“Region”) Official Plan 2022 (“YROP”), and within an identified ‘Strategic Growth Area’ (“SGA”) as defined in the Provincial Planning Statement, 2024 (“PPS”). The YROP is deemed to be incorporated into the City Official Plan 2010 (“VOP”) pursuant to ss. 70.13(2) of the Act.

[6] The Property is currently designated ‘Community Area’ in the YROP, permitting residential, population-related employment, and community services. It is designated ‘Mid-Rise Mixed-Use’ in the VOP, permitting mixed-use residential buildings up to a

maximum height of eight storeys and a maximum density of 2.5 floor space index (“FSI”).

[7] The Property is currently zoned ‘General Mixed-Use Zone (GMU)’ subject to site-specific exception 14(700) (“GMU”) under Zoning By-law 001-2021 (“ZBL”), permitting office, retail, restaurants, daycares, and community facilities uses, with a maximum building height of 11 m. The site specific exception permits certain other commercial uses.

[8] The Property is not located within a ‘Protected Major Transit Station Area’ (“PMTSA”) on Schedule 1C in the VOP but is within a ‘Future Major Transit Station Area’ (“FMTSA”), specifically ‘Future MTSA 77’ (“FMTSA 77”) on Appendix 2 of the YROP, centered at the intersection of Jane Street (“Jane”) and Rutherford. Along the frontage of the Property, Rutherford is identified as a ‘Major Arterial’ road and a ‘Primary Intensification Corridor’ (“PIC”) in the VOP. It is served with regular York Region Transit (“YRT”) public transit service, including a bus stop located adjacent to the Property, at the intersection of Rutherford and Sweet River.

## THE APPLICATIONS

[9] The Applications were formally submitted on January 18, 2023, and the City issued a Notice of Complete Application on April 25, 2023. A second submission was submitted on March 15, 2024, in response to feedback received from the City.

[10] The Applications were subsequently appealed to the Tribunal, followed by a further submission on April 11, 2025 (“Revised Applications”). The Revised Applications are currently before the Tribunal.

[11] As illustrated below in **Figures 2 and 3**, the Revised Applications seek approval for a phased redevelopment of the Property with four development blocks, comprising four mixed-use towers ranging in height from 17 to 29 storeys with podiums ranging from six to seven storeys, and mixed-use mid-rise buildings of 12, ten and six storeys stepping down to two- and one-storey buildings (“Revised Proposal”). The Revised Proposal includes a total of 2,009 residential units, approximately 10 percent (“%”) of

which are proposed as rental housing, and a unit mix of one-bedroom (65%), two-bedroom (30%), and three-bedroom (5%) units.

[12] The Revised Proposal includes a total gross floor area ("GFA") of approximately 160,526 square metres ("sm") (155,228 sm of residential GFA and 5,297 sm of non-residential GFA), and 0.52 ha of public parkland and open space.



Figure 2: Illustrated Site Plan from Exhibit 9: 'Visual Evidence – Appellant'



Figure 3: Rendering from Exhibit 9: 'Visual Evidence – Appellant'

[13] The OPA proposes to change the VOP designation of the Property from 'Mid-Rise Mixed-Use' with a maximum height of eight storeys and a maximum net FSI of 2.5 (calculated in accordance with the VOP), to 'High-Rise Mixed-Use' with a maximum height of 29 storeys and a maximum gross FSI of 3.4 (calculated in accordance with the ZBL and equating to a net density of 4.25 FSI). The OPA also identifies the Property as being subject to a 'Site Specific Plan', adds a new 'Policy 13.##', which details the specifics of the redevelopment of the Property, and includes definitions for FSI, GFA, and Lot Area.

[14] The ZBA proposes to rezone the Property from GMU to 'HMU - High-Rise Mixed-Use Zone' subject to a site-specific exception to facilitate the proposed development.

## **LEGISLATIVE FRAMEWORK**

[15] When considering appeals filed pursuant to ss. 22(7) and 34(11) of the Act, the Tribunal must have regard to the matters of provincial interest as set out in s. 2 of the Act, and to the decision, if any, of the approval authority and the information considered in making the decision, as required by s. 2.1(1) of the Act. Although these appeals relate to a non-decision by the City, the City opposes the Revised Applications.

[16] Further, s. 3(5) of the Act requires decisions of the Tribunal affecting planning matters to be consistent with the policy statements that are in effect on the date of the Tribunal's decision and to conform, or not conflict, with provincial plans that are in effect on the date of the Tribunal's decision. In this respect, the Tribunal must be satisfied that the Revised Applications are consistent with the PPS.

[17] The Tribunal must also be satisfied that the Revised Applications conform with the VOP and the YROP, as required by s. 24(1) of the Act, represent good land use planning, and are in the public interest.

## **PARTICIPANTS**

[18] The four Participants to the hearing had land use planning concerns related to the following: traffic, including the traffic study, transit, access, height, density, air and

noise pollution, the environment, proximity to low-rise residential, community character, health, mobility, quality of life, overcrowding, and access to schools, hospitals, parks, and community amenities.

[19] Most of the Participants' land use planning concerns were addressed by the witnesses, with the remaining more appropriately to be addressed through future development applications, if approved.

## **WITNESSES**

[20] On consent of the Parties, the Tribunal qualified the following witnesses to provide opinion evidence in their respective areas of expertise, as noted:

For the Appellant:

- Melanie Hare – Land Use Planning
- Mark Reid – Landscape Architecture and Urban Design
- Robert Keel – Transportation Planning

For the City:

- Alan Ramsay – Land Use Planning
- Carl Wong – Transportation Engineering

[21] All of the witnesses adopted their witness statements and reply witness statements as part of their evidence.

## **EVIDENCE / ANALYSIS / FINDINGS**

[22] The Parties agree that the Property is underutilized and ripe for redevelopment but differ in the appropriateness of the Revised Proposal. From the evidence, three principal issues emerged: whether inclusion within FMTSA 77 confers development rights, whether the proposed building height and density are appropriate, and whether the arising transportation impacts and proposed mitigation measures are acceptable.

**FMTSA Development Rights**

[23] Both Ms. Hare and Mr. Ramsay agreed that the Property is within FMTSA 77, yet they disagreed on whether such inclusion confers development rights on the Property.

[24] Ms. Hare noted that, as the Property is also located along a 'Major Arterial' road, a 'Local Corridor' and within a PIC, near the Vaughan Mills Bus Terminal, and in close proximity to a Hwy 400 interchange, it benefits from "strong regional and local connectivity and is well positioned to support transit-oriented development through access to existing and planned higher-order transit and transportation infrastructure".

[25] Ms. Hare referenced policy 2.4.2.2 of the PPS, noting that it requires planning authorities to plan for minimum density targets within MTSAs based on the type of transit that serves the area. Since Rutherford is identified as a 'Regional Transit Priority Network' on Schedule 10 of the YROP, it was her opinion that the eight-storey maximum height and 2.5 FSI maximum density standards in the VOP for the Property "should not be treated as appropriate maximums, given the evolving context of the Rutherford Road Corridor" and that a "higher-density mixed-use development, with vertically integrated residential and commercial space, is a more optimal use" of the Property.

[26] Further, Ms. Hare noted that PPS policies 2.3.1.4, 2.4.2.3, 6.1.12, and 6.1.13 identify density targets as minimum standards and encourage municipalities to go beyond these minimums where appropriate, particularly in MTSAs. She added that the PPS and the YROP set minimum density targets and promote the optimization of strategically located lands, rather than set maximum height or density limits as a growth management tool.

[27] In her witness statement, Ms. Hare added that the VOP builds on the YROP urban structure but "imposes more restrictive and site-specific direction along certain strategic growth areas", including PICs, and in the case of the Property, it prescribes maximum heights and densities rather than establishing minimums. It was her opinion that this approach caps the development potential of the Property and runs contrary to

the PPS and YROP objectives of establishing minimum targets, by unduly restricting the ability to “deliver a complete community with new housing, parkland, retail, and community amenities in a high-quality, compact built form, within a comprehensively planned transit-supportive and walkable development that makes efficient use of land and existing infrastructure”.

[28] It was Ms. Hare’s evidence that the majority of the Property is within 800 m of the intersection of Jane and Rutherford where FMTSA 77 is centred. She noted that, with reference to policy 2.4.2 in the PPS, MTSAs “refer to lands generally within a 500 to 800 m radius of an existing or planned higher order transit station or stop within a settlement area, or a major bus depot in an urban core”. She added that, although the MTSAs has not been delineated, studies have been undertaken and, until it is delineated, the 500 to 800 m radius should be used as the delineation. In her witness statement, it was also Ms. Hare’s evidence that the Property is within FMTSA 77, which is delineated on Appendix 2 of the YROP.

[29] Further, Ms. Hare noted that the Property is within an 800 m radius of a future or planned MTSAs centred at Jane and Rutherford, which is defined similarly in the YROP and the PPS as follows:

YROP definition:

Major Transit Station Area  
The area including and around selected existing or planned higher order transit stations or stops (bus rapid transit stations, GO stations and subway stations) within a settlement area. Major transit station areas generally are defined as the area within an approximate 500 to 800 metre radius of a transit station or stop, representing about a 10 minute walk. A minimum density target and boundary delineation are assigned to all protected major transit station areas. [bold and underline emphasis added]

PPS definition:

Major transit station area: means the area including and around any existing or planned higher order transit station or stop within a settlement area; or the area including and around a major bus depot in an urban core. *Major transit station areas* generally are defined as the area within an approximate 500 to 800-metre radius of a transit station. [bold and underline emphasis added]

[30] It was Mr. Ramsay's opinion that the Property is not within an MTSA as defined in the PPS, but is identified as being within an FMTSA, drawing a distinction between the two. He noted that policy 4.4.43 of the YROP addresses FMTSAs identified on Map 1B, and that they "require further planning and consultation to finalize their location and delineation". He added that, although the Property is located within an FMTSA, the YROP "does not afford any additional development rights or opportunities at this time". He characterized FMTSAs as a "placeholder designation that may apply in the future subject to identified transit improvements occurring", including, in this case, a bus rapid transit station located in the vicinity of Jane and Rutherford, noting that there is no schedule for when those transit improvements will occur.

### Finding

[31] The Tribunal is satisfied that the PPS and YROP definitions of an MTSA encompass the Property. The definitions both refer to existing or planned higher order transit stations or stops and do not expressly differentiate between MTSAs and FMTSAs. Although the term FMTSA is not defined in either the PPS or the YROP, the Tribunal is satisfied that, in this context, a 'planned' MTSA and a 'future' MTSA are properly understood to be synonymous. On that basis, as the Property lies within the delineated boundary of FMTSA 77 in Appendix 2 of the YROP, it is determined to be within a 'planned' MTSA. Further, while the YROP definition addresses PMTSAs with respect to assigning minimum density targets and boundary delineations, the Tribunal finds that this is non-dispositive of the Property's status within FMTSA 77.

[32] The Tribunal finds that Mr. Ramsay's opinion, that policy 4.4.43 of the YROP requires further planning and consultation to finalize the location and delineation of FMTSA 77, to be misleading given the wording in policy 4.4.42, which states that "local municipalities shall establish policies in their official plan, other implementation documents and appropriate zoning, for *major transit station areas* shown on *Map 1B and Appendix 2*" [emphasis added]. Appendix 2 of the YROP includes the location and delineation of FMTSA 77, while policy 4.4.43 speaks to "[o]ther future major transit station areas" on Map 1B requiring their location and delineation to be finalized.

[33] Significantly, Mr. Ramsay did not point to any policy in the PPS, the YROP, or the VOP that would prevent such intensification outside a PMTSA or within an FMTSA. Instead, as Ms. Hare noted, the PPS encourages municipalities to promote development and intensification within MTSAs, identifies density targets as minimum standards, and encourages municipalities to go beyond these minimums where appropriate.

[34] The Tribunal prefers the evidence of Ms. Hare with respect to the guidance of the PPS related to MTSAs and finds that, as the PPS does not distinguish between MTSAs and FMTSAs, the inclusion of the Property within FMTSA 77 in the YROP confers development rights, including increased height and density, as deemed appropriate.

[35] In this respect, the Tribunal finds that the Revised Proposal, for a property within the boundaries of FMTSA 77, must be assessed against the planning framework applicable to lands within an MTSA. The Parties' differing positions on height, density, and transportation must therefore be assessed and resolved within that policy context.

### **Building Height and Density**

[36] Ms. Hare testified that the Revised Proposal has appropriate regard for the relevant matters of provincial interest in s. 2 of the Act based on the provision of transit, the location within an SGA, along a PIC, and near an FMTSA, and reliance on Mr. Keel's evidence and the use of holding ("H") provisions to ensure it will proceed in a manner that ensures the adequate provision and efficient use of transportation systems.

[37] Ms. Hare also testified that the Revised Proposal is consistent with the PPS, noting its comprehensive planning, mix of uses, efficient use of existing infrastructure, and its location within an SGA, an FMTSA, and along a PIC, as well as her view that the as-of-right height and density permissions do not reflect the evolving context of the Rutherford corridor. She further testified that the Revised Proposal optimizes the use of the Property by relying on existing and planned servicing, transportation, and transit networks and incorporating transportation demand management strategies.

