

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 018-2022

A By-law to adopt Amendment Number 71 to the Vaughan Official Plan 2010 for the Vaughan Planning Area, as effected by the Ontario Land Tribunal.

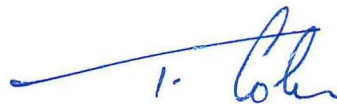
NOW THEREFORE the Council of The Corporation of the City of Vaughan ENACTS AS FOLLOWS:

1. THAT the attached Amendment Number 71 to the Vaughan Official Plan 2010 of the Vaughan Planning Area, as effected by the Ontario Land Tribunal Order, dated the 2nd day of February, 2022, (OLT File No. PL200219) attached hereto as Attachment "1" consisting of the attached text, Schedules "1", "2" and "3" and Appendix "1" is hereby adopted.

Enacted by City of Vaughan Council this 15th day of February, 2022.



Hon. Maurizio Bevilacqua, Mayor



Todd Coles, City Clerk

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: February 2, 2022

CASE NO.: PL200219

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

Applicant and Appellant:	Dufcen Construction Inc.
Subject:	Request to amend the Official Plan - Failure of City of Vaughan to adopt the requested amendment
Existing Designation:	Community Commercial Mixed Use
Proposed Designated:	Mid-Rise Residential
Purpose:	To permit a 582 unit apartment and stacked townhouse residential development
Property Address/	7850 Dufferin Street
Description: Municipality:	City of Vaughan
Approval Authority File No.:	OP.17.013
LPAT Case No.:	PL200219
LPAT File No.:	PL200219
LPAT Case Name:	Dufcen Construction Inc. v. Vaughan (City.)

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

Applicant and Appellant:	Dufcen Construction inc.
Subject:	Application to amend Zoning By-law No. 1-88 - Refusal or neglect of City of Vaughan to make a decision
Existing Zoning:	C7 Service Commercial
Proposed Zoning:	RM2 Multiple Residential and RA3 Residential Apartment
Purpose:	To permit a 582 unit apartment and stacked townhouse residential development
Property Address/	7850 Dufferin Street
Description: Municipality:	City of Vaughan
Municipality File No.:	Z.17.013
LPAT Case No.:	PL200219
LPAT File No.:	PL200220

BEFORE:

BRYAN W. TUCKEY
MEMBER

) Wednesday, the 2nd
)
) day of February, 2022

ORDER OF THE TRIBUNAL

THIS MATTER having come on for a public hearing of the merits on June 22, 2021 and the Local Planning Appeal Tribunal, now the Ontario Land Tribunal (the “**Tribunal**”) in its Decision on July 20, 2021 having determined that the subject appeal(s) should be allowed, in part;

AND THE TRIBUNAL having approved in principle two instruments being: the draft Official Plan Amendment to the Official Plan of the Vaughan Planning Area, and the draft Zoning By-law Amendment (as modified) to amend the City of Vaughan Zoning By-law No. 1-88;

AND THE TRIBUNAL having withheld its final Order pending the advise by the City Solicitor that with the consent of the parties to the proposed settlement, that the Official Plan Amendment and Zoning By-law are in a form satisfactory to the City;

THE TRIBUNAL HAVING BEEN ADVISED that these above-noted matters have been completed to the satisfaction of the City of Vaughan;

AND WITH THE TRIBUNAL being satisfied that its direction as set out in the Decision have been met;

THE TRIBUNAL ORDERS that the appeals are allowed, in part, and that Official Plan Amendment to the Official Plan of the Vaughan Planning Area, and the draft Zoning By-law Amendment (as modified) to amend the City of Vaughan Zoning By-law No. 1-88;

are hereby amended in the manner set out in Attachment "1" and Attachment "2" to this Order.

"Euken Lui"

EUKEN LUI
ACTING REGISTRAR

Ontario Land Tribunal

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

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

ATTACHMENT 1

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 018-2022

A By-law to adopt Amendment Number 71 to the Vaughan Official Plan 2010 for the Vaughan Planning Area.

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

1. THAT the attached Amendment Number 71 to the Official Plan of the Vaughan Planning Area, consisting of the attached text and Schedules "1", "2" and "3", is hereby adopted.
2. AND THAT the City Clerk is hereby authorized and directed to make application to the Regional Municipality of York for approval of the aforementioned Amendment Number to the Official Plan of the Vaughan Planning Area.
3. AND THAT this By-law shall come into force and effect on the day of the final passing thereof.

Ordered into effect by Ontario Land Tribunal Order issued the 2nd day of February, 2022.

**AMENDMENT NUMBER 71
TO THE
VAUGHAN OFFICIAL PLAN 2010 OF THE
VAUGHAN PLANNING AREA**

The following text and Schedules "1", "2" and "3" constitute
Amendment Number 71 to the Official Plan of the Vaughan Planning
Area

Also attached hereto but not constituting part of the Amendment is
Appendix "I"

I. PURPOSE

The purpose of this Amendment to the Official Plan is to amend the provisions of the Official Plan 2010 (VOP 2010) as partially approved by the Ontario Municipal Board, specifically, Volume 1 Section 9.2 Land Use Designations and Permitted Building Types to redesignate the Subject Lands from "Community Commercial Mixed Use" to "Mid-Rise Residential" and "Parks".

This Amendment will facilitate the following with respect to the Subject Lands identified as "Area Subject to Amendment No. 71" on Schedules "1", "2" and "3" attached hereto:

1. Permit a Mid-Rise Residential development consisting of (3) stacked back-to-back townhouse blocks, each with a building height of up to a maximum of 3.5-storeys and (3) apartment buildings, two with building heights of up to a maximum of 12 storeys, and one with a building height of up to a maximum of 6 storeys.

II. LOCATION

The lands subject to this Amendment (hereinafter referred to as the "Subject Lands"), are located on the west side of Dufferin Street, north of Centre Street and are known municipally as 7850 Dufferin Street, being part of Lots 24 and 25, Registrar's Compiled Plan 10309, City of Vaughan as shown on

Schedule "1", "2" and "3" attached hereto as "Lands Subject to Amendment No. 71".

III. BASIS

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

1. This Amendment is consistent with the Provincial Policy Statement (PPS) as it represents an integrated and comprehensive approach to managing growth as it relates to the intensification of land uses in an area along a rapid transit corridor. The PPS promotes efficient, cost effective development and land use patterns that are based on densities which:

- i. Efficiently use land, resources, infrastructure, and public service facilities;
- ii. Are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion; and,
- iii. Are transit-supportive, where transit is planned, exists or may be developed.

The PPS promotes an appropriate range and mix of housing types and densities required to meet projected requirements of current and future residents, by maintaining residential growth for a minimum of 10 years through residential redevelopment and intensification. The Amendment to facilitate the proposed development is consistent with the intent of the PPS.

2. As directed by the Growth Plan for the Greater Golden Horseshoe, 2020 (the "Growth Plan"), intensification is to be implemented by way of municipal Official Plans. The Growth Plan's intensification strategy places the onus on the upper tier and local municipalities to decide where and how to accommodate growth and intensification. The applications are consistent with the City's intensification strategy as required by the Growth Plan as the lands are located adjacent to a Regional Intensification Corridor (Centre Street) and identified Intensification Area by VOP 2010. The proposed development conforms to the Growth Plan by directing growth within the built-up area and by promoting transit- supportive densities in a Major Transit Station Area (MTSA) in a manner that achieves intensification while providing an appropriate transition in form and density.

3. The York Region Official Plan, 2010 (YROP) identifies the Subject Lands as being located within an "Urban Area" adjacent to a "Regional Corridor". Urban Areas "will accommodate a significant portion of the planned growth in the Region" and Regional Corridors "are planned to function as urban mainstreets that have a compact, mixed-use, well-designed, pedestrian-friendly and transit- oriented built form". Regional Council has approved an MTSA delineation that includes the Subject Lands as part of the Municipal Comprehensive Review process. The proposed development conforms with the YROP policies in that it provides an appropriate form of intensification in an area of transition between the Regional Corridor and more stable residential areas.

