

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 005-2024

A By-law to amend City of Vaughan By-law 001-2021, as effected by the Ontario Land Tribunal.

WHEREAS an application for Zoning By-law Amendment was filed with respect to the lands at 9681 and 9691 Islington Avenue;

AND WHEREAS the application was appealed to the Ontario Land Tribunal as File No. OLT-22-003567 and the Tribunal made an order with respect to the appeal;

NOW THEREFORE the Ontario Land Tribunal **ORDERS AS FOLLOWS:**

1. The City of Vaughan By-law 001-2021, as amended, is further amended in accordance with the Ontario Land Tribunal Order dated the 28th day of August 2023 (OLT File No. OLT-22-003567), as attached hereto as Attachment "1", and is effective on August 28th, 2023, and is hereby designated as By-law Number 005-2024.

Steven Del Duca, Mayor

Todd Coles, City Clerk

Authorized by the Decision and Order of the Ontario Land Tribunal
Issued August 28th, 2023, Tribunal Case No. OLT-22-003567

Effective Date of By-law: August 28th, 2023

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: August 28, 2023

CASE NO.:

OLT-22-003567
(formerly PL170836)
OLT-22-002104
(Appeal No. 002724)
OLT-22-003554
(Appeal No. 004781)

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

Applicant and Appellant: Gatehollow Estates Inc.
Subject: Request to amend the Official Plan - Failure of City of Vaughan to adopt the requested amendment

Existing Designation: Community Areas – Low Rise Residential
Proposed Designation: To Be Determined
Purpose: To permit a mixed-use development
Property: 9681 Islington Avenue
Address/Description:

Municipality: City of Vaughan
Approval Authority File No.: OP.16.010
OLT Case No.: OLT-22-003567
Legacy Case No. PL170836
OLT Lead Case No.: OLT-22-003567
Legacy Lead Case No.: PL170836
OLT Case Name: Gatehollow Estates 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: Gatehollow Estates Inc.
Subject: Application to amend Zoning By-law No. 1-88 - Refusal or neglect of City of Vaughan to make a decision

Existing Zoning: Agricultural (A)
Proposed Zoning: To Be Determined
Purpose: To permit a mixed-use development

Property 9681 Islington Avenue
Address/Description:
Municipality: City of Vaughan
Municipality File No.: Z.16.039
OLT Case No.: OLT-22-003568
Legacy Case No.: PL170837
OLT Lead Case No.: OLT-22-003567
Legacy Lead Case No.: PL170836

BEFORE:

SHARYN VINCENT) Monday, the 28th day of
VICE CHAIR)
) August, 2023

THESE MATTERS having come on for a written hearing on August 11, 2023;

AND THE TRIBUNAL having before it a request by Gatehollow Estates Inc. on consent of the City of Vaughan ("**City**") to:

- i. Review and vary the written decision of the Tribunal issued on October 16, 2019 with respect to OLT Case No. OLT-22-003567 (formerly PL170836) and issue an Order revising Official Plan Amendment No. 52 ("**OPA 52**") to permit indoor rooftop amenity area;
- ii. Allow the appeal by Gatehollow Estates Inc., in part, and approve an amendment to the City of Vaughan Zoning By-law 1-88 with respect to the property municipally known as 9681 and 9691 Islington Avenue, City of Vaughan, to allow for the development of two 6-storey residential apartment buildings with a maximum Floor Space Index ("**FSI**") of 3;
- iii. Allow the appeal by Gatehollow Estates Inc., in part, to the City of Vaughan Comprehensive Zoning By-law 001-2021 passed by the City on October 20, 2021 ("**CZBL**") (bearing OLT Appeal No. 002724 in these proceedings) by amending,

and approving as amended, the CZBL as it applies to the property municipally known as 9681 and 9691 Islington Avenue, City of Vaughan to allow for the development of two 6-storey residential apartment buildings with a maximum FSI of 3; and

- iv. Dispose of the appeal by Gatehollow Estates Inc. of the City of Vaughan Zoning By-law 039-2022, being a by-law to replace the transition provisions (section 1.6) of the CZBL, passed by the City on March 22, 2022 ("**Transition By-law**") (bearing OLT Appeal No. 004781 in these proceedings);