[38] Mr. Ramsay provided a contrasting opinion. He testified that the Revised Proposal does not have appropriate regard to the matters of provincial interest under s. 2 of the Act, as it does not represent orderly development, and the existing and proposed transportation infrastructure is inadequate to accommodate it. He stated that the height, density, scale, and massing constitute overdevelopment, do not reflect the existing or planned neighbourhood context, and the Revised Proposal lacks sufficient stepbacks along Rutherford. He further testified that, although the Property is suitable for mixed-use development and is well served by transit, the extent of growth proposed departs significantly from the Region's and City's intensification hierarchies and would not result in a built form that fits harmoniously with the surrounding area.

[39] Mr. Ramsay also testified that the Revised Proposal is not consistent with the PPS, stating that its height, density, and massing far exceed the scale identified in the VOP and constitute overdevelopment that is too dense for the surrounding context. He further testified that the proposal does not represent an efficient use of land or infrastructure, that the surrounding road network lacks the capacity to support it, that the Property's location within an FMTSA, rather than an MTSA, does not justify the level of intensification proposed, and that it does not align with the Region's or City's established intensification hierarchies for SGAs.

## YROP

[40] With respect to the YROP, Ms. Hare noted that:

- policy 4.4.10 directs local municipal infrastructure strategies to meet or exceed intensification targets;
- policy 4.4.11 directs local municipalities to develop hierarchies and identify minimum density and height targets for SGAs; and
- policy 4.4.12 speaks to applying targets across the entire SGA, not to a specific parcel, but acknowledging different scales of development can take place in an area, in a manner that is responsive to the location, parcel and context.

[41] It was her opinion that the Property is appropriate for medium- and high-rise intensification as it is within an SGA and an MTSA, generally conforms with the YROP's growth hierarchy guidance, and the scale of the Revised Proposal is appropriate given the hierarchy. Further, in her opinion, the PIC is well positioned to facilitate greater heights and densities, given the availability of services, transit, and mixed-uses to meet the needs of a complete community.

[42] It was Mr. Ramsay's evidence that the Property, although in an SGA, is not located within a Regional Centre, Regional Corridor, or an MTSA, where more intensive development is to be focused, but rather "within the built-up area where the 50% intensification target applies".

[43] Mr. Ramsay referenced policy 2.3.2 of the YROP, requiring communities to be planned comprehensively, using land efficiently and optimizing infrastructure, and proffered that, while the Revised Proposal includes elements of compact, mixed-use, pedestrian friendly, and transit-supportive built form, it does not use the land efficiently or optimize infrastructure. He concluded that the result is an overdevelopment of the Property, and relying on Mr. Wong's evidence, stated that the Revised Proposal would generate traffic volumes beyond the capacity of the surrounding road network and is therefore premature without further information on the required transportation infrastructure to support the proposed densities.

[44] Mr. Reid opined that the Revised Proposal conforms to YROP policy 2.3.13, which sets out requirements for the design of complete communities, including achieving the highest urban design and green development standards, and supporting walkable neighborhoods.

[45] YROP policy 2.3.13.a. requires "pedestrian scale, safety, security, comfort, accessibility and connectivity to promote physical activity, wellness and reduce auto dependency". It was Mr. Reid's opinion that the Revised Proposal:

- has a consistent podium base height of six to seven storeys, with a step-back above the tower elements and mid-rise buildings to diminish the

presence of taller elements on the streetscape and pedestrian environment;

- includes active uses such as retail, residential uses with grade-related entries, residential lobbies, and private amenity areas with a high degree of transparency between the indoors and outdoors, which create a safe, secure and comfortable environment with plenty of eyes on the street to support day-to-day use, and help to promote physical activity and wellness; and
- achieves reduced auto dependency through the proposed transit-supportive built form in proximity to Rutherford and Jane.

[46] YROP policy 2.3.13.b. requires the design to “[c]omplement the character of the existing community’s unique sense of place to foster social connections and inclusion”. It was Mr. Reid’s opinion that the community is connected by street connections that provide access to large open space resources and that the Revised Proposal:

- builds on the existing elements of built form, regular street connections, and open space elements that largely define the community’s sense of place, and complements the character; and
- includes new public and private streets that connect to the existing street network, providing a framework for new development blocks framing a central open space, “all of which reflect a similar sense of place within the existing community and will serve to foster social connections and inclusion”.

[47] With respect to YROP policy 2.3.13.e., requiring the design to “[p]rovide public spaces and attractive streetscapes that encourage active transportation and improve safety”, it was Mr. Reid’s opinion that the Revised Proposal meets this policy through the provision of “new streetscapes, an attractive new public park, and both a formal bike lane along Rutherford Road and informal opportunities for rolling, blading and cycling for

users of the Subject Site, in comparison to its current use as a suburban commercial shopping node".

[48] Mr. Ramsay opined that the proposed height and density are not appropriate for lands within a PIC and are "out of line with the City's Urban Structure and Intensification Hierarchy" and that the Revised Proposal does not conform with the YROP.

[49] With respect to the policy 2.3.13 of the YROP addressing urban form, Mr. Ramsay found that the Revised Proposal would be an "isolated pocket of high density", would not create a sense of place and would not be well integrated. Further, in his witness statement he noted that the towers proposed along Rutherford and Sweet River do not provide an appropriate transition to the surrounding lands to the south and east. He also noted that the towers "are not pedestrian scaled", however, with respect to the urban form requirements of policy 4.4.17, he characterized the proposal as being "of a compact form" and "pedestrian oriented".

[50] Mr. Ramsay noted that although policy 4.2.17 of the YROP states that "*major transit station areas* and transit corridors identified on *Map 10* shall be the focus for higher densities and *intensification*", in his opinion the Property is not within either. He did acknowledge however, that the Property is within an FMTSA as shown on Appendix 2 of the YROP.

[51] Mr. Ramsay noted that policy 4.4.4 of the YROP prioritizes intensification and establishes a scale of development that reflects the regional intensification hierarchy ("RIH") set out in policy 4.1.3, which states that SGAs "will attract the majority of development" and lists the hierarchy of densities from highest to lowest as graphically illustrated in policy 4.4.2:



**Figure 4: RIH Graphic from policy 4.4.2 of the YROP**

[52] Mr. Ramsay noted that the VOP implements policy 4.4.4 of the YROP through the designation of the Property as a PIC subject to a maximum FSI of 2.5 and a maximum height of eight storeys.

[53] Although Mr. Ramsay acknowledged that the Property is within an SGA as per the PPS, he did not agree that it is within an MTSA, determining that it is within a Local Corridor, as per the VOP, which is intended to have the lowest densities of the various RIH areas. It was therefore his opinion that the Revised Proposal does not conform to, nor meet the intent and goals of the RIH to utilize land efficiently and in a manner commensurate with available hard and soft services and existing infrastructure. He further stated that the Revised Proposal cannot be accommodated within the existing and planned road network and therefore does not conform with policy 4.4.5 of the YROP, which requires development in SGAs to be consistent with the RIH and “road infrastructure capacities”, among other requirements. He further opined that the Revised Proposal does not conform with policy 4.4.5, as it is not consistent with the requirement for the VOP to plan for growth in accordance with the RIH and within the capacity of the existing and planned road network.

## **VOP**

[54] Ms. Hare explained that the southern portion of the Property lies within a PIC, and the northern portion is within a ‘Community Areas’ on ‘Schedule 1’ of the VOP. She

referred to policy 2.2.1.1.d.v, which recognizes that PICs are intended to accommodate “mid-rise, and limited high-rise and low-rise buildings with a mix of uses” and opined that, while the policy does not specify how much or where ‘limited high-rise’ is appropriate, its intent is to recognize that certain sites along intensification corridors can support greater heights and densities. She also cited policies 2.2.3.4 and 2.2.5.13.f, which require appropriate transition to Community Areas. In her opinion, these policies support a context-sensitive approach that allows higher forms of development where size, location, and design enable appropriate transitions. She considered the Property particularly well-suited for increased density due to its large area and depth, allowing for a “compact, complete community with ample transition” to the north.

[55] Ms. Hare opined that the setbacks and stepbacks from the Komura meet the requirements of the applicable policy and the City’s Urban Design Guidelines (“UDG”) and that the majority of the Komura frontage, consisting of public parkland or private landscaped open space, provide a sensitive interface that is compatible with the character, form and function of the neighbourhood to the north. In this respect, it was her opinion that the interface conforms with the VOP direction to ensure new development respects and reinforces the prevailing character of surrounding areas. She added that Site Plan Control will ensure that the Revised Proposal is compatible “with its context” and reflects high standards of urban design and functionality.

[56] Mr. Reid shared Ms. Hare’s opinion regarding compatibility and opined that the Revised Proposal is compatible with the existing, proposed and evolving context, mitigates all potential adverse built form impacts, and represents good urban design. He added that it would provide a sensitive transition “in form, intensity, and extent of built form and open space” to the north and development along the Rutherford corridor. He further opined that the Revised Proposal meets the UDG for mid-rise and high-rise buildings and achieves a “consistent level of design excellence” by creating a network of streets, blocks, open spaces, and pedestrian linkages that improve access and enhance permeability throughout the Property. In his opinion, the site layout, with mid-rise podiums and tower elements framing the public realm, provides a safe, comfortable, and accessible environment with pedestrian-oriented amenities.

[57] With respect to the UDG, Mr. Reid proffered that the Revised Proposal promotes a green, connected community through a high-quality, landscaped public realm, central park, and pedestrian links to surrounding neighbourhoods. He added that the mid-rise buildings provide 'missing middle' housing and an appropriate transition to nearby low-rise areas, with early phases on the northern portion to buffer existing residents, and the street and block network, sidewalks, and cycle track along Rutherford provide integration with the broader community and contribute to active transportation.

[58] Mr. Reid also proffered that the Revised Proposal would provide landscaped streets, green setbacks, permeable open spaces, and active green rooftops, and establish connections to nearby parks and open space systems. He opined that the built form responds to context by placing the taller buildings along the Rutherford corridor, while the mixed-use, mid-rise podiums and active ground floor uses would contribute to a compact, walkable, and livable environment providing pedestrian oriented amenities and promoting safety.

[59] Mr. Ramsay opined that the Revised Proposal lacks transition, is not sensitive to or compatible with the character, form, and planned function of the surrounding context, and is significantly out of character with both the existing and planned context, such that it would "dwarf existing and as-of-right developments." With respect to the interface with the lands to the north, he acknowledged that the Revised Proposal "falls within a 45 ° angular plane drawn from the north side of Komura" and therefore would not create privacy or overlook concerns but noted that it still fails to address impacts related to transition in scale and intensity.

[60] With respect to the UDG, Mr. Ramsay opined that the Revised Proposal does not have regard for the principles and design priorities of the UDG, as it is not context sensitive, does not balance built form and open space, introduces a high-rise form into an area designated for mid rise development intended to support the 'missing middle', and lacks appropriate transition to adjacent land uses.

[61] It was Ms. Hare's opinion that the VOP's maximum height and density permissions should not be treated as maximums, given the evolving context of the PIC,

and that a higher-density mixed-use development, with vertically integrated residential and commercial uses, represents a more optimal use of the Property. Further, she opined that the Revised Proposal is more consistent with the PPS direction on intensification than the as-of-right permissions.

[62] Mr. Reid similarly opined that the VOP's height and density policies are dated and do not reflect the planned context or provincial priorities for complete communities on appropriately sized, transit-adjacent properties. He stated that the Property's scale, dimensions, adjacency to Hwy 400, and ability to deliver a complete community support the proposed level of intensification, while still providing an appropriate transition to the north.

[63] Mr. Ramsay maintained that the Revised Proposal does not conform with the VOP's goals of protecting stable residential areas, achieving built form that contributes to a sense of place, or promoting intensification in areas with adequate infrastructure and transit.

[64] Mr. Ramsay contended that the twelve-storey buildings lack an appropriate transition to the north and would overwhelm the area, citing policy 9.1.2.2, which requires new development to respect and reinforce established community character. In his view, the Revised Proposal fails to do so in terms of building type, orientation, height, and scale. He suggested that the transition along Komura should be redesigned through street-oriented housing types or lower podiums and tower heights.

[65] Mr. Ramsay also opined that the proposed FSI of 4.49, being nearly double the permitted density, fails to transition appropriately to the planned context south of Rutherford, where the Vaughan Mills Centre Secondary Plan ("Secondary Plan") permits FSIs of 1.5 and 2.0 and heights of six and 16 storeys, and east of Sweet River, where the limits are 2.5 FSI and eight storeys.

[66] Citing YROP policies 4.4.10 and 4.4.11, which require local municipalities to establish local intensification hierarchies with minimum and maximum height and density targets for SGAs consistent with the RIH, Mr. Ramsay acknowledged that the

Property is within a PIC and therefore appropriate for intensification. However, he maintained that the Revised Proposal constitutes overdevelopment, is not an efficient use of land given the road network constraints, and “risks being the catalyst for ad hoc and unplanned intensification” along the Rutherford corridor outside the Secondary Plan area.

[67] Mr. Ramsay also acknowledged the Property’s location on a ‘Regional Transit Priority Network’ and opposite a ‘Primary Centre’, and that intensification varies within a land use category. He further acknowledged that PICs are intended to support a range of uses, be a focus for future transit investment, develop at transit-supportive densities, and provide an appropriate transition to Community Areas. However, he emphasized that PICs represent the lowest intensity in the VOP’s hierarchy and maintained that the Revised Proposal is not consistent with the intensification objectives and would be more appropriate within a Primary Centre.

[68] Ms. Hare disagreed that the Revised Proposal constitutes overdevelopment, stating that PPS density policies promote efficient land use, compact and transit-supportive development, and complete communities, and do not establish upper density limits that would render it overdeveloped.