4. The Vaughan Official Plan identifies the Subject Lands as being

within the "Community Commercial Mixed Use" designation. The Community Commercial Mixed-Use designation does not permit townhouses, thus necessitating an Official Plan Amendment to permit the proposed use. Schedule 1 of the VOP 2010 identifies the Subject Lands being adjacent to a "Regional Intensification Corridor". In consideration of the Provincial and Regional policies encouraging intensification and providing compact developments with densities that support public transit and provide opportunities for a mix of housing types in the community, the approval of this Amendment is appropriate.

5. The statutory Public Meeting was held on September 17, 2019. The recommendation of the Committee of the Whole to receive the Public Meeting report of September 17, 2019, and to forward a comprehensive report to a future Committee of the Whole meeting, was ratified by Vaughan Council on October 2, 2019. Subsequently, on March 10, 2021 Vaughan Council refused the Committee of the Whole recommendation, to advise the Local Planning Appeal Tribunal (now known as the Ontario Land Tribunal) that Vaughan Council endorses the recommendation to approve Official Plan and Zoning By-law Amendment Files OP.17.013 and Z.17.040 (Dufcen Construction Inc.).

An Ontario Land Tribunal Settlement Hearing was held on June 30, 2021.

IV. DETAILS OF THE AMENDMENT AND POLICIES RELATIVE THERETO

The Vaughan Official Plan is hereby further amended by:

1. Amending Volume 1, Schedule 13 to change the land use designation on the lands identified in Schedule "1" attached hereto from "Community Commercial Mixed-Use" to "Mid-Rise Residential" and "Parks", and to add a height limit of up to a maximum of 12 storeys and a density limit of 2.84 FSI as shown on Schedule "1"
2. Amending Volume 1, Schedule 14 – C "Areas Subject to Site Specific Polices of VOP 2010, by adding the Subject Lands identified on Schedule "2" to this Amendment attached hereto, being the lands municipally known as 7850 Dufferin Street as item # 62
3. Amending Volume 2, Section 13.1 "Areas Subject to Site-Specific Policies" by adding the following policy, to be renumbered in sequential order:

“(OPA # 71) 13.1.1.62 of the lands know as 7850 Dufferin Street are identified on Schedule 14-C as item # 62 and are subject to the policies set out in Section 13.63 of the Plan.”
4. Adding the following policies to Section 13 – "Site Specific Policies", to be renumbered in sequential order, including a location map of the Subject Lands as per Schedule "3":

“(OPA #71)	13.63	7850 Dufferin Street
	13.63.1	General
	13.63.1.1	The following policies shall

apply to the lands identified on Map 13.63.A

	13.63.1.2	Notwithstanding 9.2.2.3, the
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lands identified on Map 13.63.A shall permit a Mid-Rise

Residential development consisting of (3) stacked back-to-back townhouse blocks, each with a building height of up to a maximum of 3.5 storeys and (3) apartment buildings, two with building heights of up to a maximum of 12 storeys, and one with a building height of up to a maximum of 6 storeys, and an overall maximum site density of 2.84 FSI.

13.63.1.3 Notwithstanding Section 9.2.3.3 d), for the Subject Lands referred to in clause '1', that Stacked Back-to-back Townhouses shall be oriented to front onto either a public street or a private street.

13.63.1.4 Notwithstanding Section 9.2.3.5 b), for the Subject Lands referred to in clause '1', a podium is not required.

13.63.1.5 Notwithstanding Section 9.2.3.5 f), for the Subject Lands referred to in clause '1', a rooftop landscaped green space is not required.

V. IMPLEMENTATION

It is intended that the policies of the Official Plan of the Vaughan Planning Area pertaining to the Subject Lands will be implemented by way of an amendment to the Vaughan Zoning By-law 1-88, pursuant to the Planning Act.

VI. INTERPRETATION

The provisions of the Official Plan of the Vaughan Planning Area as

amended from time to time regarding the interpretation of that Plan shall apply with respect to this Amendment.

APPENDIX I

Summary to Official Plan Amendment No. 71

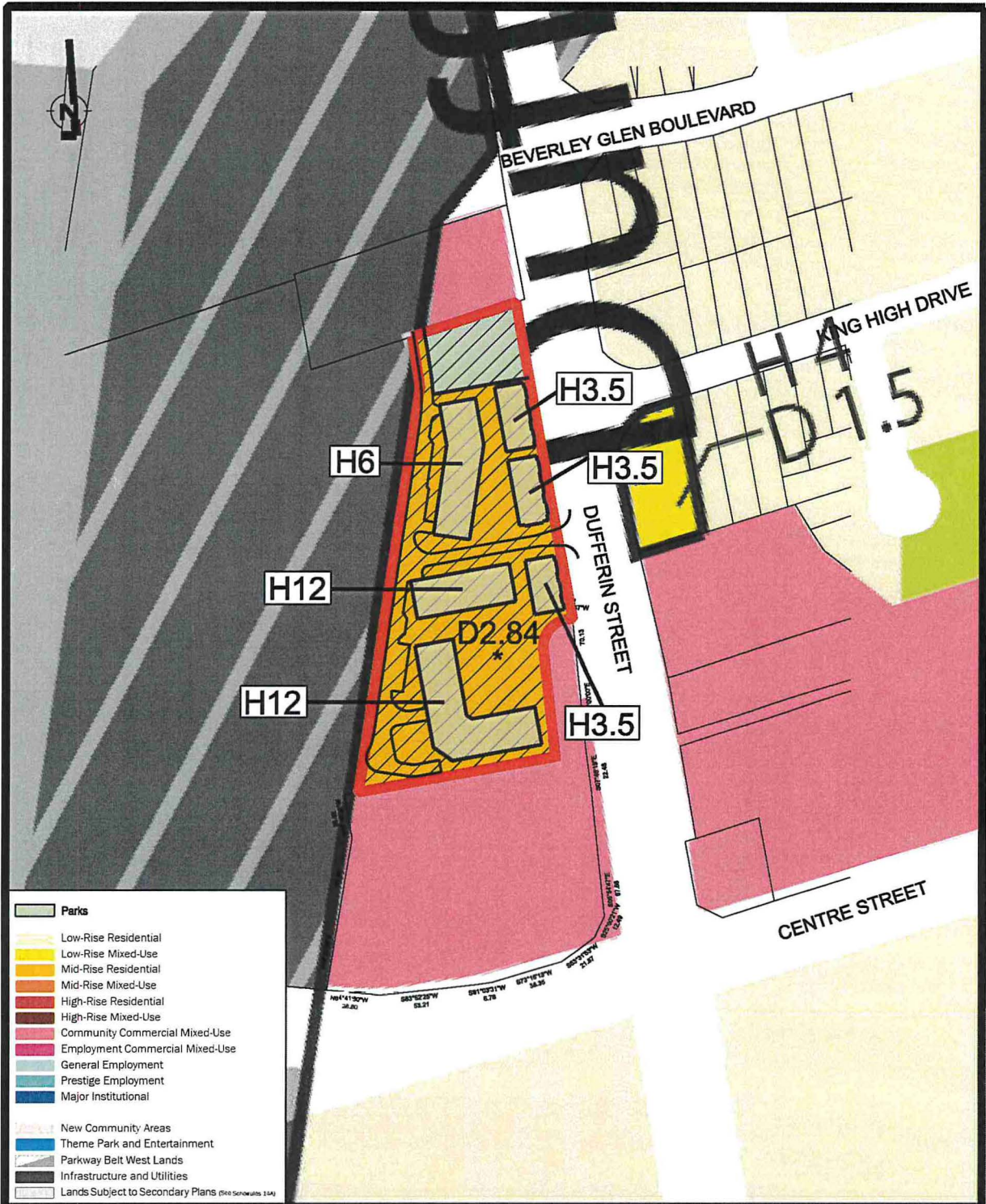
The lands subject to this Amendment are located on the west side of Dufferin Street, north of Centre Street and are described as 7850 Dufferin Street in PART OF LOTS 24 AND 25, REGISTRAR'S COMPILED PLAN 10309, CITY OF VAUGHAN.