AND THE TRIBUNAL having reviewed the submissions of counsel for the City and for Gatehollow Estates Inc., and having considered the planning evidence of Wendy Nott regarding proposed amendments to OPA 52, Zoning By-law 1-88, and the CZBL as set out in Schedules "B", "C" and "D" hereto, pertaining to the lands municipally known as 9681 and 9691 Islington Avenue, City of Vaughan, Ontario;

THE TRIBUNAL ORDERS that in accordance with subsection 23 of the *Ontario Land Tribunal Act, 2021*, S.O. 2021, c. 4, Sched. 6, as amended, and subsection 34(26) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended:

- i. The request that the Tribunal review the written decision issued on October 16, 2019 with respect to OLT Case No. OLT-22-003567 (formerly PL170836) is hereby granted. A copy of this written decision is attached as Schedule "A" for convenience purposes.
- ii. OPA 52 is hereby modified for the lands at 9681 and 9691 Islington Avenue in accordance with Schedule "B" to this Order.
- iii. The City of Vaughan Zoning By-law No. 1-88 is hereby amended for the lands at 9681 and 9691 Islington Avenue in accordance with Schedule "C" to this Order.
- iv. The CZBL is hereby amended by adding a new Section 14 Zone Exception in the form attached to this Order as Schedule "D" for the lands at 9681 and 9691

Islington Avenue, and is approved as amended.

THE TRIBUNAL FURTHER ORDERS that:

- v. Gatehollow Estates Inc.'s CZBL appeal is resolved in full, and the balance of the appeal is hereby dismissed.
- vi. Gatehollow Estates Inc.'s Transition By-law appeal is hereby dismissed.
- vii. This Order and the approval of portions of the CZBL as attached hereto in Schedule "D" is without prejudice to the disposition of any other appeal of the CZBL and any unapproved portions of the CZBL, such that if those appeals proceed to a subsequent hearing or motion, either on their own or as may be consolidated with other proceedings, the City will not take the position that the Tribunal ought not to approve amendments to the CZBL on the basis that such amendments deviate from or are inconsistent with the amendment attached hereto as Schedule "D" as brought into force by this Order. However, this does not affect the City's right to assert that the CZBL as amended by Schedule "D" hereto, to the extent brought into force by this Order, should be applied to specific sites or areas without amendment on the basis that doing so is consistent with the *Planning Act* and provincial policies, conforms to provincial and official plans and/or constitutes good planning.
- viii. Notwithstanding this Order, the Tribunal retains jurisdiction to consider and approve amendments to the CZBL as amended herein, as may be appropriate to dispose of any of the outstanding appeals before the Tribunal.

"Euken Lui"

EUKEN LUI
ACTING REGISTRAR

5 OLT-22-003567 (formerly PL170836)
OLT-22-002104 (Appeal No. 002724)
OLT-22-003554 (Appeal No. 004781)

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 005-2024

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, which is approved and in force at this time;

AND WHEREAS there has been no amendment to the Vaughan Official Plan adopted by Council but not approved at this time, with which the matters herein set out are not in conformity;

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

1. That City of Vaughan By-law Number 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 A Agricultural Zone to EP Environmental Protection Zone and RM2(H) Multiple Unit Residential Zone with the Holding Symbol “(H)”, in the manner shown on the said Schedule ‘1’.
 - b) Adding Subsection “14.1160” to Part 14 Exception Zones, as follows:

Exception Number 1160	Municipal Address: 9681 and 9691 Islington Avenue
Applicable Parent Zone: EP, RM2(H)	
Schedule A Reference: 140	
OLT-22-003567 (formerly PL170836), OLT 22-002104, OLT 22-003554	
14.1160.1 Permitted Uses	
1. The following provisions shall apply to all lands <u>zoned</u> with the Holding Symbol “(H)” as shown on Figure E-1729, until the Holding Symbol “(H)” is removed pursuant to Subsections 36(1) or (3) of the Planning Act: <ol style="list-style-type: none">a. The lands <u>zoned</u> with the Holding Symbol “(H)” shall be <u>used</u> only for a <u>use</u> legally <u>existing</u> as of the date of the enactment of this By-law or the production of field crops. Notwithstanding the foregoing, the following <u>uses</u> are permitted prior to the removal of the Holding Symbol “(H)”:	

- i. A maximum of one (1) temporary sales office.
- b. The removal of the Holding Symbol “(H)” is contingent upon Vaughan Council adopting a resolution for the appropriate allocation of water and sewage servicing capacity for the proposed development on the lands labelled “Subject Lands” as shown on Figure E-1729.