[69] Ms. Hare also disagreed with Mr. Randal’s view, based on Mr. Wong’s evidence on road capacity, that the Revised Proposal is not an efficient use of land and resources. She maintained that the Revised Proposal aligns with PPS directives on efficiency and transit-supportive development, and disagreed, “even in the abstract”, that road capacity is a measure of land-use efficiency under the PPS. She relied on Mr. Keel’s evidence that sufficient capacity exists based on conservative traffic assumptions and noted that the H provisions in the ZBA would secure the necessary transportation improvements and Travel Demand Management strategy (“TDM”) measures to support the development.

[70] Mr. Ramsay noted that the VOP and ZBL calculate FSI and GFA differently, noting that the ZBL excludes several floor area components such as mechanical and electrical rooms, elevator shafts, refuse chutes, and parking and loading areas, while

the VOP bases FSI on net developable area rather than gross lot area. He posited that Ms. Hare's comparison of a gross FSI of 3.4 calculated under the ZBL to the VOP's permitted net FSI of 2.5 is not equivalent. He stated that the appropriate comparison is a proposed net FSI of 5.4 to the permitted net FSI of 2.5 under the VOP, resulting in more than double the permitted density. He agreed, however, with Ms. Hare's revised net FSI of 4.25 calculated under the ZBL.

### **Summary Opinion**

[71] Overall, Ms. Hare opined that the Revised Proposal has appropriate regard for the relevant matters of provincial interest in s. 2 of the Act, is consistent with the PPS, conforms with the YROP and, except for the height and density provisions, conforms with the VOP, is reasonable, represents good land use planning, and is in the public interest. It was her recommendation that the Tribunal allow the appeals and approve the OPA and ZBA instruments ("Instruments").

[72] It was Mr. Reid's opinion that the Revised Proposal represents good urban design, is compatible with the existing, proposed and evolving context, and meets the intent of the UDG for mid-rise and high-rise buildings.

[73] Mr. Ramsay concluded that the Revised Proposal is too dense, too tall, lacks appropriate transitions, conflicts with the City's urban structure and intensification hierarchy, and does not meet the intent of the UDG. He further opined that it does not have sufficient regard for the relevant matters of provincial interest under s. 2 of the Act, is not consistent with the PPS, and does not conform to the YROP or VOP. In this opinion, it does not represent good land use planning or serve the public interest and should not be approved.

### **Finding**

[74] The Tribunal prefers the evidence of Ms. Hare and Mr. Reid regarding the YROP's direction on height and density and gives reduced weight to Mr. Ramsay's evidence, which relied on the Property not being within an MTSA. Under the MTSA planning framework, and consistent with YROP policy 4.2.17, the Tribunal finds that the

Property is to be a focus for higher densities and intensification, and that the Revised Proposal is appropriate in this regard.

[75] The Tribunal finds that the Revised Proposal meets the YROP and VOP intensification policies given the Property's location within FMTSA 77, along a PIC, within an SGA, and with access to services and transit. The Proposal contributes to accommodating planned growth through its compact form and mix of uses, achieves transit-supportive densities, and provides appropriate transition in scale to the north through one- and two-storey elements. Because the lands to the south and east are also within FMTSA 77, the need for transition in those directions is diminished, and the Tribunal does not find Mr. Ramsay's concerns in this regard.

[76] The Tribunal prefers the evidence of Ms. Hare and Mr. Reid that the Revised Proposal meets the UDG requirements. Mr. Reid demonstrated that the Revised Proposal provides an appropriate and sensitive interface along Komura through setbacks, stepbacks, parkland, and landscaped open space, and that it achieves compatibility with the existing and planned context by providing transition in form, intensity, and built form. His evidence further establishes that the Revised Proposal promotes a green and connected public realm, enhances permeability and active transportation, and creates a safe, comfortable, and well designed environment.

[77] The Tribunal accepts Mr. Ramsay's opinion that, through the existing designation, the VOP implements policy 4.4.4 of the YROP by prioritizing intensification in SGAs but finds that this does not preclude further implementation through additional intensification.

[78] The Tribunal does not accept Mr. Ramsay's opinion that the Revised Proposal does not support the City's urban structure, would trigger ad hoc and unplanned intensification, or requires further transition to the north. The urban structure is defined by the Property's location within an MTSA, along a PIC, and opposite a Primary Centre. Concerns related to ad hoc and unplanned intensification are unfounded, as applications are assessed on their own merits and policy context. Further, the Revised

Proposal includes one- and two-storey elements along Komura and integrated mid-rise buildings to ensure an appropriate transition to the north.

[79] The Tribunal prefers Ms. Hare's evidence on the question of whether the Revised Proposal constitutes overdevelopment. Mr. Ramsay's characterization, that it is overdevelopment and "out of line" with the City's urban structure and intensification hierarchy, is not supported by probative evidence beyond his view that it is not appropriate within a PIC and would be better suited to a Primary Centre. His assertion that it would achieve higher, transit-supportive densities yet still constitute an inefficient use of land due to being overdevelopment, is incongruent with PPS policies directing the efficient use of land transit-supportive densities and the optimization of infrastructure. Further, the Tribunal gives reduced weight to Mr. Ramsay's concerns regarding the Secondary Plan area, as the Property and the lands to the south and east are within FMTSA 77 and are also subject to the intensification policies of the PPS, YROP and VOP.

[80] With respect to FSI, the Tribunal agrees with Mr. Ramsay that the proper comparison is the proposed net FSI of 5.4 to the permitted net FSI of 2.5 under the VOP. However, because the FSI in the VOP was established approximately fifteen years ago, and given changes in provincial policy, a direct comparison is of limited value in assessing the appropriateness of the Revised Proposal.

[81] Overall, the Tribunal prefers the evidence of Ms. Hare and Mr. Reid regarding s. 2 of the Act, the PPS, YROP, and VOP, and finds the Revised Proposal appropriate in both height and density given the Property's location along a PIC and within FMTSA 77.

### **Transportation**

[82] Mr. Keel provided the following transportation context of the Property:

- There are multiple YRT routes within a short walking distance, including frequent service on Jane and access to the Vaughan Mills Bus Terminal;

- It has a WalkScore™ of 83 with daily needs reachable within a 10- to 15-minute walk, and some existing cycling infrastructure;
- The planned Bass Pro Mills Drive extension (“Bass Pro Extension”) across Hwy 400, to be completed by 2031, will add a new east-west connection and relieve pressure on Rutherford;
- The planned Jane Bus Rapid Transit is planned to operate in dedicated transit lanes with potential stations at Rutherford and the Vaughan Mills Bus Terminal, although no detailed construction timeline has been set;
- Additional transit and road network improvements have been identified as part of the Secondary Plan, including transit-priority high occupancy vehicle lanes on Rutherford and a future collector road network;
- There is a potential subway extension along Jane (“Jane Subway”), and an additional Hwy 400 crossing north of Rutherford identified for the post 2051 planning horizon; and
- There are planned cycling routes on Rutherford and Jane, with new bike lanes and sidewalks along Rutherford by 2026.

[83] Based on this context, Mr. Keel testified that the Revised Proposal would benefit from future transit and active transportation facilities to be implemented by the City and Region in the medium and long term. He added that planned road network improvements would enhance traffic circulation and provide additional capacity to address existing constraints.

### **Traffic Impact Statement**

[84] Mr. Keel advised that a Transportation Impact Study (“TIS”) was completed in accordance with City, Region, and Ministry of Transportation (“MTO”) guidelines and identifies required improvements, including modifications at Rutherford and Sweet River, corridor signal-timing optimization, and traffic calming on Sweet River.

[85] Mr. Keel noted that the TIS methodology was developed in consultation with the City and the Region and relies on Region-supplied traffic forecasts, which he considers a conservative and appropriate approach. He further noted that the City's review indicated provisional acceptance of the TIS conclusions, subject only to minor comments, and raised no concerns with the methodology or key conclusions.

[86] In Mr. Keel's opinion, the TIS provides sufficient information to determine the transportation infrastructure needed to ensure acceptable traffic impacts, with any required off-site works to be secured through future subdivision or site plan approvals. He concluded that, with the recommended improvements, the additional traffic from the Revised Proposal would have an acceptable impact on the study area intersections. He also noted that the planned Bass Pro Extension, scheduled to commence in 2026, will improve baseline capacity at key intersections by providing alternative routing options for traffic on Rutherford.

[87] It was Mr. Keel's opinion that the TIS appropriately assesses existing and future network operations and makes appropriate assumptions regarding site traffic and impacts on the surrounding road network. He noted that updated traffic counts were collected in 2023 and 2025 and that conservative assumptions were applied, including retaining the higher 2022 Saturday peak-hour turning movement count data and using 2019 data at Rutherford and Jane due to construction. He also noted that the future analysis incorporated planned road and transit improvements in the Region's Transportation Master Plan ("TMP"), including completion of the Bass Pro Extension, and that neither the City nor the Region challenged the assumed timing of network improvements or provided negative comments on the data, its use, or the study methodology.

[88] Mr. Wong argued that the TIS is unacceptable due to the following: MTO comments remain unresolved, critical volume over capacity ("V/C") ratios are unmitigated, functional design plans are incomplete, the internal road design is unresolved, trip generation and mode share assumptions are flawed, the TDM is untested and lacks monitoring, shuttle capacity analysis is missing, and the traffic

analysis must be redone. He further considered the as-of-right trip generation analysis misleading for assuming 1,655 units, which he views as a conservative maximum, and stated that the TIS understates the existing mode share baseline, significantly affecting the traffic and parking analyses.

[89] Mr. Wong opined that the traffic analysis should be revisited with corrected mode share assumptions, updated trip generation, and full queuing analysis for through-movements on Rutherford to determine whether the surrounding road network can accommodate the development or whether additional improvements are required.

[90] Mr. Wong advised that although MTO identified terminal ramp V/C ratios greater than 0.75 as critical and requiring evaluation for operational improvements, the TIS does not propose any such improvements. He cautioned that, without knowing how MTO's comments will be addressed, the proposed density may not be supportable. He noted that MTO identified multiple ramp terminal movements exceeding the 0.75 V/C threshold that triggers operational or geometric improvements, none of which are proposed in the TIS. He emphasized that early MTO input is essential, as required improvements may affect both provincial and municipal road networks and could determine whether the proposed density can be accommodated.

[91] Mr. Keel explained that MTO evaluates traffic impacts arising from development through its permit control ("MTO Permit") authority under the *Public Transportation and Highway Improvement Act*, and he opined that approval of the Revised Applications should not be contingent on obtaining an MTO Permit. In his view, MTO comments can be addressed through the MTO Permit process and through an update to the TIS, which would be required under the H provisions in the ZBA.

[92] Mr. Keel stated that, in his opinion, the projected V/C ratios do not indicate insufficient capacity to accommodate background or site traffic. He noted that the TIS demonstrates all Hwy 400 northbound off-ramp movements are expected to operate "with available capacity under all time periods and study horizons" and "decline between the 2016, 2031 and 2051 horizons due to the assumed completion of the Bass Pro Mills Drive extension to Weston Road by 2031". He further noted that the TIS provides a

conservative baseline assessment that does not account for the expected decline, and that the impact of site traffic is anticipated to be “marginal and acceptable”.

[93] Mr. Wong stated that, while the functional design for improvements on Sweet River demonstrates potential feasibility and the Sweet River and Komura intersection appears to function adequately, impacts on Rutherford remain unaddressed. He added that the TIS does not fully document the traffic impacts or required mitigation, with westbound capacity on Rutherford projected to operate with V/C ratios exceeding 1.0 and queues extending from the Hwy 400 northbound off-ramp to Jane, and no mitigation has been identified.

[94] It was Mr. Keel’s opinion that the traffic impacts and required mitigation must be considered in the context of how the Region plans and evaluates transportation capacity. He explained that the Region does not treat future background capacity and queueing conditions on Rutherford as a fixed constraint or prohibit additional traffic on that basis. Instead, it assesses capacity every five years through the TMP process, using a travel demand model called EMME to evaluate long-term needs across the entire regional network. He advised that the model already predicts major east-west corridors, including Rutherford, will operate at or above capacity in future horizons even with recommended network improvements.

[95] Mr. Keel noted that the Region’s comments do not identify any concerns with the Rutherford westbound capacity and queueing issues that Mr. Wong relies on, and that only localized intersection improvements at Rutherford and Sweet River were requested. He opined that this demonstrates that the Region does not view the broader corridor congestion as a development-specific issue requiring mitigation through the TIS.

[96] Further, Mr. Keel advised that individual applications are assessed using Synchro, a static traffic modelling software program that “assumes that drivers will continue to make the same trip regardless of traffic conditions” and is appropriate for assessing local intersection operations and the marginal impact of a new development. He explained that the Region instead relies on a ‘screenline analysis’, which divides

areas into parts and is placed at major boundaries or crossings, using network volumes generated by EMME. He added that this analysis is used in the TMP to determine recommended improvements and identify future roadway needs.

[97] Mr. Keel noted that the Region's TMP shows V/C ratios greater than 1.0 across multiple 'screenlines' and corridors, yet it does not recommend restricting development on that basis. Rather, he noted that it emphasizes the role of transit, active transportation, and evolving travel behaviour including work-from-home, online shopping, and peak spreading, in managing long-term demand. He added that road capacity is not expected to grow in proportion to planned population and employment growth and that the Region is not planning to widen existing roadways or add new corridors to address all predicted traffic capacity constraints during the weekday peak hours.