The purpose of this Amendment is to amend the provisions of the Official Plan of the Vaughan Planning Area, specifically to amend Volume 1 – Schedule 13 and Schedule 14-C, and Volume 2 Section 13 – “Site Specific Policies” to redesignate the Subject Lands from “Community Commercial Mixed-Use” to “Mid-Rise Residential” and “Parks” to permit a mid-rise residential development.

The Owner submitted Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBA) Application Files OP.17.013 and Z.17.040 on December 4, 2017, to the City of Vaughan. On March 16, 2020, the Owner appealed the OPA and ZBA Applications to the Local Planning Appeal Tribunal (now the Ontario Land Tribunal), pursuant to Subsection 22(7) and Subsection 34(11), respectively, of the *Planning Act* citing that the City failed to make a decision within the prescribed time.

An Ontario Land Tribunal Settlement Hearing was held on June 30, 2021.

The interim Decision and Order of the Ontario Land Tribunal dated July 20, 2021 and the final Order of the Ontario Land Tribunal dated February 2, 2022 regarding the Subject Lands located at 7850 Dufferin Street being Part of Lots 24 and 25, Registrar's Compiled Plan 10309, City of Vaughan, to approve the OPA and ZBA Applications, are attached.



LANDS SUBJECT TO AMENDMENT

* Land designated Mid-Rise Residential shall have a maximum density of 2.84.
 - For greater clarity, the lands designated "Parks" shall not be included in the D2.84 calculation.

**THIS IS SCHEDULE '1'
 TO OFFICIAL PLAN AMENDMENT NO. 71**

PASSED THE 15TH DAY OF FEBRUARY, 2022

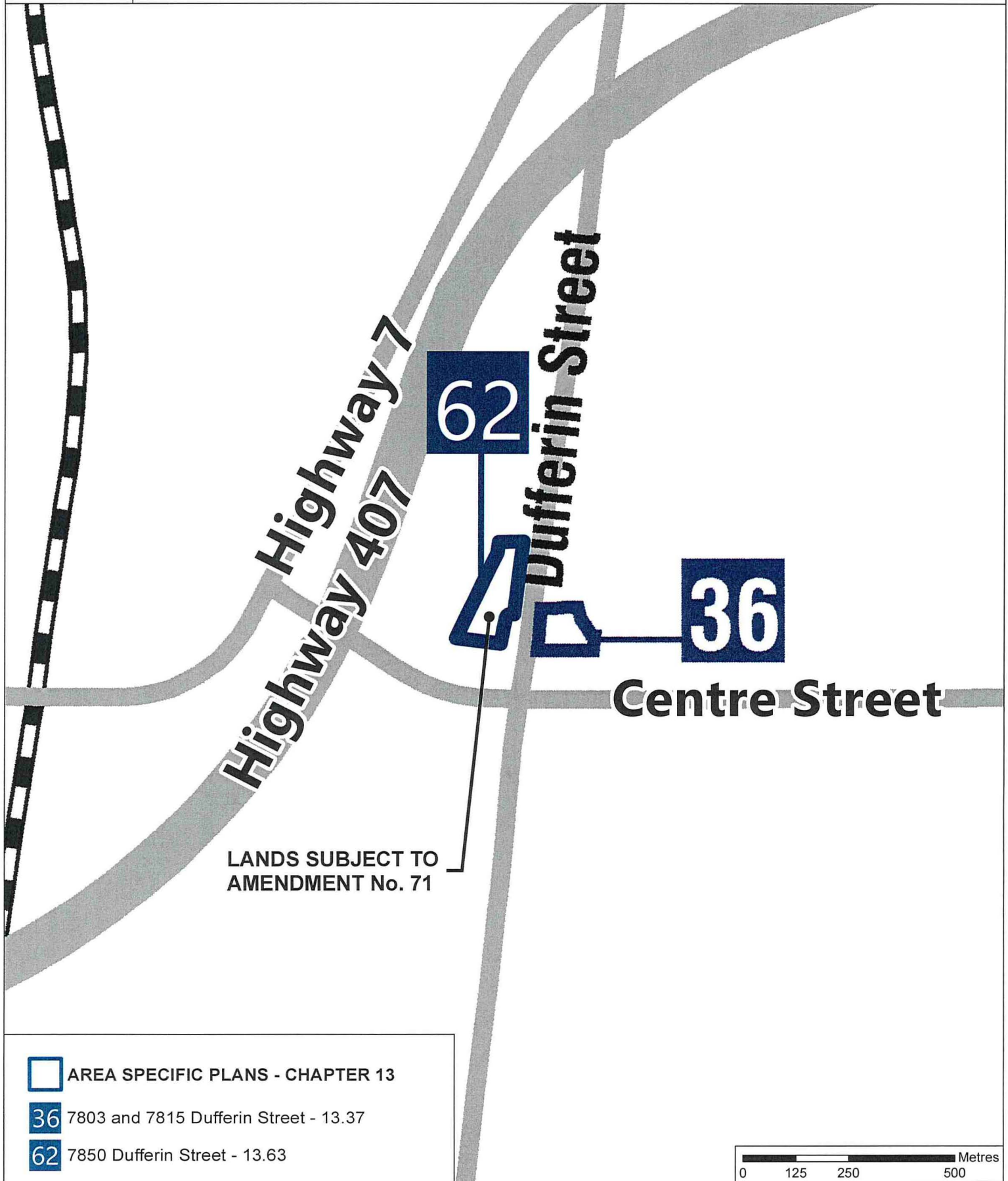
FILE NO.: OP.17.013
 RELATED FILE NO.: Z.17.040
 LOCATION: 7850 Dufferin Street
 APPLICANT: Dufcen Construction Inc.
 NOT TO SCALE
 CITY OF VAUGHAN

**TRIBUNAL ORDER:
 CASE NO. PL200219
 FEBRUARY 2, 2022**

CLERK



This is Part of Schedule 14-C - Area Subject to Area Specific Plans To Vaughan Official Plan 2010, Volume 1