14.1160.2 Lot and Building Requirements

1. The following lot and building requirements shall apply to lands labelled “Subject Lands”, as shown on Figure E-1729, in the Multiple Unit Residential Zone (RM2):
 - a. The minimum lot area shall be 36.92 m² per dwelling unit.
 - b. The minimum front yard shall be 0.0 m.
 - c. The minimum rear yard shall be 0.0 m.
 - d. The minimum interior side yard shall be 0.0 m.
 - e. The minimum exterior side yard shall be 1.5 m.
 - f. The maximum building height shall be 26.0 m (6-storeys).
 - g. The maximum height of an enclosed rooftop amenity area shall be 5.0 m.
 - h. The following minimum setbacks shall apply to the nearest part of a building below finished grade:
 - ii. 0.8 m from the front lot line; and
 - iii. 0.2 m from the exterior lot line.
 - i. There shall be no minimum landscape strip requirement where a lot line abuts a street line.

14.1160.3 Parking

1. The following parking requirements shall apply to lands labelled “Subject Lands”, as shown on Figure E-1729, in the Multiple Unit Residential Zone (RM2):
 1. The minimum required Loading space size shall be 3.5 m (w) x 12 (l) x 6.1 (h)
 2. Long-term bicycle parking spaces shall not require access to the exterior of a building that is located on the ground floor.

14.1160.4 Other Provisions

1. The following definitions shall apply to lands labelled “Subject Lands”, as shown on Figure E-1729, in the Multiple Unit Residential Zone (RM2):
 - a. Amenity area shall mean space outside a dwelling unit within or outside the building designed for the passive employment or active recreational needs of the residents.
 - b. Building height shall mean the vertical distance between the average elevation of the finished grade at the front of the building (for the purpose of this definition, the front of the building shall be the wall containing the main entrance),
 - i. in the case of a flat roof, the highest point of the roof surface;
 - ii. in the case of a mansard roof, the highest point of the roof surface; and
 - iii. in the case of a gable, hip or gambrel roof, the mean height between the eaves and the highest point on the roof,exclusive of any accessory roof construction such as chimney, tower, steeple, elevator, rooftop access stair enclosures, rooftop enclosed amenity areas, mechanical room, or television antenna.
 - c. Finished grade shall mean the average elevation of the finished ground level at the wall(s).
 - d. Parking space shall mean a rectangular area measuring at least 2.7 m by 5.8 m, exclusive of any aisles or ingress and egress lanes, used for the temporary parking of motor vehicles, and shall include a private garage or carport and private driveway leading thereto.
 - e. Storey shall mean the portion of a building other than the cellar, basement or unfinished attic, which lies between the surface of the floor and the surface of the next floor above, and if there is no floor above it, then the surface next above it, provided its height is not less than 2.3 m. A storey shall not include rooftop access stair enclosures, mechanical room, or indoor amenity areas located on a roof up to a maximum floor area of 406.0 m² for Building A and 389.0 m² for Building B, as labelled on Figure E-1729.
2. The maximum permitted outdoor amenity area located on a rooftop shall be 318.71 m² for Building A and 541.61 m² for Building B.
3. A temporary sales office permitted on lands labelled “Subject Lands”, as shown on Figure E-1729, and zoned Multiple Unit Residential Zone (RM2), shall be subject to the following requirements:
 - a. Temporary offices for the sale of dwelling units may be permitted in all zones but only on the lands subject to the development or in the immediate vicinity

provided it shall not be located further away from the lands to be developed than 100.0 m, and subject to an agreement with the City as to location, servicing and duration, provided a temporary sales office shall not be permitted unless the Official Plan permits the development within which the dwelling units to be sold are located.