[98] Mr. Keel opined that the evidence demonstrates Mr. Wong's concerns reflect an approach that is not consistent with how regional transportation infrastructure is planned and implemented. He proffered that the Region does not place the onus on individual developments to solve predicted corridor-level capacity constraints, rather these needs are addressed holistically through the TMP, which provides the appropriate scale of analysis for long-term planning.

### **Traffic Demand Management Strategy**

[99] Mr. Keel outlined the proposed TDM to reduce single-occupant vehicle trips and promote transit and active transportation for residents and visitors. The TDM includes:

- a dedicated shuttle bus service linking the site to the Rutherford GO transit station on the Barrie GO rail corridor and the potential Jane Subway station at Rutherford and Jane;
- pre-loaded Presto transit cards for residents;
- transit information packages and real-time transit displays in the building lobbies;

- unbundled parking and on-site carshare spaces;
- high-quality pedestrian environment and mixed-use design;
- bicycle parking and maintenance facilities;
- a TDM outreach and monitoring program; and
- a residential parking strategy with a minimum of 0.60 spaces per unit to a maximum of 0.70 spaces per unit.

[100] Mr. Keel opined that the TDM is appropriate, comprehensive and reflective of the typical measures required by the City's TDM Guidelines and TDM Toolkit. Further, he advised that it was designed to achieve a target automobile mode split of 55%, supported by a reduced parking supply, and comparable proxy sites. He noted that it was previously generally accepted by the City and Region and any further revisions can be addressed through the H provisions addressed below.

[101] It was Mr. Keel's opinion that the TDM measures, as currently proposed, would assist in alleviating traffic operation concerns, encourage sustainable transportation options, and mitigate potential adverse traffic impacts that are not otherwise mitigated by the improvements recommended in the TIS.

[102] Mr. Wong stated that the TIS does not demonstrate that the shuttle service can accommodate the increased transit demand resulting from the assumed mode shift. He added that a capacity analysis is required and must be updated if mode share assumptions change. Mr. Keel advised that the shuttle service capacity and frequency would be established in relation to observed demand and may be adjusted, and that further operational details will be secured and provided at the appropriate stage in accordance with the H provisions.

[103] Mr. Wong opined that the assumed 11% shift away from auto use in the TDM is optimistic and should be monitored by each phase of development, with mandatory additional TDM measures if targets are not met. He advised that the TIS underestimates automobile mode share and overestimates transit mode share, leading

to understated traffic impacts and overstated transit usage. He stated that additional TDM measures would be required to achieve the intended modal shift and that without such measures, traffic impacts would worsen, and the proposed density may not be able to be accommodated.

[104] Mr. Keel noted that the TIS relies on the most current data available at the time and that the City and Region raised no concerns with the methodology or applied filters. He further opined that the mode split assumptions used in the TIS are reasonable, the proposed TDM measures are appropriate, and there is no basis to conclude that traffic impacts would worsen or that the proposed density cannot be accommodated.

### **Access and Internal Road**

[105] Mr. Wong noted that no functional design has been provided for the proposed internal road and that the submitted plans do not meet City standards. He further noted that the proposed site access locations will not minimize impacts on Sweet River and Komura, which he believes will experience traffic impacts and that the proposed additional access to Komura should be provided internally from the proposed public road to minimize impacts on Komura. He noted that, although the resulting access meets City standards, providing it internally would help to reduce additional traffic on Komura.

[106] Mr. Keel opined that the Revised Proposal would provide appropriate access to the Property and minimize traffic impacts and infiltration to the residential neighbourhood to the north. He added that the proposed access points meet City and Region design standards and largely mirror the existing access configuration except for the proposed additional access to Komura which, in his opinion, represents the most appropriate placement. Further, intersection analysis confirms that all access points would operate acceptably, and that the proposed traffic calming would mitigate neighbourhood infiltration on Sweet River, north to Auto Vaughan Drive.

[107] With respect to the internal road design, it was Mr. Keel's opinion that the preferred cross-section and design can be refined and implemented through future

applications and that it is “sufficiently consistent with the City’s standards and is best suited for the layout of the proposed redevelopment” of the Property.

[108] Mr. Keel opined that the Revised Proposal provides appropriate internal access, would not generate unacceptable traffic impacts, is supported by adequate infrastructure planning, and conforms with applicable transportation-related policies in the Act and YROP, including requirements for mobility planning, TDM, and prioritization of transit and active transportation.

## **Parking**

[109] It was Mr. Wong’s opinion that the proposed parking rate, which would provide 25% fewer residential parking spaces than required by the ZBL, “may be too aggressive based on the supporting evidence provided” and that further justification is required on the proposed TDM measures, the parking supply for proxy sites, and mode share assumptions. Further, he noted that the TIS identifies a potential parking reduction of 17%, concluding that the proposed TDM measures do not adequately justify the reduced parking supply and that either additional TDM measures would be needed to reach the 25% parking reduction, or the parking supply should be increased.

[110] Mr. Keel noted that the proposed parking supply meets the zoning requirements for non-residential, visitor, and accessible spaces, and that the reduction in the residential parking supply, in partnership with the TDM, is supported by the TIS. Further, he proffered that the proposed residential parking supply aligns with the VOP, provincial legislation, the evolving transportation context, comparable development precedents, and academic research regarding the provision of vehicle parking. It was his understanding that the City reviewed and accepted the justification provided for the proposed residential vehicle parking supply. Further, he concluded that the proposed parking rate, combined with the full TDM measures, reasonably supports the target mode split and does not warrant increasing parking supply or adding further TDM measures.

## Prematurity and Holding Provision

[111] Mr. Wong concluded that the Revised Proposal is premature until sufficient information is provided to determine the transportation infrastructure required to support the proposed densities. He opined that an updated TIS is required to address all outstanding comments from review agencies, including MTO.

[112] Mr. Wong stated that functional plans showing all proposed road and intersection modifications, including traffic calming on Sweet River, are needed for review and approval by the City, Region, and MTO. He expressed concerns with the width, layby parking, and truck turning geometry of the L-shaped public road proposed on the Property and noted that revisions are required to address City comments.

[113] Mr. Wong concluded that, until these matters are resolved and the required transportation infrastructure is clearly identified and supported by the review agencies, the proposed development and its density are premature. He further opined that the Revised Applications remain premature due to outstanding issues related to traffic, road infrastructure capacity and improvements, and certain TDM measures that, in his view, have not been completed to the City's satisfaction and require updates to the TIS and TDM measures. He stated that these matters are fundamental to evaluating the Revised Applications and should not be deferred. He noted, however, that if the Tribunal were to allow the appeals, the zoning should be subject to the following H provisions:

- A. The Owner shall provide a revised Transportation Impact Study ('TIS') to the satisfaction of Development Engineering, including addressing all outstanding comments and providing updated assessments and designs of any new internal infrastructure and/or external infrastructure improvements as required to support the proposed development.
- B. The Owner shall provide engineering drawings for review and approval complete with any new internal infrastructure and/or external infrastructure improvements as identified in the revised TIS, all to the satisfaction of the City.
- C. Should any new municipal transportation infrastructure and/or existing municipal transportation infrastructure improvements be identified internal and/or external to the subject lands, as required for the development, the Owner shall enter into a Development Agreement with

the City to secure for the construction and conveyance of the identified improvements to the satisfaction of the City.

D. The Owner shall provide securities to the City for Transportation Demand Management (TDM) equivalent to the estimated cost of implementing the required TDM measures. The TDM measures to be required must be confirmed via an updated TDM Plan provided to the satisfaction of the City. The Owner shall also provide the City all required agreements and other documentation with the relevant service providers for the required TDM measures which may include car-share and transit shuttle operators. The Owner shall provide a monitoring plan to the satisfaction of City staff which shall include a plan for conducting site driveway traffic counts and surveys of shuttle usage after 6 months and one year of occupancy of each phase to determine if additional TDM measures are needed. The Owner shall enter into a Development Agreement to secure its monitoring obligation and the obligation to provide additional TDM measures should these be necessary.

[114] With respect to the use of the H, Mr. Ramsay opined that the issues of the Revised Proposal related to traffic, road infrastructure capacity and improvements and some aspects related to the TDM measures have not been completed to the satisfaction of the City, are fundamental to the evaluation of the Revised Applications and should not be deferred to a later time through the use of an H.

[115] Mr. Keel opined that sufficient information has been provided to determine the transportation infrastructure required to support the proposed densities, and that the Revised Applications, including the use of the H provisions, are not premature from a transportation perspective.

[116] It was Mr. Keel's opinion that conditions A, B, and C present an appropriate mechanism for addressing any outstanding City comments on the 2025 TIS and securing transportation infrastructure improvements and that the Development Agreement can be secured through subsequent development approvals.

[117] With respect to the securities requirements under condition D, Mr. Keel stated that, while securities for site-specific TDM measures are generally supportable, more detail is required regarding the shuttle service and car-share requirements, the amount and basis of the securities, the criteria for their release, and whether partial releases can occur by block or phase. It was his opinion that if these matters are resolved with the City, the necessary securities can be posted in accordance with the H.

[118] With respect to the monitoring plan requirements under condition D, Mr. Keel opined that the wording of the last two sentences should be revised as follows, with his recommended edits underlined:

... The Owner shall provide a monitoring plan to the satisfaction of City staff which shall include a plan for conducting site driveway traffic counts and surveys of shuttle usage after 6 months and one year of occupancy of the interim development buildout to determine if additional TDM measures are needed. The appropriate interim development buildout stage will be identified as part of the updated TIS and is subject to approval by City staff.

[119] It was Mr. Keel's opinion that updated traffic counts and surveys are not required at each phase of development as the efficacy of the proposed TDM measures and parking strategy would be evident and measurable once an interim phase of the development has been constructed and occupied. He recommended that the TDM monitoring be implemented after completion of the first two phases of the proposed development, consisting of Buildings 2 and 3. Interim traffic impacts associated with the first phase could also be assessed as part of future applications at the appropriate stage. He also opined that the requested requirement for traffic counts and surveys to be conducted twice at each phase of development is not necessary. Subject to clarity on the security requirements and the requested revisions to the monitoring language in condition D, it was his opinion that a Development Agreement is an appropriate mechanism for securing the TDM monitoring obligation and any additional TDM measures, should they be deemed necessary, but that they could be secured through future subdivision or site plan approvals.

[120] Mr. Wong did not provide an opinion on Mr. Keel's proposed rewording of condition D.

### **Summary Opinion**

[121] Mr. Wong concluded that the Revised Proposal would generate unacceptable impacts on surrounding roads and intersections and is not appropriate from a traffic-capacity perspective. He acknowledged that road improvements and the TDM may help manage traffic, but stated that additional impacts remain unaddressed,

including queuing impacts on through-movements and queue spillbacks on Rutherford that could block upstream intersections. In his view, the TIS does not fully capture negative operational impacts or identify necessary mitigation, the TDM measures are not sufficient, and the Revised Proposal is premature and does not provide an appropriate amount of residential parking.

[122] Mr. Keel concluded that the Revised Proposal is not premature, will have an acceptable traffic impact on surrounding roadways and intersections, and will provide appropriate vehicular access while minimizing traffic impacts and infiltration into the existing residential neighbourhood. He stated that the TIS adequately assesses existing and future network operations and makes appropriate assumptions. In his opinion, the proposed parking supply, TDM plan, internal roads, site accesses and H provisions are appropriate, and the Revised Proposal represents good land use planning from a transportation perspective.

### Findings

[123] The Tribunal accepts Mr. Keel's evidence that the TIS was prepared in accordance with City, Region, and MTO guidelines and applies conservative assumptions. The City and Region raised no concerns with the TIS methodology, data, or conclusions, and the Tribunal gives this significant weight.

[124] The Tribunal finds that the TIS reasonably evaluates existing and future network operations, identifies appropriate mitigation, and supports the proposed parking supply. While Mr. Wong identified concerns regarding queuing, spillback, and the completeness of the TIS, the Region did not identify these issues as a basis for objection and instead required only localized improvements at Rutherford and Sweet River. The Tribunal further accepts Mr. Keel's evidence that the recommended improvements, together with the planned Bass Pro Extension, will provide adequate capacity for site-related traffic, with any refinements to be addressed through future development applications and the MTO permit process. The Tribunal does not accept Mr. Wong's position that unresolved MTO comments or projected V/C ratios render the TIS unacceptable and accepts

Mr. Keel's evidence that the Region identifies only localized improvements and does not treat corridor-level congestion on Rutherford as a development-specific constraint.

[125] The Tribunal finds the proposed TDM strategy to be comprehensive and consistent with City guidelines and accepts that the TDM measures reasonably support the mode split target and that these matters can be refined and secured through the H provisions. The Tribunal accepts Mr. Keel's evidence that the TDM strategy adequately mitigates transportation impacts and does not justify deferring the Revised Applications.

[126] The Tribunal also accepts Mr. Keel's evidence that the Revised Proposal provides appropriate access and internal circulation. The access points meet City and Regional standards and are supported by intersection analysis. Although Mr. Wong raised concerns related to impacts on Sweet River and Komura and the lack of a finalized internal road design, the Tribunal accepts that traffic-calming measures and future detailed design will address these issues.

[127] The Tribunal prefers Mr. Keel's evidence and finds the proposed parking strategy appropriate. Despite Mr. Wong's concerns about the residential parking reduction, the Tribunal accepts that the supply is supported by the TIS, aligns with policy direction, and reflects current transportation trends. The Tribunal finds that the proposed parking rate, together with the TDM strategy, reasonably supports the target mode split.