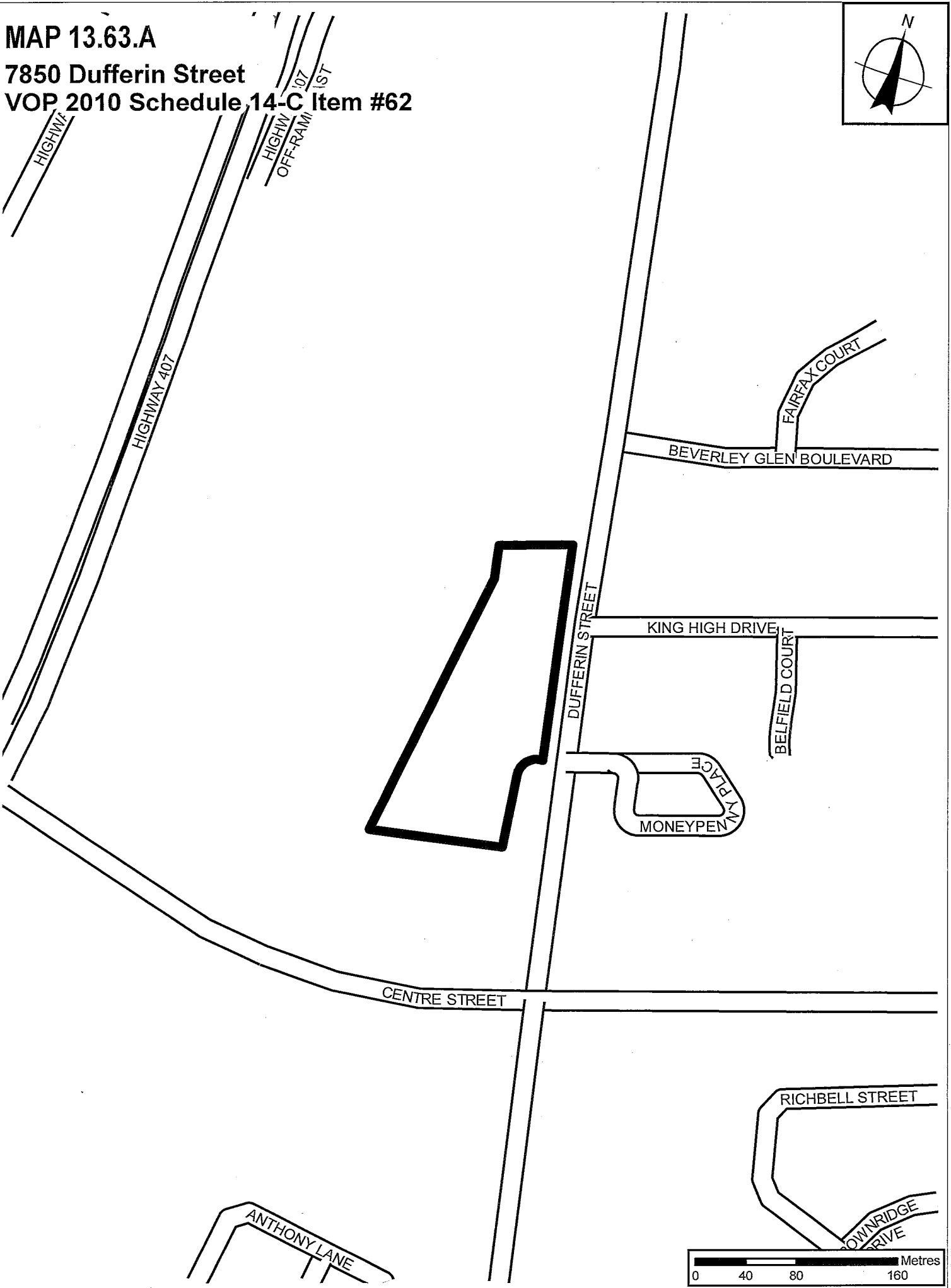
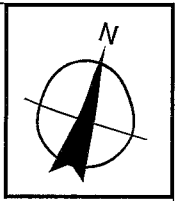
**THIS IS SCHEDULE '2'
TO OFFICIAL PLAN AMENDMENT No. 71
ADOPTED THE 15TH DAY OF FEBRUARY, 2022**

FILE: OP.17.013
RELATED FILE: Z.17.040
LOCATION: Part of Lot 6, Concession 3
APPLICANT: Dufcen Construction Inc.
CITY OF VAUGHAN

 **LANDS SUBJECT TO AMENDMENT No. 71**

MAP 13.63.A

**7850 Dufferin Street
VOP 2010 Schedule 14-C Item #62**



**THIS IS SCHEDULE '3'
TO OFFICIAL PLAN AMENDMENT No. 71
ADOPTED THE 15TH DAY OF FEBRUARY, 2022**

FILE: OP.17.013
RELATED FILE: Z.17.040
LOCATION: Part of Lot 6, Concession 3
APPLICANT: Dufcen Construction Inc.
CITY OF VAUGHAN

 **LANDS SUBJECT TO
AMENDMENT No. 71**

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: July 20, 2021

CASE NO(S).: PL200219

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

Applicant and Appellant:	Dufcen Construction Inc.
Subject:	Request to amend the Official Plan - Failure of City of Vaughan to adopt the requested amendment
Existing Designation:	Community Commercial Mixed Use
Proposed Designated:	Mid-Rise Residential
Purpose:	To permit a 582 unit apartment and stacked townhouse residential development
Property Address/Description:	7850 Dufferin Street
Municipality:	City of Vaughan
Approval Authority File No.:	OP.17.013
LPAT Case No.:	PL200219
LPAT File No.:	PL200219
LPAT Case Name:	Dufcen Construction Inc. v. Vaughan (City)

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

Applicant and Appellant:	Dufcen Construction Inc.
Subject:	Application to amend Zoning By-law No. 1-88 - Refusal or neglect of City of Vaughan to make a decision
Existing Zoning:	C7 Service Commercial
Proposed Zoning:	RM2 Multiple Residential and RA3 Residential Apartment
Purpose:	To permit a 582 unit apartment and stacked townhouse residential development
Property Address/Description:	7850 Dufferin Street
Municipality:	City of Vaughan
Municipality File No.:	Z.17.013
LPAT Case No.:	PL200219
LPAT File No.:	PL200220

Heard: June 22, 24 and 30, 2021 by Video Hearing

APPEARANCES:

<u>Parties</u>	<u>Counsel/Representative*</u>
Dufcen Construction Inc. ("Appellant")	G. Borean
City of Vaughan ("City")	R. Kehar and C. Tashos
Regional Municipality of York ("Region")	S. Foster
7818 Dufferin Inc. ("7818 Inc.")	P. Harrington and J. Pappas
Brownridge Ratepayers Association ("BRA")	M. Racco*

**INTERIM DECISION DELIVERED BY BRYAN W. TUCKEY AND K.R. ANDREWS
AND ORDER OF THE TRIBUNAL**

[1] The Tribunal convened a hearing of the merits in this matter. The Appellant owns property located at 7850 Dufferin Street, in the City of Vaughan ("subject lands"). The Appellant has appealed an Official Plan Amendment ("OPA") pursuant to s. 22(7) of the *Planning Act* and a Zoning By-law Amendment ("ZBLA") pursuant to s. 34(11) of the *Planning Act* because the City failed to make a decision on these applications.

[2] The Appellant submitted the OPA and ZBLA to the City in order to permit 140 stacked townhouse units, a 10-storey apartment building containing 168 units and a 12-storey apartment containing 274 units. Access to the subject property is a driveway from Dufferin Street.

[3] There are five remaining parties of record in this matter. All are represented for the duration of the hearing. The Toronto and Region Conservation Authority withdrew from these proceedings by letter on January 15, 2021.

PRELIMINARY MATTERS

Commencement of the Hearing – June 22, 2021

[4] On the first day of the hearing, the Tribunal was advised that the Appellant and most parties have made considerable progress to settle matters and many of the issues on the Issues List have been addressed and resolved. Counsel for the Appellant, Mr. Borean, in his opening statement explained that a series of Holding (“H”) provisions have been agreed to in principle by all parties, save and except for Mario Racco on behalf of the BRA. Parties noted there are minor wording changes needed to the content of the H provisions and are committed to refine these provisions so they could be presented to the Tribunal in an acceptable form.

[5] Mr. Borean explained that witnesses have prepared a series of expert’s agreed statement of facts (“ASOF”), which are the basis for both issue settlement and the development of H provision conditions intended to assist with further project implementation. The ASOF relate to: Planning; Transportation; Sanitary and Storm Water Management and Urban Design (if necessary).

[6] Counsel for the City, Raj Kehar, advised the Tribunal that the City hired outside experts to provide Council with advice in this matter and has resulted in a revised City position. Issues related to sanitary servicing, storm water management and transportation have been addressed to the City’s satisfaction by the proposed H provisions. Remaining outstanding City issues are:

- a. the requirement for the Appellant to provide an on site park of 0.3 hectares (“ha”); and
- b. a requirement for commercial space to be included as part of the development proposal.