- b. In addition to the above, a temporary sales office shall not be permitted in any freestanding or multi-unit building or structure, which is intended for the purpose of selling or the taking of reservations for the purchase of dwelling units in a residential apartment condominium building, unless the zoning for the development, within which the dwelling units to be sold are located, is in full force and effect.

4. No residential dwelling unit shall be permitted above the 6th storey.

5. Hard landscape shall be permitted to encroach to 0 metres to any lot line.

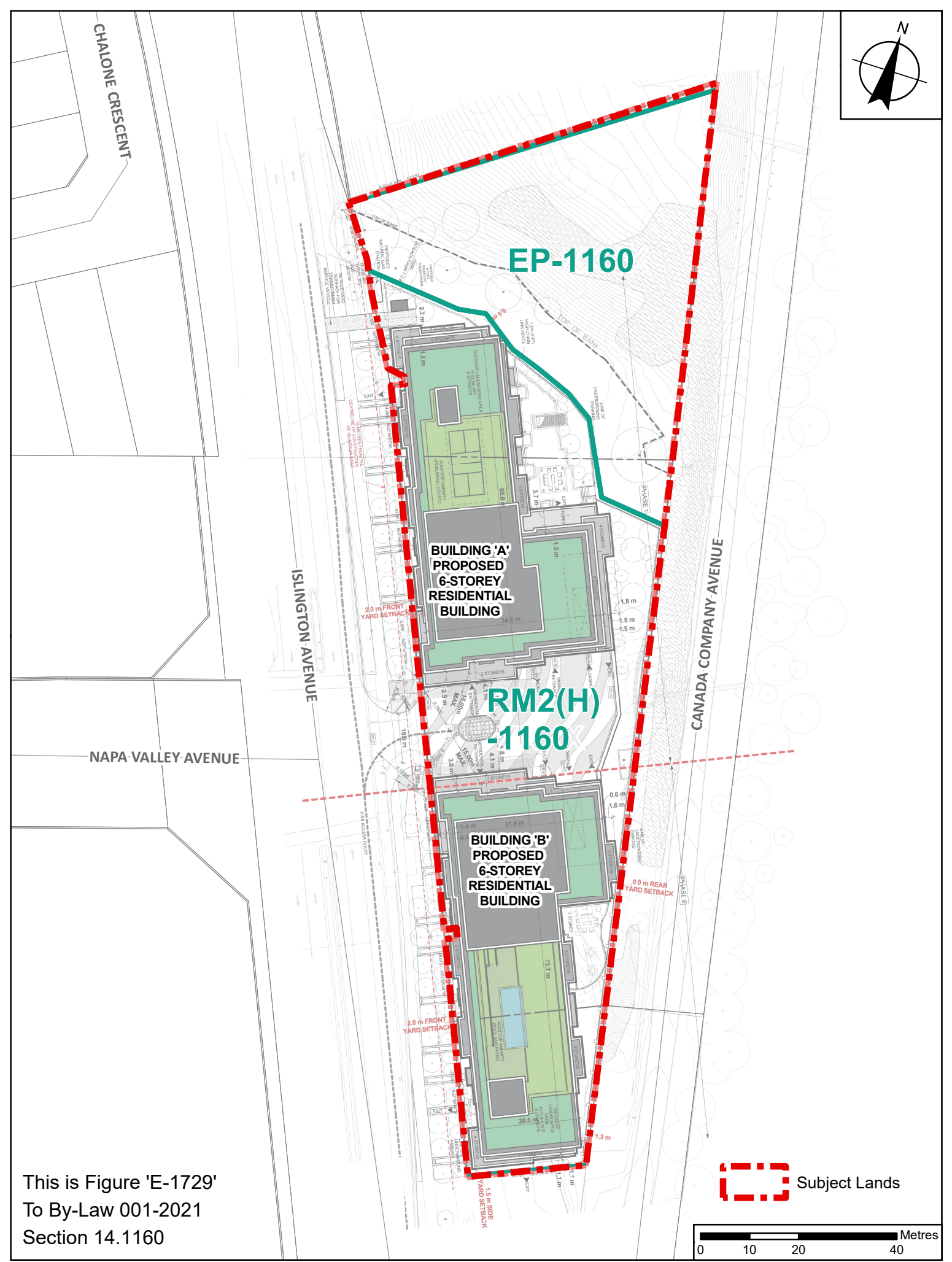
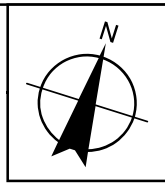
6. Permitted encroachments shall be permitted to encroach to 0 metres to any lot line.