[128] The Tribunal accepts Mr. Keel's opinion that the proposed parking supply, TDM plan, internal road configuration, site accesses, and H provisions are appropriate. On this basis, the Tribunal concludes that the Revised Proposal will have an acceptable traffic impact on the surrounding road network.

[129] Further, the Tribunal finds that the Revised Applications are not premature. While Mr. Wong and Mr. Ramsay identified outstanding transportation matters, the Tribunal prefers Mr. Keel's evidence that these can be addressed through the proposed H provisions. Conditions A, B, and C provide an appropriate mechanism for finalizing the TIS, engineering drawings, and required infrastructure, and condition D can be refined to clarify TDM securities and monitoring to the satisfaction of both the Appellant

and the City. If necessary, further consultation with the Tribunal may be arranged to finalize the wording of condition D.

[130] Overall, the Tribunal is satisfied that the TIS, together with the required improvements, TDM measures, H provisions, and the MTO permit process, provides an adequate basis to conclude that the road network can accommodate the Revised Proposal.

## **SUMMARY FINDINGS**

[131] The findings on height, density, urban design, and transportation demonstrate that the Revised Applications have regard for the provincial interests in s. 2 of the Act, are consistent with the PPS, and conform to the YROP and VOP. It is the Tribunal's further finding that the Revised Applications represent good land use planning and are in the public interest.

[132] The Tribunal finds that, being within a PIC, an SGA, and an MTSA, and having frontage on a major arterial road with proximate access to Rutherford and Hwy 400, the Property is an appropriate site for growth and intensification to the height and density proposed. It is situated within a well-established urban context that supports intensification, and the policies of the PPS, the YROP, and the VOP do not limit growth on the Property and instead prioritize intensification in proximity to transit.

## **INTERIM ORDER**

[133] **THE TRIBUNAL ORDERS THAT** the appeals are allowed in part, on an interim basis, contingent upon confirmation, satisfaction or receipt of the pre-requisite matter identified in paragraph [134] below, and the Official Plan Amendment and Zoning By-law Amendment set out in **Attachments 1 and 2** to this Interim Order, are hereby approved in principle.

[134] The Tribunal will withhold the issuance of its Final Order contingent upon the City Solicitor submitting the Official Plan Amendment and Zoning By-law Amendment instruments in their final form to the satisfaction of the City.

[135] The Member will remain seized for the purpose of reviewing and approving the final draft of the instruments and the issuance of the Final Order.

[136] If the Parties do not submit the final form of the instruments and do not request the issuance of the Final Order, by **Friday, July 31, 2026**, the Applicant and the City shall provide a written status report to the Tribunal by that date, as to the timing of the expected confirmation and submission of the final form of the instruments to the Tribunal.

[137] The Tribunal may, as necessary, arrange the further attendance of the Parties by Telephone Conference Call to determine additional timelines and deadlines for the submission of the final form of the instruments, the satisfaction of any contingent prerequisites, including the final wording of Condition D of the holding provisions in the Zoning By-law Amendment, and the issuance of the Final Order.

*“C.I. Molinari”*

C.I. MOLINARI  
MEMBER

### Ontario Land Tribunal

Website: [www.olt.gov.on.ca](http://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****AMENDMENT NUMBER ~****TO THE VAUGHAN OFFICIAL PLAN 2010****OF THE VAUGHAN PLANNING AREA**

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

### I PURPOSE

To amend the Vaughan Official Plan (VOP 2010) to facilitate a high-density mixed-use development on the Subject Lands. This Amendment seeks to redesignate the Subject Lands to High-Rise Mixed Use and proposes additional height and density than is currently permitted. This Amendment will permit a maximum building height of 29 storeys and a maximum floor space index (FSI) of 3.5. This Amendment also creates a Site Specific definition of "Floor Space Index" as well as a Site Specific Plan to govern the development.

### II LOCATION

The lands subject to this Amendment (hereinafter referred to as the "Subject Lands"), are shown on Schedule 1 attached hereto as "Subject Lands to Amendment No. XX". The Subject Lands are located on the east side of Highway 400, north of Rutherford Road, south of Komura Drive and west of Sweet River Boulevard. The Subject Lands are municipally known as 3300 Rutherford Road.

### III BASIS

This Amendment implements a Master Plan for the Subject Lands containing residential, retail, community, parkland and open space uses deployed as a complete community, based on the following considerations:

1. The Subject Lands are currently underutilized as an auto-oriented retail and commercial plaza. The Amendment plans for the redevelopment of the Subject Lands into an intensified mixed-density, mixed-use community within the Rutherford Road Primary Intensification Corridor. The Subject Lands are proximate to regional-servicing retail and commercial uses as well as Highway 400 and are planned to be well connected to the local and regional transportation networks. The redevelopment contemplated by the Amendment will more efficiently optimize the use of a transit-accessible site within an intensification corridor that is broadly supported by existing and planned infrastructure as well as existing and planned community, employment and commercial uses, all as directed by Provincial, Regional and Municipal planning policies.
2. The Provincial Planning Statement 2024 ("PPS") provides policy direction on matters of Provincial interest related to land use planning and development. The PPS promotes efficient development and land use patterns, transit-supportive land uses and densities, and the optimization of land, resources, infrastructure and public service facilities that are planned or available to achieve strong, liveable, healthy communities. The Amendment is consistent with the policy directives of the PPS as it will facilitate the redevelopment and intensification of an underutilized site with a compact form, mix of uses and transit-supportive densities in an area well served by existing and planned municipal infrastructure, transit, and community amenities. The Amendment will permit development that will be a more efficient use of land, infrastructure and public service facilities.
3. The Vaughan Official Plan 2010 ("VOP") is intended to guide planning for intensification, transit-supportive development, urban growth and complete communities in the City of Vaughan. The Subject Lands are located east of a provincial highway along a Primary

Intensification Corridor within an Intensification Area and within 800 metres of the planned Jane Street BRT, including potential stations at Rutherford Road and the Vaughan Mills Bus Terminal. The VOP identifies these corridors as key locations for mixed-use intensification in a range of building typologies, at densities supportive of existing and planned transit and with appropriate transition in scale, intensity and use.

The 2022 York Region Official Plan ("YROP 2022"), which forms part of the VOP, similarly provides a planning framework for managing growth, promoting sustainability, and supporting the creation of vibrant, transit-oriented complete communities across the Region.

The Amendment supports and advances the objectives of both the VOP and YROP 2022 by enabling the phased redevelopment of an underutilized commercial plaza into a compact, high-rise mixed-use community. The Amendment promotes intensification in an area with existing and planned infrastructure and services, and introduces new residential uses in a mix of mid- and high-rise buildings along with retail, community uses, and park and open space areas. This mix of uses in an intensified, master planned deployment will contribute to the creation of a complete, pedestrian-friendly and transit-supportive vertical community.

#### **IV DETAILS OF THE AMENDMENT AND POLICES RELATIVE THERETO**

The Vaughan Official Plan 2010 is hereby amended by:

1. Amending Schedule "13" in accordance with the attached Schedule 2, identifying the Subject Lands as High-Rise Mixed Use with a maximum height permission of 29 storeys and a maximum floor space index permission of 3.5 FSI.
2. Amending Schedule "14C" in accordance with the attached Schedule 1, identifying the Subject Lands as being subject to a Site Specific Plan.
3. Amending Volume 2, Policy 13.1.1 to add the following:

13.1.1.##. The Lands known as 3300 Rutherford are identified on Schedule 14.C as Item ## and are subject to the policies set out in Section 13.## of this Plan.

4. Amending Volume 2 to add new Policy 13.## as follows:

**13.##.1. General**

13.##.1.1. Notwithstanding Volume 1, Policies 9.1.2.9.e) and f), on an interim basis, prior to full build-out, surface parking will continue to be permitted on the unbuilt portions of the Subject Lands that are subject to future phases of development to support continuations or expansions of existing commercial uses.

13.##.1.2. Notwithstanding Volume 1, Policy 9.1.2.9.g), above-grade parking structures fronting onto a street or public space shall be permitted,

provided they are designed to support an active and animated public realm through one or more of the following: incorporating active uses such as retail uses, residential uses including lobbies, amenities, or units, or applying appropriate screening using building materials and architectural treatments that minimize their visual impact on surrounding properties and the public realm

- 13.##.1.3. Notwithstanding Volume 1, Policy 9.2.2.6.c), the ground floor frontage of buildings facing arterial and collector streets shall predominantly consist of retail uses, community uses, or other active uses such as residential lobbies, amenities, or units that contribute to animating the street. Active uses may also be delivered through transparency and other animating features.
  - 13.##.1.4. Notwithstanding Volume 1, Policy 9.2.3.5.b), storeys above the sixth storeys of Mid-Rise Buildings shall generally be stepped back from the podium by a minimum of 2 metres.
  - 13.##.1.5. Notwithstanding Policy 9.2.3.5.f), landscaped green space, private outdoor amenity areas, or environmental features may be provided on the rooftop of Mid-Rise Buildings or on the rooftop of podium elements.
  - 13.##.1.6. Notwithstanding Volume 1, Policy 9.2.3.6.b), the podiums of High-Rise Buildings shall generally be designed with streetwall heights in the range of 6 to 8 storeys. Façade setbacks, façade articulation and modulation of the podium shall be used to achieve a comfortable, human-scale and interesting pedestrian experience while mitigating the height of taller elements above the podium. The storeys above the podium of High-Rise Buildings shall generally be stepped back from the podium by a minimum of 3 metres along at least one public street frontage.
  - 13.##.1.7. Policy 9.2.3.6.d) ii) shall not apply.
  - 13.##.1.8. Notwithstanding Policy 9.2.3.6.d) iii), where more than one High-Rise Building is located on the Subject Lands, the separation distance between any portions of the buildings above twelve storeys shall be a minimum of 25 metres.
  - 13.##.1.9. Notwithstanding Policy 9.2.3.6.f), landscaped green space, private outdoor amenity areas, or environmental features may be provided on the rooftop of High-Rise Buildings or on the rooftop of podium elements.
  - 13.##.1.9. Parking may be permitted under public streets, public park and other open spaces, provided the intended purpose, function and character of the public street, the public park or open spaces are not compromised.
- 13.##.2. Phasing and Coordinated Development**

- 13.##.2.1. Development may be built through a number of phases over time, which may include the incremental delivery of roads, municipal services, parks, and individual development blocks. The phasing of these elements shall be determined through future planning approvals, including plans of subdivision and site plan control, and shall ensure that each phase can function independently and contributes to the overall vision for the Subject Lands.
- 13.##.2.2. Development phases should be coordinated with the adequate provision of stormwater, water and wastewater infrastructure and transportation infrastructure including road network capacity, provision of frequent transit, improved pedestrian and cycling facilities, and transportation demand management strategy.
- 13.##.2.3. Existing low-rise commercial buildings will be permitted to remain in operation throughout the phased redevelopment of the Subject Lands.
- 13.##.2.4. Where, during interim phases of redevelopment, the number of parking spaces provided for legally existing commercial uses is less than the minimum required under this By-law, such deficiency shall be permitted, provided the parking supply continues to serve the needs of those existing commercial uses.
- 13.##.2.5. Redevelopment will have regard for the design guidelines outlined in the City-wide Urban Design Guidelines.
- 13.##.2.6. An implementing Zoning By-law shall provide the appropriate zoning provisions and development standards to implement the site-specific policies and regulate future development.

### 13.##.3 Definitions

- 13.##.3.1. For the purpose of this exception:
- a) *Floor Space Index* means the quotient obtained by dividing the total Gross Floor Area of all buildings on the lot, by the lot area.
  - b) *Gross Floor Area* means the aggregate of the floor areas of all storeys of a building measured from the outside of the exterior walls, but excluding any basement, attic, mechanical room, electrical room, elevator shaft, refuse chute, escalators, vehicle and bicycle parking areas, loading areas located above or below grade.
  - c) *Lot Area* means the total horizontal area contained within the lot lines of a lot.