Mr. Kehar advised that he would be seeking Council direction on the two outstanding issues later in the day at the City Council meeting on June 22, 2021. He promised to advise the Tribunal and all parties of the outcome of Council's decision.

[7] Counsel for the Region, Samantha Foster, advised the Tribunal that the Region considers its issues to be resolved on the basis of the ASOF related to: 1. the Transportation experts consensus "that the development proposal as laid out in the site plan drawing AI 00 dated November 27, 2020 provides for appropriate vehicular and pedestrian access to the site ... pending acceptable legal agreements" and 2. the ASOF among the Planning experts, which states "a holding symbol ("H") is appropriate to ensure access and servicing requirements are satisfied". The Region will remain as a party and be provided a copy of the proposed "H" language to review prior to the Tribunal issuing a final order.

[8] Counsel for 7818 Inc., Patrick Harrington, advised the Tribunal that his client owns the property immediately to the south of the subject lands and have a development application before the City. He noted that there is appropriate consideration in the site design of the subject lands to provide necessary access from his client's lands to Beverly Glen Boulevard. He advised that the project design of the proposed settlement resolve transportation and access issues; sanitary and storm water facilities required by the Appellant across 7818 Inc. lands are addressed in the H provisions and options for private easements are being evaluated; and all urban design issues have been resolved. 7818 Inc. will remain as a party, call no witnesses, be in support of the Appellant's witnesses and monitor the outcome of the H provisions to ensure his clients' interests are properly maintained.

[9] Mr. Racco provided submission on behalf of the BRA and is relying on the City to provide evidence in this matter. The BRA did not retain witnesses to provide evidence in this matter and therefore were not included in expert witness meetings required in the Procedural Order ("PO"), which lead to the ASOF. Mr. Racco was not aware of the City's changing position and maintained his client's issues are related to residential

permissions on the subject lands; density of the proposal; the challenges of receiving authorizations from Hydro as it relates to access to Beverly Glen Blvd. He advocated that the subject lands are not appropriate for housing.

[10] The Tribunal reminded Mr. Racco that the only issues remaining in dispute with the City's previous position are a requirement for on site parkland and whether commercial is required to be part of the proposed development. All the issues he outlined in his submission appear addressed to the City's satisfaction.

BRA continuing as a Party to these Proceedings.

[11] Mr. Borean made a submission that parties in a proceeding before the Tribunal have certain roles and obligations as defined by Rule 4 and 8 in the Ontario Land Tribunal – *Rules of Practice and Procedure* ("Rules"). He questioned whether BRA has met the tests and should continue as a party. The BRA has relied on the City and have not retained witnesses in keeping with the requirements of the PO. The City's position has evolved, and BRA seems unaccepting of the outcome of settlement discussions but did not retain expert witnesses to be a part of the process nor give evidence at a hearing. He specifically noted that under s. 8.2 of the Rules, that the Tribunal has the power to add or substitute parties.

[12] Mr. Racco advised the Tribunal that he is a licensed paralegal and therefore meets the test of 4.1 of the Rules – Appearance in Person or by an Authorized Representative.

[13] Mr. Kehar supported the continued involvement of BRA as a party to these proceedings. The BRA did assist in the development of the issues list and have legitimate questions of witnesses on issues that remain in a contested hearing (on-site parkland and commercial included as part of the development) or a proposed settlement that may be before the Tribunal and should be afforded the opportunity to present a closing argument as required.

[14] The Region and 7818 Inc. took no position on the status of BRA although 7818 Inc. stated the submission by the Appellant is relevant.

[15] The Tribunal finds that BRA will remain as a party to these proceedings and further advised Mr. Racco that his questions are limited to those relevant to the remaining issues and are to be of assistance to the Tribunal.

[16] At this point, the Tribunal adjourned the proceedings to allow Mr. Kehar time to receive instructions from his client on remaining issues. The hearing will reconvene at 10 a.m., Thursday, June 24, 2021.

Reconvened Hearing - June 24, 2021

[17] The Tribunal reconvened the hearing on June 24, 2021 at 10 a.m.

[18] Mr. Kehar advised that the City and the Appellant have found an agreement on the two outstanding issues. The package he provided to the Tribunal (by email - June 23, 2021), included a summary of the proposed settlement, revised draft holding provisions and an amended site plan with required site specifics described as a 'settlement concept plan'. The Tribunal will not go into detail at this juncture but suffice to say the package was of sufficient detail to be helpful in determining an appropriate go forward strategy for these proceedings. The package is sent to all parties.

[19] Mr. Kehar described the changes for the benefit of the Tribunal and all parties. The two outstanding issues are resolved as follows:

- a. the Appellant will convey to the City a 0.20 ha for parkland to the City at the north end of the subject property. These lands when consolidated with existing lands are found to be sufficient for the City's programming needs; and

- b. the Appellant has agreed to provide a minimum of 185 square metres (“sq m”) of convenience retail, personal services and/or live work units to be located on the site.

[20] To achieve the proposed settlement, there are several revisions to the material before the Tribunal and details will be provided by the Appellant on consent of the City to be heard as evidence at a reconvened settlement hearing. The Tribunal anticipates that the Appellant will provide the following to be evaluated at a reconvened settlement hearing:

- a. an OPA and ZBLA reflecting the revisions noted by Mr. Kehar;
- b. the H conditions (as modified);
- c. a full set of plans that are substantially in accordance with the settlement concept plans; and
- d. revisions to the OPA and ZBLA that are currently before the Tribunal for approval as modified by the Appellant’s settlement concept plans.

The Tribunal understands, considering the condensed time frame, documents may not be in their final form and the Appellant will make best efforts to provide material sufficient for a complete review and evaluation of the proposed settlement.

[21] Mr. Borean supported Mr. Kehar’s submission as appropriate and factual in content.

[22] Counsel for 7818 Inc. is comfortable with the settlement concept plan and the eventual content of the OPA and ZBLA. Regional staff are now in possession of the revisions that result from the proposed settlement and Counsel for the Region does not anticipate issues arising from their review.

[23] Mr. Racco found it a challenge to absorb all the changes as a result of the proposed settlement. He remained concerned about residential being located so close to major hydro lines and a busy arterial road. He wonders about how this proposal conforms to the relevant planning documents and maintains these lands are better suited for employment uses.

[24] Upon request of the Tribunal, Mr. Kehar committed to contact Mr. Racco and explain the details around the proposed settlement and City Council's consideration of the application.

[25] The Tribunal adjourned proceedings to reconvene as a settlement hearing at 10 a.m. on Wednesday, June 30, 2021. The Tribunal gave direction to all parties on its requirements and the scope of the settlement hearing.

SETTLEMENT HEARING - JUNE 30, 2020

[26] The Tribunal reconvened and conducted a settlement hearing on Wednesday June 30, 2021 at 10 a.m.

[27] The parties called one land use planning witness in support of the proposed settlement. Kevin Bechard is qualified as an expert in land use planning. He provided evidence to the Tribunal on how the proposed settlement meet the requirements of the relevant planning policy documents and are good planning. His Affidavit is Exhibit 2 to this proceeding. Mr. Bechard's testimony and witness statement are the basis for the following analysis.

SITE AREA AND CONTEXT

[28] The subject lands are located at 7850 Dufferin St., in the City of Vaughan's Thornhill Community. It is currently vacant, approximately 2.01 ha in size, triangular in shape and has an approximate frontage on Dufferin St. of 173.7 metres ("m"). The

subject lands are legally described as Part of Lots 24 and 25, Registrar's Complied Plan 10309, City of Vaughan.

[29] The subject lands are adjacent to Dufferin St. to the east; a Hydro corridor to the west; a vacant parcel to the south; and the Patricia Kemp Community Centre ("PKCC") to the north.