14.1160.4 Figures

Figure E-1729

- c) Adding Schedule “E-1729” attached hereto as Schedule ‘1’.
- d) Deleting Map 140 in Schedule A and substituting therefor Map 140 attached hereto as Schedule ‘2’.

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



This is Figure 'E-1729'
 To By-Law 001-2021
 Section 14.1160

This is Schedule '1'
 To By-Law 005-2024

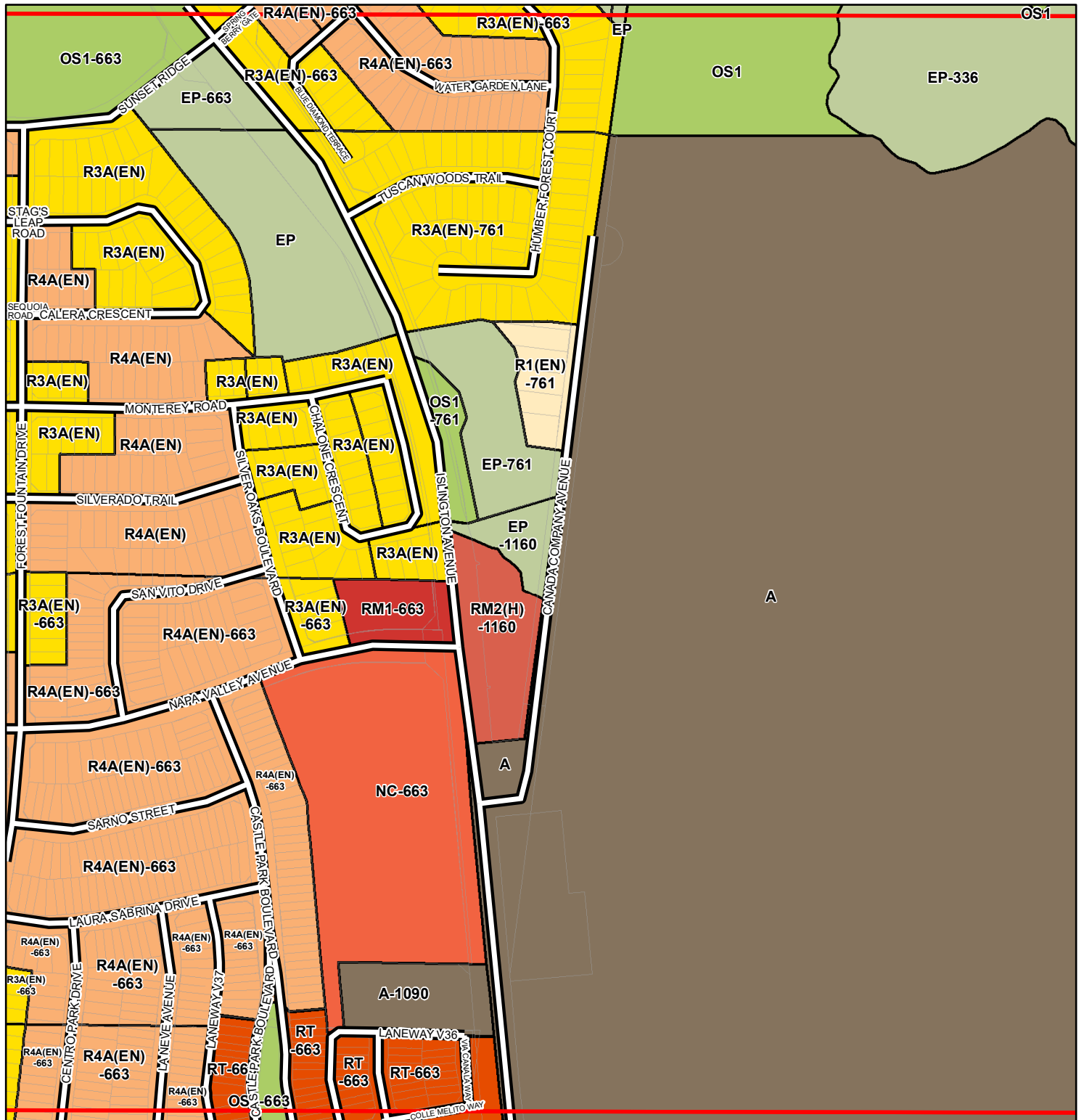
File: Z.16.039
Related File: OP.16.010, DA.20.054
Location: 9681 and 9691 Islington Avenue
 Part of Lots 18 and 19, Concession 8
Applicant: Gatehollow Estates Inc.
City of Vaughan