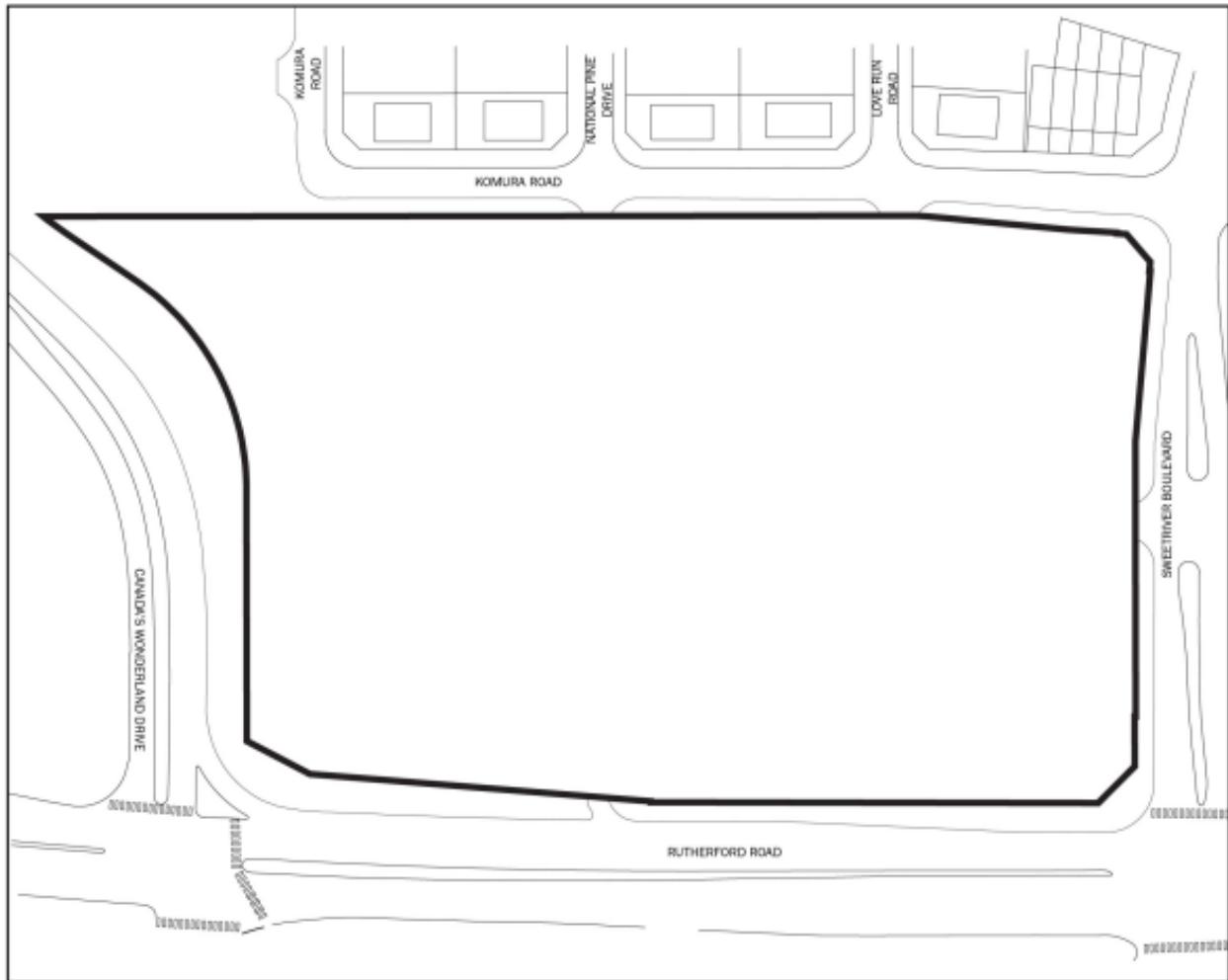
**V IMPLEMENTATION**

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 an amendment to the City of Vaughan Official Plan pursuant to the *Planning Act*, R.S.O. 1990, c. P.13.

**VI INTERPRETATION**

The lands shown as "Subject Lands" on Schedule 1 shall be deemed, for purposes of this Amendment only, to be one (1) lot regardless of the number of buildings constructed, the creation of separate units and/or lots by way of plan of condominium, conveyance of private or public roads, consent, strata title arrangements, or other permissions, and any easements or registrations that may be granted, shall be deemed to comply with the provisions of this Amendment.

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.

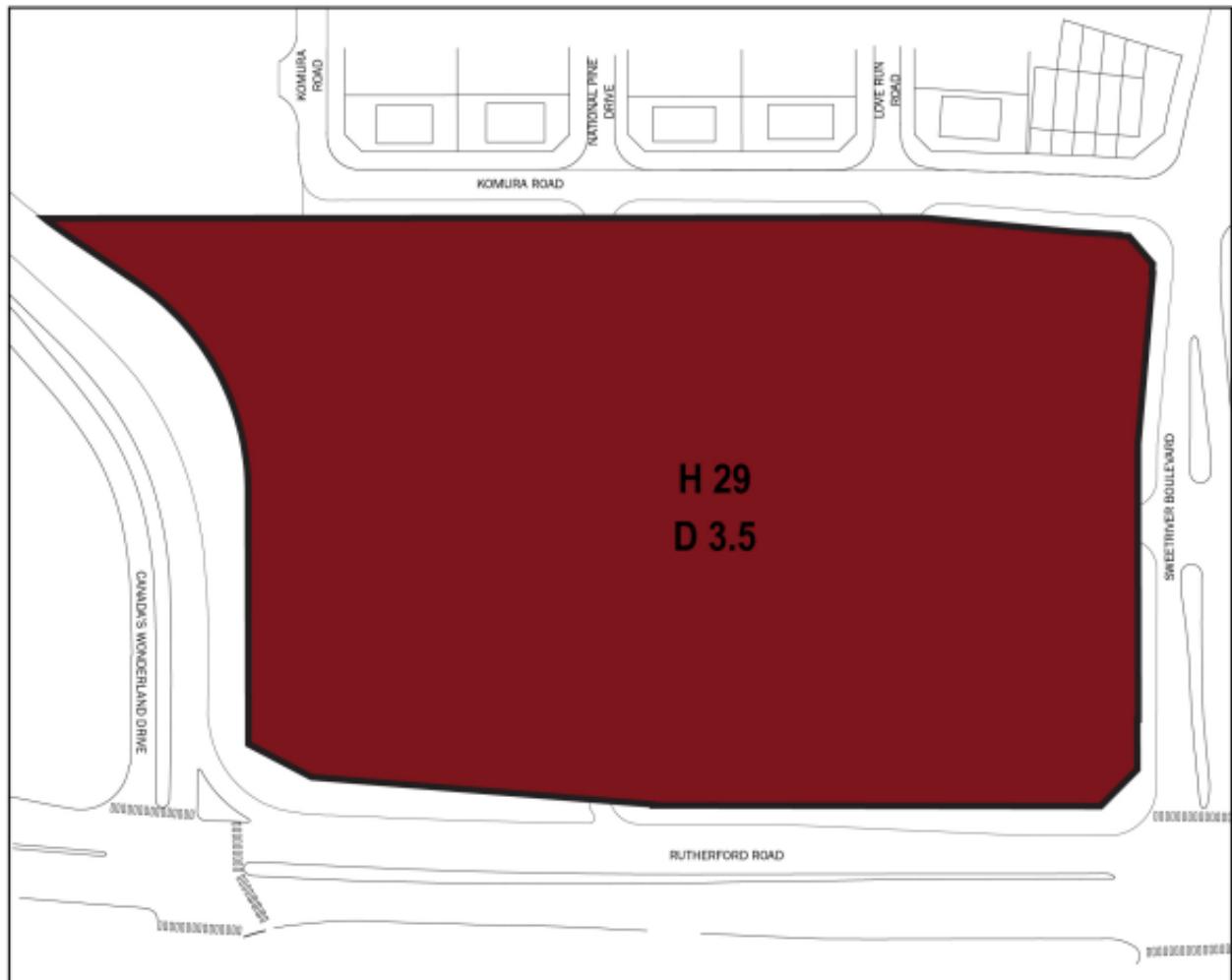


---

**Schedule 1  
Subject Lands****3300 Rutherford Road,  
Vaughan, Ontario**

Subject Lands

↗  
Not to Scale



## Schedule 2 Land Use Designation

**3300 Rutherford Road,  
Vaughan, Ontario**

 Subject Lands

 High-Rise Mixed-Use

↗  
Not to Scale

**Attachment 2**

ZBL XX-2025

**PURPOSE/BASIS/BACKGROUND**

To amend By-law Number 001-2021 to permit a mix of residential, commercial, retail, office, and other uses in a mix of mid-rise and high-rise built forms.

The lands subject to this By-law are located on the east side of Highway 400, north of Rutherford Road, and are municipally known as 3300 Rutherford, as outlined by heavy black lines on Schedule '1' attached to this By-law.

The purpose of this By-law XX-2025 is to rezone the subject lands outlined on the attached Schedule '1' from "GMU - General Mixed-Use Zone subject to site-specific exception 14(700)" to "HMU - High-Rise Mixed-Use Zone subject to site-specific exception XX" to facilitate the proposed development.

To further amend regulations of the HMU Zone by adding Exception Number XX to permit changes to the following provisions: density, height, amenity areas, permitted uses, rooftop mechanical equipment, setbacks, and parking provisions.

ZBL XX-2025

CITY OF VAUGHAN  
BY-LAW NUMBER XX-2025

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

**WHEREAS** the matters herein set out are in conformity with the Official Plan of the Vaughan Planning Area, inclusive of Amendment Number XX as approved by the Ontario Land Tribunal in File Number OLT-24-000811;

**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 Ontario Land Tribunal APPROVES THE FOLLOWING:

1. That City of Vaughan By-law Number 001-2021, as amended, be and it is hereby further amended by:
  - a. Rezoning the lands shown as "Subject Lands" on Schedule 1 attached hereto from "GMU-700 - General Mixed-Use Zone" subject to site-specific exception 14(700) to "HMU-XXX - High-Rise Mixed-Use Zone (H)" subject to site-specific exception XXX, in the manner shown on Schedule 2 attached hereto.
  - b. Deleting Schedule E-1127 in Exception 14.700 and substituting therefore the Schedule E-1127 with the Schedules "1", "2", "3", "4" and "5" attached hereto.
  - c. Deleting Exception 14.700 and adding the following paragraph to Section 14 "EXCEPTIONS":

**14.####.1 General – Uses and Holding Provisions**

1. Notwithstanding the provisions of By-law 001-2021, previously approved and legally existing uses, including uses previously permitted under the GMU-700, shall be permitted as of the date of the approval of this amendment—minor additions and expansions to legally existing uses shall also be permitted.
2. The following provisions shall apply to all lands zoned with the Holding Symbol "(H)" as shown on Schedule 2 until the Holding Symbol "(H)" is removed pursuant to section 36 of the *Planning Act*:
  - a. Lands zoned with the Holding Symbol "(H)" shall be used only for the uses legally existing as of the date of the enactment of this Exception. Notwithstanding the foregoing, the following uses are permitted prior to the removal of the Holding Symbol "(H)":
    - i. One (1) temporary sales office, in accordance with Subsections 5.11.2 respecting Temporary Sales Office in the City of Vaughan By-law 001-2021.
    - ii. A below-grade parking structure, including shoring and excavation work, provided that a Site Plan Control application has been made.
  - b. The removal of the Holding Symbol "(H)" in whole or in part is contingent upon the following:

ZBL XX-2025

*Functional Servicing and Stormwater Management*

- i. The Owner shall submit a revised Functional Servicing and Stormwater Management Report ('FS&SWMR') which addresses all outstanding comments and includes the following information to the satisfaction of the Development Engineering Department:
  1. Short-term construction and long-term dewatering information and recommendations) provided in the Hydrogeological Investigation prepared by Toronto Inspection Ltd. dated February 26, 2024 (including any subsequent amendments and/or revisions);
  2. Updated downstream sanitary capacity analysis complete with up-to-date population densities for approved and proposed development applications (including the subject lands) within the vicinity of the subject lands and shall consider active or potential re-development of 2 Canada's Wonderland Drive, 3200 Rutherford Road, and 3100 / 3110 / 3120 / 3130 / 3140 Rutherford Road to identify and confirm downstream wastewater infrastructure improvements in its analysis as any upgrades would benefit all the above noted addresses including the Subject Lands;
  3. Review and confirmation of the results identified in the Fire Hydrant Flow Test Reports to address discrepancies as noted in the 2nd submission comment response matrix dated April 30, 2024 by Development Engineering;
  4. The development's impact on any existing private external stormwater drainage including any existing easements that convey stormwater from private lands east of Canada's Wonderland Drive through the Subject Lands together with any appropriate alternative stormwater management solutions;
  5. Appropriate justification, grading, servicing, and stormwater modelling information and all inspection, operation and maintenance, and future rehabilitation/replacement costs for stormwater management facilities in accordance with the City's Non-Conventional Stormwater Management Facility Criteria, Policy and Procedure; and
  6. Language which demonstrates that the proposed design adheres to all criteria listed in the City of Vaughan's CLI-ECA for Stormwater Management System (011-S701) in particular, the criteria outlined in Appendix A.

*Environmental Site Assessment*

- i. The Owner shall submit an updated reliance letter for the submitted Phase One and Two Environmental Site Assessment (ESA) reports, prepared by their Environmental Consultant, in accordance with the City's reliance letter template. This reliance letter shall include the Environmental Consultant's Certificate of Insurance, indicating Professional Liability (Errors & Omissions) insurance coverage of at least \$2,000,000 per claim.

*Transportation Impact and Demand Management*

- i. The Owner shall provide a revised Transportation Impact Study ('TIS') to the satisfaction of Development Engineering, including addressing all outstanding comments and providing updated assessments and designs of any new internal infrastructure and/or external infrastructure improvements as required to support the proposed development.
- ii. The Owner shall provide engineering drawings for review and approval complete with any new internal infrastructure and/or external infrastructure improvements as identified in the revised TIS, all to the satisfaction of the City.
- iii. Should any new municipal transportation infrastructure and/or existing municipal transportation infrastructure improvements be identified internal and/or external to the subject lands, as required for the development, the Owner shall enter into a Development Agreement with the City to secure for the construction and conveyance of the identified improvements to the satisfaction of the City.
- iv. The Owner shall provide a monitoring plan to the satisfaction of City staff which shall include a plan for conducting site driveway traffic counts and surveys of shuttle usage after 6 months and one year of occupancy of the interim development buildout to determine if additional TDM measures are needed. The appropriate interim development buildout stage will be identified as part of the updated TIS and is subject to approval by City staff.

*Engineering Drawings*

- i. The Owner shall provide engineering drawings for review and approval complete with any new internal infrastructure and/or external infrastructure improvements as identified in the revised TIS and FS&SWMR, all to the satisfaction of the City.