[30] The area context finds two major infrastructure facilities being the Hydro corridor, which include three separate transmission towers and the Highway 407 Express Toll Route. The PKCC is owned by the City and currently leased to a community association. A 1.15 ha 'Concord Community Park' is within the Hydro corridor. Lands to the east of Dufferin St. are a residential community made up of town homes and single detached dwellings. Several commercial uses are located close to the subject lands at the corner of Dufferin and Centre Streets. An application has been filed on the vacant lands to the south by 7818 Inc. for a high-rise, mixed-use development with building heights of 34 and 12 storeys.

[31] The subject property is well served by public transit as well as arterial and provincial highways. A regional Bus Rapid Transit ("BRT") System with the Dufferin BRT station located 300 m to the south.

PLANNING INSTRUMENTS

[32] The planning instruments before the Tribunal in these proceedings are:

- a. an OPA to amend the 2010 Vaughan Official Plan ("VOP") to redesignate the subject lands from Community Commercial Mixed Use to Mid-Rise Residential and Parks; and,
- b. a ZBLA to amend the City's Zoning By-law No. 1-88 to rezone the subject lands from Service Commercial - C7 to a Multiple Residential Zone – RM2

(H) with a series of site-specific zone provisions defining such matters as: maximum number of stacked townhomes and dwelling units in the apartment building; a maximum Floor Space Index (“FSI”); minimum clearance requirements by the Hydro authority and parking requirements. The H provisions describe a series of conditions that must be met by the Appellant in order for the H to be lifted including: a Density Bonusing Agreement; a land appraisal report; cost sharing of necessary infrastructure works; provision of any required external municipal storm water infrastructure and appropriate easements; all approvals and easements from all parties required to construct a private access road connecting the subject lands to the Dufferin St. and Beverly Glen Boulevard intersection; submission of a revised Community Services and Facilities Study; and the owner will pay a Cash-in-Lieu of Parkland Dedication. The H provisions are an important outcome of the proposed settlement and may be found in Exhibit 3 to this proceeding.

BACKGROUND

[33] Suffice to say the matter has an extensive history. A brief review is as follows:

- a. in December 2017, the previous owner submitted OPA and ZBLA applications to the City. In November 2018, the Appellant notified the City they had purchased the subject lands intending to continue with the applications.
- b. during 2019, a notice of complete application was received from the City and a statutory public meeting was held.
- c. on March 16, 2020, the OPA and ZBLA were appealed to the Tribunal as the City failed to make a decision.

- d. in May 2020, a second submission of the OPA and ZBLA and the first Site Plan Approval (“SPA”) was submitted to the City. In November 2020, the Appellant submitted to the City further revised applications for all three planning matters.
- e. on March 8, 2021, Vaughan City Council considered a comprehensive staff report on the OPA and ZBLA applications. The staff recommended approval of both instruments subject to a series of considerations and conditions. Council chose to refuse the applications.
- f. the Appellant, City, Region and 7818 Inc. continued discussions to resolve outstanding issues, which has led to the proposed settlement being presented to this Tribunal. Vaughan City Council approved the settlement-in-principle with the Appellant with all outstanding issues in keeping with the plans found in Exhibit K of Exhibit 2 and further outlined in Exhibit 4 of this proceeding.

PROPOSED SETTLEMENT

[34] The settlement concept plan illustrated in Exhibit F of Exhibit 2, is the basis for the settlement and includes the following revisions to the plans before the Tribunal being:

- a. 0.20 ha parkland conveyance to the City at the northern edge of the site abutting the PKCC.
- b. Townhouse Blocks C and D are converted into a six-storey, mid-rise apartment building.
- c. Increasing the permitted Floor Space Index (“FSI”) to a maximum of 2.84 (from the previous 2.43);

- d. a Gross Floor Area (“GFA”) increase of 2,496 sq m to a maximum of 51,204 sq m;
- e. the conversion of townhouse Blocks C and D into a six-storey mid-rise apartment building;
- f. Townhouse Block G has been moved to and replaces the Amenity Building, directly east of Building A, maintaining frontage onto Dufferin Street;
- g. The site generally maintains the existing configuration and siting of the buildings, outdoor amenity areas and connection points;
- h. Certain modifications to the unit count that increase to a total of 600 units from the previous 584 units. Made up of 532 apartment units (450 previously) and 68 townhouse units (134 previously); and
- i. a minimum of 185 sq m of convenience retail, personal services and/or live-work units is to be located in Building A. The location of these unit(s) should be readily accessible to Dufferin Street.

[35] Mr. Bechard is of the opinion that the proposed settlement sets an appropriate balance between competing priorities, is consistent to or conforms with the relevant planning policies and represents good planning. He explained his rationale for settlement of the two outstanding issues.

- a. with respect to the addition of commercial uses on the subject property, he noted that the relevant planning policies would support a mixed-use development. The VOP Regional Intensification Policies also support mixed use. The Appellant did not provide for the inclusion of commercial uses because of market based reasons that relate to site access constraints and exposure. The minimum commercial use of 185 sq m is “consistent with the maximum commercial use permission in the VOP Mid-Rise Residential designation”.

- b. parkland dedication of 0.2 ha (vs. 0.3 as requested by the City) is an appropriate balance of competing policy interests respecting the encouragement of transit-supportive development and the dedication of public parkland.

LAND USE PLANNING POLICY

[36] Mr. Bechard provided the Tribunal a complete and comprehensive description of how the proposed settlement has regard to, is consistent with or conforms to all relevant planning policy. He made note that he read and analyzed all documents in their entirety. It then allowed him to outline, for the benefit of the Tribunal, relevant policies that are specifically applicable to the proposed settlement and instruments being considered in this matter.

PROVINCIAL POLICY

[37] Mr. Bechard advised the Tribunal that he considered the Provincial Interests found in s. 2 of the *Planning Act* and opined that the application has appropriate regard to these interests. He made specific note of s. 2 (f), (h), (j), (p), (q) and (r), which make reference to efficient and orderly development, providing a full range of housing, appropriate location of growth and development, promoting sustainable development and promoting a well designed built form.

[38] The planner described how the Provincial Policy Statement (“PPS”) provides overarching policy on land use planning in Ontario with the general goal to enhance the quality of life of those living in the Province. He made specific reference to:

- a. s. 1.1.1 a), b), d) and e) outlining how healthy, livable and safe communities are to be sustained by promoting efficient land use patterns, a range and mix of residential types and integration of municipal land use and infrastructure planning;

- b. s.1.1.3.1 defining settlement areas, such as the City, are to be the focus of growth and development;
- c. s. 1.1.3.2 establishes applicable land use patterns within Settlement Areas encouraging efficient use of lands, utilization of existing infrastructure, preparation for the impacts of climate change and support of transit and active transportation;
- d. s. 1.13.3 directing the identification of locations that promote transit-supportive transportation;
- e. s. 1.4.3 advocates for an appropriate mix and range of housing option and densities to meet the projected needs of current and future residents;
- f. s. 1.6.3 directing the use and optimization of existing infrastructure and public services; and
- g. s. 1.6.7.4 encouraging a land use pattern and mix of densities that is transit supportive and encourages active transportation.

[39] Mr. Bechard gave testimony on how the proposed settlement conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (“Growth Plan”). He noted that the Growth Plan builds on the policy foundation of the PPS and provides more specific land use policy. Mr. Bechard is of the opinion that the proposed settlement conforms to the Growth Plan. He made specific reference to the following ‘guiding principles’ found in the Growth Plan policy.

- a. s. 1.2.1 outlines the support to developing ‘complete communities’ and the prioritization of intensification and higher densities in strategic growth areas to make efficient use of land and infrastructure and support transit viability.