Signing Officers

OLT CASE NO. OLT-22-003567
AUGUST 28, 2023

Zoning By-law 001 - 2021

Schedule A | Map 140



Conservation, Open Space and Agricultural Zones

- A (Agriculture Zone)
- OS1 (Public Open Space Zone)
- OS2 (Private Open Space Zone)
- EP (Environmental Protection Zone)

Vaughan Metropolitan Centre Zones

- V1 (Station Precinct Zone)
- V2 (South Precinct Zone)
- V3 (Neighbourhood Precinct Zone)
- V4 (Employment Precinct Zone)

Residential Zones

- R1 (First Residential Zone)
- R2 (Second Residential Zone)
- R3 (Third Residential Zone)
- R4 (Fourth Residential Zone)
- R5 (Fifth Residential Zone)
- RT (Townhouse Zone)
- RM1 (Multiple Residential Zone 1)
- RM2 (Multiple Residential Zone 2)
- RE (Estate Residential Zone)

Commercial Zones

- GC (General Commercial Zone)
- NC (Neighbourhood Commercial Zone)
- CC (Convenience Commercial Zone)
- SC (Service Commercial Zone)

Mixed-Use Zones

- LMU (Low-Rise Mixed-Use Zone)
- MMU (Mid-Rise Mixed-Use Zone)
- HMU (High-Rise Mixed-Use Zone)
- GMU (General Mixed-Use Zone)
- CMU (Community Commercial Mixed-Use Zone)

- EMU (Employment Commercial Mixed-Use Zone)
- KMS (Main Street Mixed-Use - Kleinburg Zone)
- MMS (Main Street Mixed-Use - Maple Zone)
- WMS (Main Street Mixed Use - Woodbridge Zone)

Employment Zones

- EM1 (Prestige Employment Zone)
- EM2 (General Employment Zone)
- EM3 (Mineral Aggregate Operation Zone)

Other Zones

- I1 (General Institutional Zone)
- I2 (Major Institutional Zone)
- U (Utility Zone)
- FD (Future Development Zone)
- PB1 (Parkway Belt Public Use Zone)
- PB2 (Parkway Belt Complementary Use Zone)
- PB3 (Parkway Belt West Recreational Zone)

These lands shall not be subject to Zoning By-law 001-2021

1:5,000

176	177	178	179	180
157	158	159	160	161
138	139	140	141	142
120	121	122	123	124
102	103	104	105	106
Final: October, 2023				

This is Schedule '2'
To By-Law 005-2024

File: Z.16.039

Related File: OP.16.010, DA.20.054

Location: 9681 and 9691 Islington Avenue

Part of Lots 18 and 19, Concession 8

Applicant: Gatehollow Estates Inc.