*Proportionate Cost Contribution*

- i. The Owner shall contribute its proportionate share of the cost of infrastructure works and/or shall undertake the necessary improvement works and enters into an Agreement (if required) with the City, for the works associated with implementing the municipal servicing improvements for the ultimate build-out of the ultimate condition. The Owner's proportionate contribution is to be based on the conclusions and recommendations of the approved Integrated Urban Water Master Plan Environmental Assessment and latest Functional Servicing Strategy Report, as required to the satisfaction of the City.

*Public Parks*

- i. The Owner shall dedicate 0.42 ha of public park, meeting all standards and requirements of the City, free of all charges and encumbrances, and encroachments, and having public road frontage, to the satisfaction of City staff.

- ii. The Owner shall submit an updated Park Facility Fit Plan for the proposed public park which demonstrates to the satisfaction of City staff a park program that:
  1. meets the recreational needs of the community, and
  2. is in accordance with the City of Vaughan Engineering Design Criteria 1.10, including Section 1.10.2.3 (e).

*Private Laneways (if any)*

- i. Should the Owner not convey the proposed north-south and east-west laneways as public laneways to the satisfaction of Development Engineering, the Owner shall (at no cost to Vaughan):
  1. grant to Vaughan and register on title any easements Vaughan considers necessary (acting reasonably) to allow for public access, maintenance, repair and servicing utilities of the public park adjacent to the lands; and
  2. revise the FS&SWMR and associated engineering drawings to convey public park stormwater drainage to external municipal storm sewers to the satisfaction of Development Engineering.

*Construction of New Municipal Infrastructure (if any)*

- i. Should any new municipal infrastructure and/or existing municipal infrastructure improvements be identified internal and/or external to the subject lands, as required to service the development, the Owner shall enter into an Agreement with the City to secure for the construction and conveyance of the identified improvements to the satisfaction of the City

*Capacity Allocation (if needed)*

- i. Vaughan Council has adopted a resolution allocating sewage and water supply capacity in accordance with the City's approved Servicing Capacity Distribution Policy assigning capacity to the subject lands.

**14.##.2 Definitions**

1. For the purpose of this Exception Paragraph:
  - a. Unless otherwise specified in this Exception, lands shown as "Subject Lands" on Schedule 1 shall be deemed to be one (1) lot, regardless of the number of buildings constructed, the creation of separate units and/or lots by way of plan of condominium, conveyance of private or public roads, consent, strata title arrangements, or other permissions, and any easements or registrations that may be granted, shall be deemed to comply with the provisions of this By-law.
  - b. "Car-share" means the practice whereby a number of people share the use of one or more vehicles owned and operated by a car-sharing organization and such car-share vehicles are made available to at least the occupants of the building for short-term rental, including hourly rental.

**14.##.3 General Provisions**

1. Notwithstanding Subsection 4.3.3:
  - a. the minimum outdoor amenity area requirement shall be 55.0 square metres

ZBL XX-2025

- b. the minimum outdoor amenity area requirement shall be provided in at least one contiguous outdoor area
- c. the minimum outdoor amenity area may be provided at-grade or above-grade, including on rooftops, podium rooftops or terraces.
2. Notwithstanding Subsection 4.13 and Table 4-1:
  - a. The following encroachments shall be permitted within required yards: Bollards, eaves, architectural elements, cornices, balustrades, lighting fixtures, awnings, canopies, fences and safety railings, parapets, trellises, window sills, window washing equipment, privacy screens, dividers, privacy walls, guardrails, vents, stacks, terraces, patios, wheelchair ramps, retaining walls, landscape features, stairs, stair enclosures, doors, underground garage ramps and associated structures, planters and elements or structures on the roof or of the building used for open air recreation, green roof, and safety or wind protection elements.
  - b. Private patios and outdoor play areas are permitted within any required landscape strip.
3. Notwithstanding Subsection 4.27:
  - a. Below-grade parking structures including strata parking shall be setback a minimum of 1.2 metres from a street line, interior side lot line, or rear lot line.
  - b. An accessory building or structure incidental to a below-grade parking structure shall be setback a minimum of 1.2 metres from any lot line and permitted in any required yard.

#### **14.##.4 Parking, Stacking and Loading Requirements**

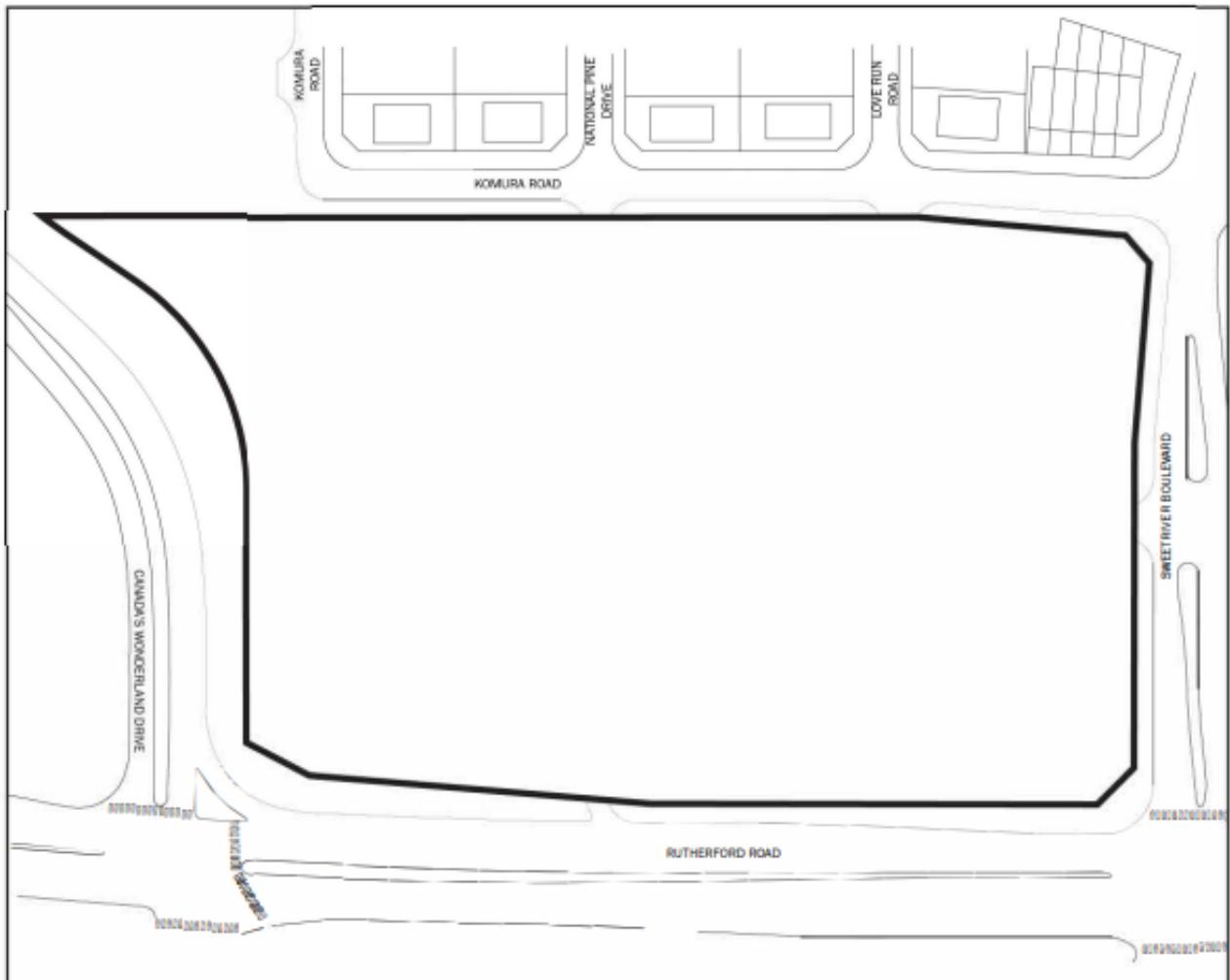
1. Notwithstanding Subsections 6.3 Parking Space Requirements, 6.3.5 Parking Space Rates, and Table 6-2:
  - a. Residential parking will be provided at a minimum rate of 0.60 spaces per residential unit and capped at a maximum rate of 0.70 spaces per residential unit.
  - b. Residential visitor parking will be provided at a minimum rate of 0.2 spaces per residential unit.
  - c. Commercial parking will be provided at a minimum rate of 2 spaces for every 100 square metres of retail gross floor area.
  - d. Community uses parking will be provided at a minimum rate of 1.0 for every 100 square metres of community gross floor area shared with commercial parking.
  - e. Visitor and non-residential parking may be provided on adjacent or contiguous blocks.
  - f. For each car-share parking space provided, the minimum number of parking spaces for residents required may be reduced by three (3) parking spaces.

#### **14.##.5 Lot and Building Requirements**

1. Notwithstanding the provisions under subsection 8.2.1, Table 8-2, and Additional requirements to Table 8-2, the ground floor frontage shall not apply.
2. Notwithstanding the provisions under subsection 8.2.2, Table 8-3, and Additional requirements to Table 8-3:
  - a. The minimum build-to-zone shall be 4-10 metres and only apply to a minimum of 30% of the street frontage.

ZBL XX-2025

- b. The minimum at-grade setbacks from a public street shall be 5.0 metres, except where otherwise identified in Schedule 4.
  - c. The maximum height shall be 105 metres, excluding mechanical, penthouses, rooftop amenity, and other equipment / utilities and parapets.
  - d. The minimum streetwall shall not apply.
  - e. The minimum ground floor height of residential uses shall be a minimum of 3.0 metres and 4.5 metres for other uses.
  - f. The maximum podium height shall be 35 metres.
  - g. The minimum tower stepbacks shall be 3.0 metres, except where otherwise identified in Schedule 5.
  - h. The minimum distance between tower elements above 30 metres shall be 25 metres.
  - i. The minimum tower setback from any rear lot line or interior side lot line shall be 12.5 metres, except where otherwise identified on Schedule 5.
  - j. The minimum landscape strip abutting a street shall be 3.0 metres, except at the southeast corner of the block identified as Block 2 on Schedule 4, where a minimum of 0 metres is permitted.
  - k. Surface parking is permitted in any yard prior to full build-out to support continuations or expansions of existing commercial uses. During this period, parking supply may be less than the minimum required by this By-law, provided it continues to serve the needs of existing commercial uses.
3. The maximum gross floor area on the Subject Lands shall be 165,000 square metres.