The subject lands are immediately adjacent to a Regional Intensification Corridor and within a proposed Major Transit Station Area (“MTSA”);

- b. s. 2.2.1 provides direction for managing growth and includes policies related to supporting the achievement, key features and characteristics of complete communities;
- c. s. 2.2.4 provides for the establishment of MTSA’s where transit supportive development are supported, and a substantial residential and employment growth, is to be located;
- d. in keeping with s. 2.2.4.10 “makes use of land near existing frequent transit and will provide a range and mix of uses to support active transportation and transit use”.
- e. s. 2.2.6 is relevant as the proposed settlement will provide a diverse range and mix of housing options and densities, with a variety of unit sizes and built form to meet the projected needs of current and future residents; and
- f. s 3.2.7.1 require municipalities to develop Storm Water Master Plans and large scale developments similar to the proposed settlement will be supported by a storm water management plan in keeping with s. 3.2.7.2.

MUNICIPAL POLICY

[40] Mr. Bechard outlined relevant policies of the York Region Official Plan 2010 (“YROP”) that “guides the economic, environmental and community building decisions across York Region”. Mr. Bechard opines that the proposed settlement conforms to the YROP and he made note of the following:

- a. the subject lands are located in the Urban Area as found on Map 1 – Regional Structure;
- b. development is to be directed to Regional Centres and Corridors (s. 1.2.1) which are intended to serve as the primary locations for the most intensive and greatest mix of development in the Region. The subject lands are located adjacent to the Centre Street Regional Corridor. Development will be that of a compact, mixed-use, oriented to the street, pedestrian and cyclist friendly and transit supportive design (s. 5.4.5);
- c. the Region has begun the process to establish MTSA that are located along higher order transit corridors and will be specifically identified for higher density, mixed use transit supportive development. The subject lands are within the boundary of the Dufferin BRT Station MTSA located at the corner of Dufferin and Centre Streets.
- d. Chapter 3 of the YROP contains policy related to housing and healthy communities. Policy encourages a full range and mix of housing options in optimal location to enable residents to contribute positively to the economy and society (s. 3.5). It is a clear policy direction of the Region to promote an appropriate range and mix of housing options. The YROP also encourages developments like the proposed settlement which will allow residents to work in and contribute to the community thereby promoting vibrant, healthy communities and a strong economy.

[41] The planner gave evidence regarding policies found in 2010 VOP that establishes the growth management policies for the City and refines the policy direction of the YROP in a supportive manner. Mr. Bechard is of the opinion that the proposed settlement “conforms to the applicable policies of the VOP and is appropriate for intensification because of its relationship to the Center Street BRT MSTTA but does not enjoy the full benefit of land use permissions associated with being located within the

Regional Corridor”. He made special reference to the following portions of the VOP to support this opinion.

- a. The subject lands are located adjacent to a Regional Intensification Corridor on Schedule 1– Urban Structure. These locations are adjacent to major transit routes and are planned to be a major focus of intensification in the City (s. 2.2.1.1 (d) (ii)). The VOP goes on to state that these locations are intended to accommodate “the greatest mix of uses, heights and densities”. The existing designation of the subject lands is Community Commercial Mixed Use – Schedule 13 Land Use.
- b. the City’s Urban Structure (s. 2.2.1) guides growth and identifies the appropriate locations for residential, mixed use and employment intensification. Whereas existing Community Areas, located outside of the defined intensification areas, are intended to remain largely stable where limited ‘incremental change is expected as a natural part of maturing neighbourhoods.
- c. the VOP is clear in its intention that the ‘vast majority of residential development within the built boundary will take place within Intensification Areas.
- d. the City identifies Intensification Areas on Figure 6 illustrating the Dufferin/Centre Street intersection as part of a Regional ‘Primary Intensification Corridor’ and are planned to be developed at densities and in a form that is supportive to adjacent higher order transit. The subject lands are located immediately beside a Primary Intensification Corridor.
- e. the subject lands existing land use designation policies of Community Commercial Mixed Use (s. 9.2.2) are also primarily located adjacent to intensification corridors or major arterial roads. These designations have

similar intensification objectives for commercial buildings to include a variety of different uses in a compact form to assist the City in its intensification objectives and meet the needs of City residents.

- f. the proposed settlement will consist mainly of residential buildings and medium density housing form while providing for small scale convenience retail uses.
- g. Mr. Bechard's opinion is confirmed by the ASOF prepared by planning witnesses that the proposed settlement: has appropriate density in the context of a MTSA; has a range and mix of housing options; is an appropriate building typology; represents appropriate infill on the periphery of an existing community area; is transit supportive and promotes transit usage, cycling and active transportation; and is appropriately implemented using an H symbol to ensure access and servicing needs are met.

[42] In summary, Mr. Bechard opined that the proposed settlement has appropriate regard for Provincial Interests in s. 2 of the *Planning Act*, is consistent with the PPS, and conforms to the Growth Plan, YROP and the VOP. The proposed residential land use is appropriate for the site and is of the opinion "that the revised development represents good planning".

OTHER CONSIDERATIONS

[43] As part of the finalization of the proposed settlement, appropriate regard is made to other important considerations, originally intended for adjudication by the Tribunal, being issues related to transportation and servicing. Prior to the hearing, like expert witnesses met and outlined a series of ASOF's that are used as a basis to resolve outstanding issues. The ASOF's are found in Exhibit 2; Exhibit L – Land Use Planning, M – Transportation and N – Servicing.

[44] Mr. Bechard advised the Tribunal that all issues originally identified in the issues list have been resolved and appropriately accommodated in the instruments that implement the proposed settlement. The Land Use Planning ASOF's are identified in the Land Use Planning section of this Decision.

Transportation and Access

[45] The planner noted that the "development proposal as laid out in site plan drawing A100 dated November 27, 2020 provides for appropriate vehicular and pedestrian access to the site (including in relationship to adjacent streets, neighboring properties and the adjacent hydro corridor/open space lands) pending acceptable legal agreements."

[46] The planner described how the internal road network is an essential element to the success of the development and thereby, remained the same during all changes that facilitated the proposed settlement.

[47] The City took issue with the proposed signalized intersection at Beverly Glen Boulevard given it crosses an existing Hydro corridor and the Appellant does not currently own the lands required to facilitate the connection. The proposed settlement shows a 6.0 m wide private road partially over Infrastructure Ontario ("IO") lands providing access to the subject lands (and to the development proposal of 7818 Inc.) In a letter from IO (Exhibit 2, Exhibit H) May 12, 2021, the Appellant is provided an approval in principle for the access implementation and design subject to appropriate agreements and easements. Hydro One completed a technical review and the right-of-way is deemed acceptable.

[48] The existing parking lot servicing the PKCC will be relocated west of the proposed access road.

Site Servicing

[49] Fabian, Papa & Partners is retained by the Appellant to provide a comprehensive review of engineering matters related to site servicing, grading and storm water management. Civil Engineering experts for the Appellant, the City, and 7818 Inc. convened many meetings to prepare and in finalizing a comprehensive ASOF used as a basis for the proposed settlement.

[50] Mr. Bechard advised that Engineering Studies determined that there are:

- a. three viable solutions to ensure proper storm water management facilities are available to the subject lands and the options will benefit from continued review to determine the best solution.
- b. there are several sanitary servicing upgrades required to accommodate the proposed settlement. They include local and regional requirements and the Appellant will be responsible to contribute to required improvements.
- c. water will be supplied to the subject lands with a connection to a local 300 millimetre watermain located under Dufferin Street.

Engineering studies concluded that the development described in the proposed settlement is feasible from a municipal servicing and storm water management perspective.

Setbacks from Existing Hydro Corridors

[51] BRA raised issues related to the setback of the residential buildings from the existing hydro transmission facilities adjacent to the subject lands. The Appellant retained e-Lumen International Inc. and Jerry Mobilio of that company confirmed to Mr.

Bechard that the proposed settlement “maintains appropriate clearances from the adjacent hydro towers”.