City of Vaughan

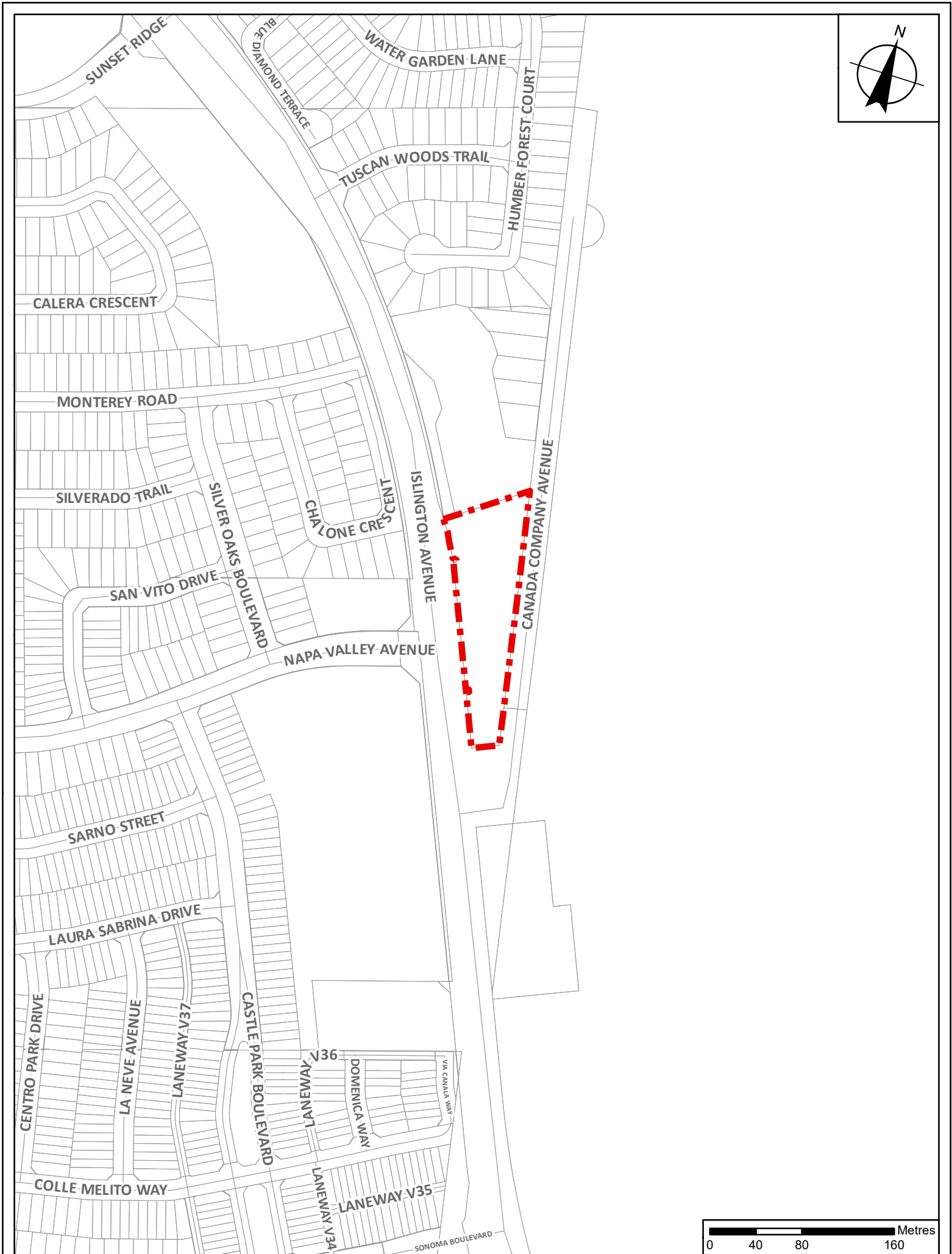
SIGNING OFFICERS

OLT CASE NO. OLT-22-003567
AUGUST 28, 2023

SUMMARY TO BY-LAW 005-2024

The lands subject to this By-law are located east of Islington Avenue, south of Major Mackenzie Drive West, municipally known as 9681 and 9691 Islington Avenue, being Part of Lots 18 and 19 Concession 8, City of Vaughan.

The purpose of this By-law is to rezone the Subject Lands from 'A Agricultural Zone' to 'EP Environmental Protection Zone' and 'RM2(H) Multiple Unit Residential Zone', with site-specific zoning exceptions, to facilitate the development of the subject lands with two 6-storey residential buildings.



Location Map To By-Law 005-2024

File: Z.16.039
Related File: OP.16.010, DA.20.054
Location: 9681 and 9691 Islington Avenue
 Part of Lots 18 and 19, Concession 8
Applicant: Gatehollow Estates Inc.
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Subject Lands