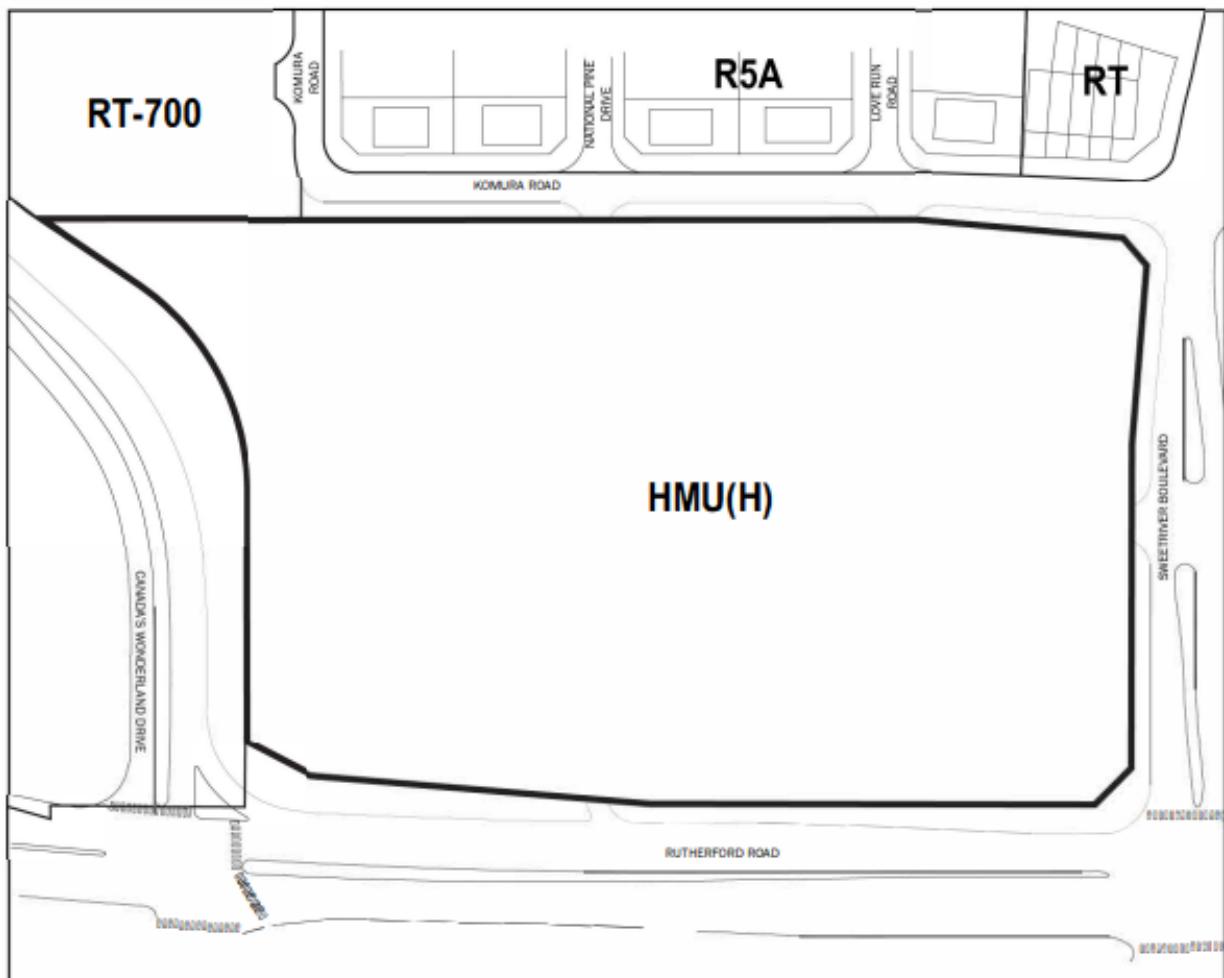
**Schedule 1  
Subject Lands**

**3300 Rutherford Road,  
Vaughan, Ontario**

 Subject Lands



City of Vaughan By-Law xx-2025  
Not to Scale  
08/11/2025



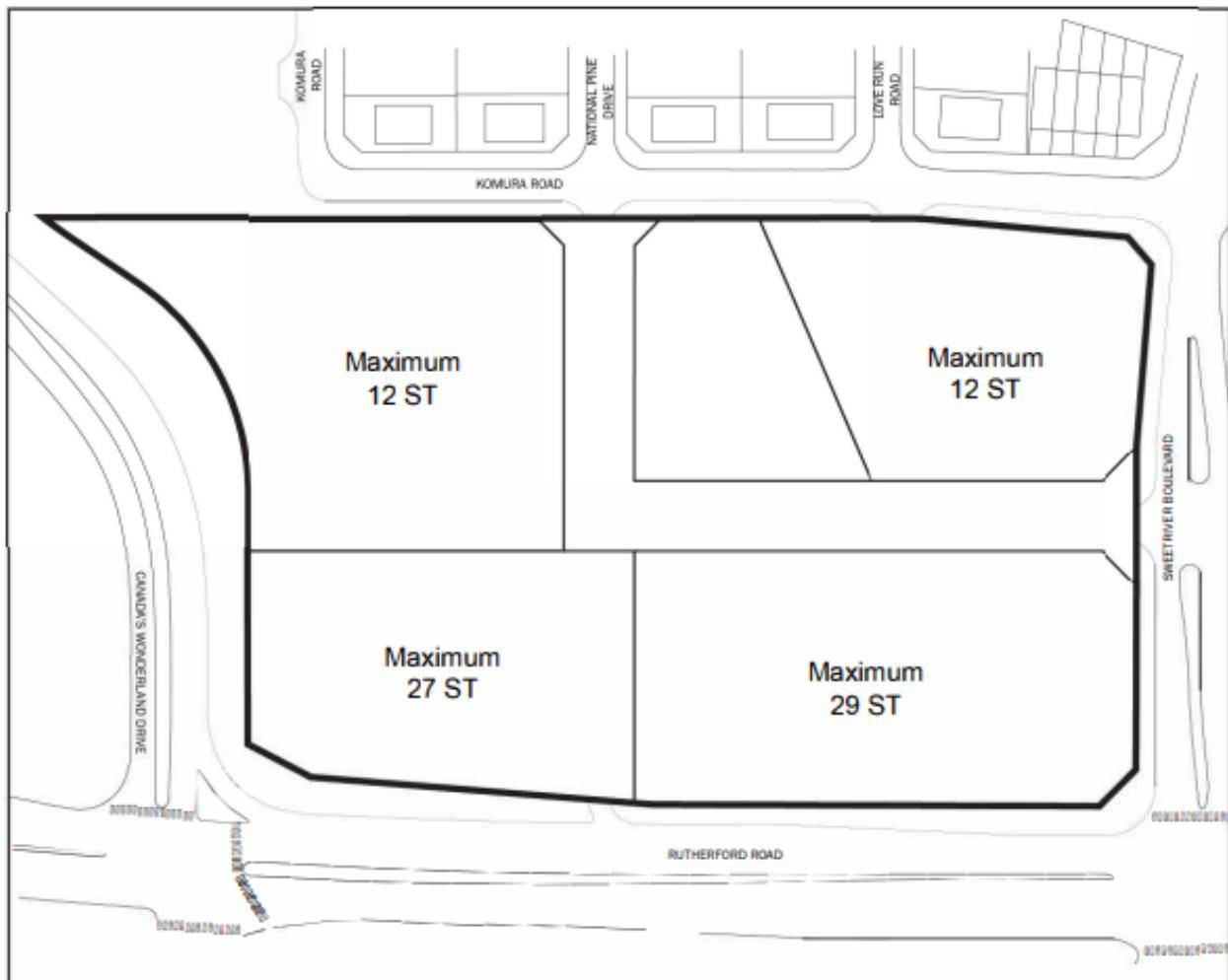
**Schedule 2  
Zoning**

**3300 Rutherford Road,  
Vaughan, Ontario**

Subject Lands



City of Vaughan By-Law xx-2025  
Not to Scale  
08/11/2025



### Schedule 3 Building Heights

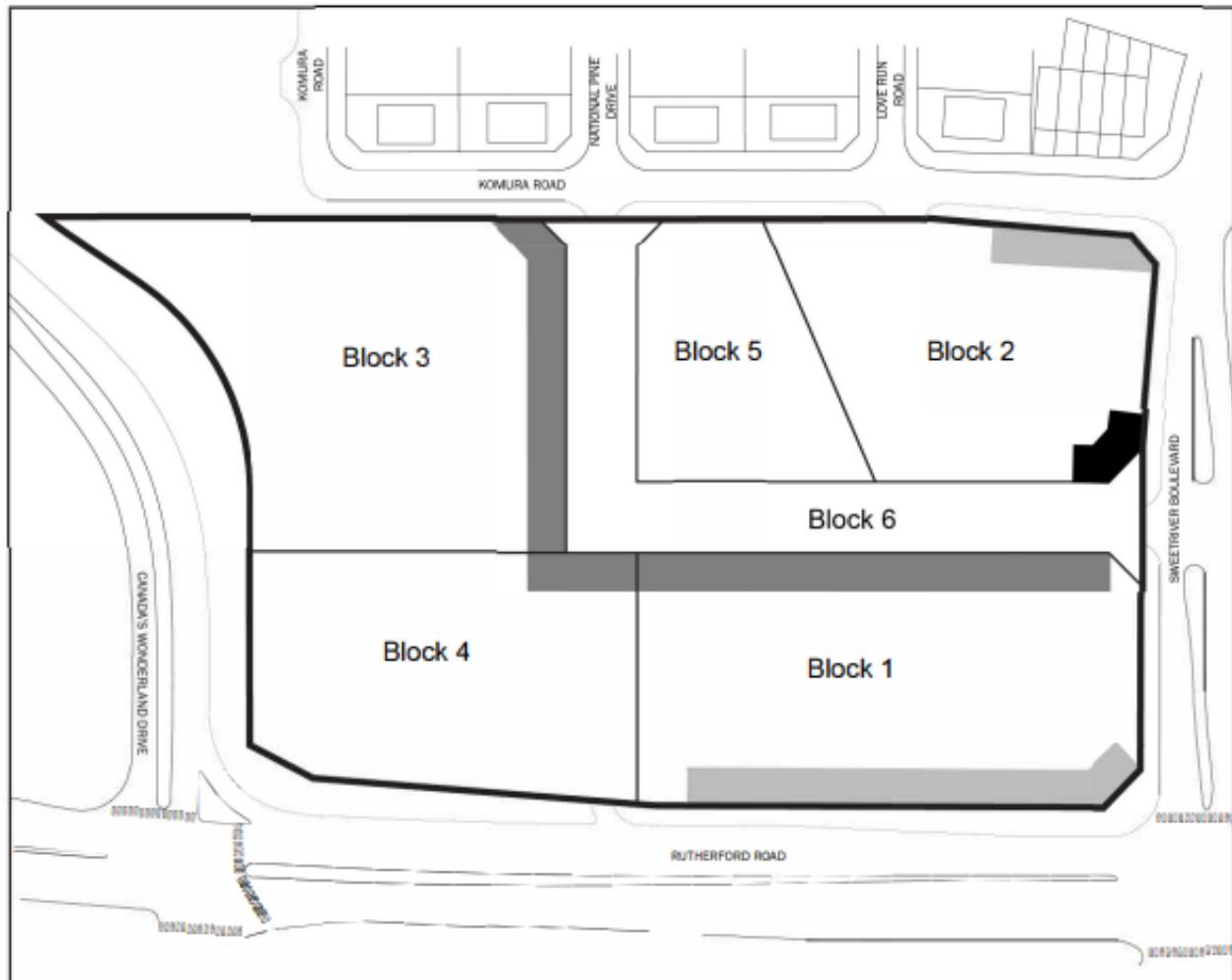
**3300 Rutherford Road,  
Vaughan, Ontario**

Subject Lands

Development Blocks



City of Vaughan By-Law xx-2025  
Not to Scale  
08/11/2025



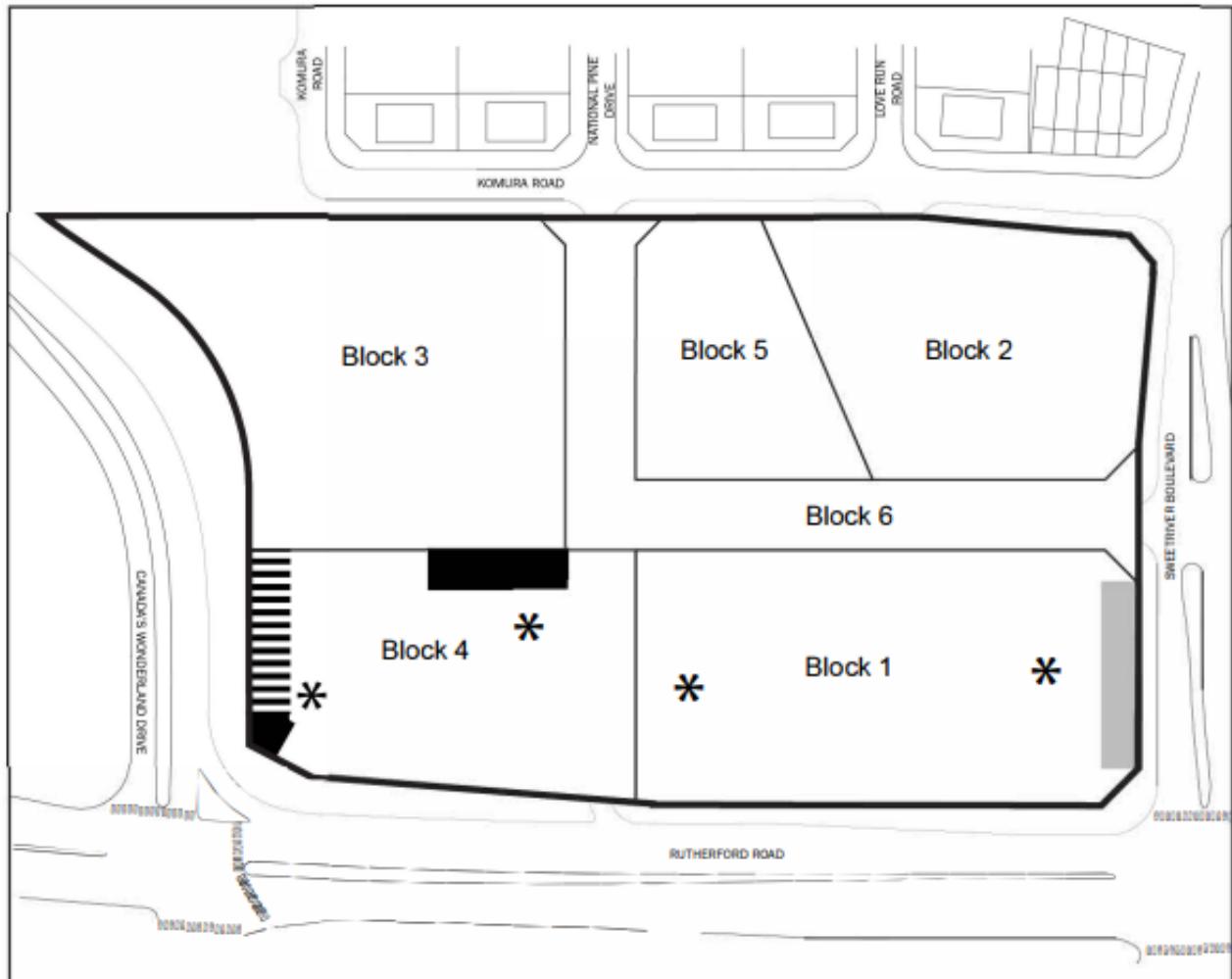
**Schedule 4**  
**Minimum At-Grade Setbacks**

**3300 Rutherford Road,  
Vaughan, Ontario**

- |                    |            |
|--------------------|------------|
| Subject Lands      | 4m Setback |
| Development Blocks | 3m Setback |
|                    | 0m Setback |

City of Vaughan By-Law xx-2025  
Not to Scale  
08/11/2025





**Schedule 5**  
**Minimum Tower Stepbacks and Setbacks**

**3300 Rutherford Road,  
Vaughan, Ontario**

Subject Lands

2m Stepback



Development Blocks

0m Stepback

City of Vaughan By-Law xx-2025  
Not to Scale  
08/11/2025

Tower Location

10m Tower Setback from the property line