[52] The Ontario Building Code also defines setback requirements for developments adjacent to a hydro corridor and the proposed settlement exceeds the Ontario Building Code requirements (Exhibit 2, Exhibit 1).

TRIBUNAL ANALYSIS OF THE PROPOSED SETTLEMENT

[53] The Tribunal accepts the uncontested evidence of Mr. Bechard in its entirety and finds the proposed OPA and ZBLA as described in the proposed settlement meet all the relevant policy tests of the *Planning Act*, the PPS 2020, the Growth Plan 2019 and all relevant foundational policies of the YROP and the VOP. The proposed settlement represents good planning and is in the public interest.

[54] The Tribunal finds that the City and Region have extremely well established and current planning policy for the subject lands and surrounding area and has followed a careful, complete and comprehensive planning review of the proposed settlement and instruments before the Tribunal.

[55] The Tribunal is impressed with the efforts of the City and all parties to the proposed settlement in their efforts to create a development on previously vacant lands that present transportation and servicing challenges requiring considerable diligence and persistence to resolve in a way that is satisfactory to all. The proposed settlement does just that. That is not to say that implementation of site development will be easy, but the inclusion of a comprehensive series of H provisions, as part of the ZBLA, clearly defines what servicing and transportation requirements are needed and provides a clear and comprehensive ‘roadmap’ for the Appellant, the City, the Region and 7818 Inc. to move forward.

[56] The Tribunal concurs with the opinion of Mr. Bechard that the proposed settlement provides an appropriate balance between competing priorities, is consistent to or conforms with the relevant planning policies and represents good planning. The addition of this mid-rise, mixed-use community is an appropriate use for the subject lands, and:

- a. the addition of commercial uses on the subject property appropriately supports a mixed-use development as defined by the VOP Regional Intensification Policies. The minimum commercial use of 185 sq m is “consistent with the maximum commercial use permission in the VOP Mid-Rise Residential designation”.
- b. parkland dedication of 0.2 ha (vs. 0.3 as requested by the City) is an appropriate balance of various competing policy interests respecting the encouragement of transit-supportive development and the dedication of public parkland. Mr. Kehar, in his submissions, stated that the City carefully considered parkland dedication requirement and the 0.2 ha dedication when combined with existing adjacent lands meet the City’s programming needs.

[57] The Tribunal finds that the OPA and ZBLA align with the established principles of relevant Provincial policy, the YROP and the VOP as follows:

- a. supports the development of a complete community, the prioritization of intensification at higher densities in strategic growth areas, ensures an efficient use of land and infrastructure, is in support of transit viability and representants appropriate for growth management in the City;
- b. the subject lands are within both the Region’s Urban Area and the City’s Built Boundary;

- c. the subject lands are adjacent to a Regional Corridor in the YROP and within a proposed MTSA where transit supportive development is encouraged, and substantial residential and employment growth is intended to be located. Regional Intensification Corridors and MTSA's are adjacent to major transit routes and are planned to be a major focus of intensification in the Region;
- d. the City has a very well-defined Urban Structure as part of its planning framework to guide growth and identify appropriate locations for residential, mixed use and employment intensification. It is complementary to and conforms with Regional policy. Locations appropriate for intensification are clearly identified and change in these locations is intended to accommodate the greatest mix of uses, heights and densities. Changes in 'Community Areas' are intended to be incremental in nature and in keeping with maturing neighbourhoods;
- e. the City has further defined the Dufferin/Centre Street intersection as a Regional 'Primary Intensification Corridor'. City policy encourages these areas to be developed at densities and form that are supportive to adjacent higher order transit. The subject lands are located immediately adjacent to a Primary Intensification Corridor;
- f. the subject lands' existing land use designation is Community Commercial Mixed Use. This designation is primarily located adjacent to intensification corridors or major arterial roads. The proposed settlement represents similar intensification objectives by providing a different range of uses in a compact form and will assist the City in its intensification objectives and meet the needs of City residents;
- g. the subject lands are within a relatively isolated pocket bounded by the Hydro Corridor to the west and Dufferin Street to the east. The Region in its

implementation of the MTSA locations have rightfully proposed that these lands be included within the Dufferin/Centre Street MTSA. Dufferin Street provides an appropriate boundary and largely serves to protect the Community Areas to the east of the subject land from potential impacts;

- h. the development provides for a diverse range and mix of housing options and densities with a variety of unit sizes and built form to meet the projected needs of current and future residents;
- i. the residents in the proposed development will have ready access to transit, cycling facilities to promote active transportation; and
- j. the development makes efficient use of available infrastructure to accommodate growth supported by comprehensive storm water management and sanitary servicing studies illustrating that the proposed settlement is feasibly serviced.

[58] In summary, the Tribunal agrees with all of the ASOF prepared by planning witnesses insofar as the proposed settlement: has appropriate density in the context of a MTSA; has a range and mix of housing options; is an appropriate building typology; represents appropriate infill on the periphery of an existing community area; is transit supportive and promotes transit usage, cycling and active transportation; and is appropriately implemented using an H symbol to ensure access and servicing needs are met.

[59] The Tribunal agrees that the proposed settlement maintains appropriate setbacks and clearances from the adjacent hydro towers.

[60] The Tribunal finds that the OPA (Exhibit 2, Exhibit O) and revised ZBLA (Exhibit 3) as presented are appropriate to ensure the proper implementation and development of the proposed settlement.

[61] The Tribunal agrees that the H provisions found in the ZBLA appropriately describe conditions that the Appellant must meet in order for the H to be lifted, which include: a Density Bonusing Agreement; a land appraisal report; cost sharing of necessary infrastructure works; provision of any external municipal storm water infrastructure and appropriate easements; all approvals and easements from all parties required to construct a private access road connecting the subject lands to the Dufferin St. and Beverly Glen Boulevard intersection; submission of a revised Community Services and Facilities Study; and the owner pay a Cash-in-Lieu of Parkland Dedication.

[62] The Tribunal finds that the supply of all forms of housing is an important policy objective of both the Province and the City. Provincial and City housing policy has weight in the Tribunal's consideration of the proposed settlement.

ORDER

[63] Accordingly, the Tribunal Orders:

[64] **THAT** in keeping with the Settlement Plan as illustrated in Exhibit 2; Exhibit K and further outlined in Exhibit 4, allows the appeals in part and approves in principle two instruments being: the draft Official Plan Amendment to the Official Plan of the Vaughan Planning Area, as illustrated in Exhibit 2; Exhibit O and the draft Zoning By-law Amendment (as modified) to amend the City of Vaughan Zoning By-law No. 1-88 as illustrated in Exhibit 3.

[65] **THAT** the final Order be withheld until such time as the Tribunal has been advised by the City Solicitor that upon consent of the parties to the proposed settlement being Dufcen Construction Inc., the City of Vaughan, the Region of York and 7818 Dufferin Inc., that the Official Plan Amendment and Zoning By-law are in a form satisfactory to the City and have been provided to the Tribunal. The Tribunal gives direction to the City to administratively assign a number to these instruments and supply a copy, in final form, to be attached to the final order.

[66] **THAT** upon receipt of such written confirmation, the Final Order will issue.

[67] **THAT** the Counsel for Dufcen Construction Inc. will advise the Tribunal no later than **Monday, December 6, 2021**, regarding the status of the Official Plan Amendment and Zoning By-law Amendment if these instruments have not been finalized.

[68] The Panel Members will remain seized for the purposes of the issuance of the Final Order and with respect to the Provisional Interim Orders set out above. In the event any matters arise, which are related to the implementation of this Interim Order, the Tribunal may be spoken to.

"Bryan W. Tuckey"

BRYAN W. TUCKEY
MEMBER

"K.R. Andrews"

K.R. ANDREWS
MEMBER

Ontario Land Tribunal

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

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