

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 127-2025

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

WHEREAS Official Plan Amendment and Zoning By-law Amendment applications (File Nos. OP.21.020 and Z.21.041) to facilitate the development of a 30-storey residential apartment building, above a podium not exceeding 6-storeys in height, with 301 residential units were submitted to the City of Vaughan for consideration on October 18, 2021;

AND WHEREAS the Official Plan and Zoning By-law Amendment applications were appealed to the Ontario Land Tribunal (OLT) as Case Nos. OLT-22-002653 and OLT-22-002655 for failure to make a decision by the City of Vaughan;

AND WHEREAS on October 20, 2021, City Council passed a new Comprehensive Zoning By-law (CZBL) 001-2021, which is intended to repeal and replace City Zoning By-law 1-88. Comprehensive Zoning By-law 001-2021 was appealed to the Ontario Land Tribunal in respect to the Subject Lands and assigned OLT Case No. OLT-22-002104 (Appeal Number 002755); and

AND WHEREAS the Ontario Land Tribunal made an order with respect to these appeals.

NOW THEREFORE the Ontario Land Tribunal ORDERS AS FOLLOWS:

1. THAT the Amendment to City of Vaughan By-law 001-2021, as amended, is further amended in accordance with the Ontario Land Tribunal Order dated the 17th day of April 2025 (OLT File No. OLT-22-002653, OLT-22-002655, and OLT-22-002104), as attached hereto as Attachment “1”, and is effective on April 17, 2025, and is hereby designated as By-Law Number 127-2025.

Steven Del Duca, Mayor

Todd Coles, City Clerk

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: April 17, 2025

CASE NO.: OLT-22-002653
OLT-22-002655
OLT-22-002104

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

Applicant/Appellant: Tesmar Holdings Inc.
Subject: Request to amend the Official Plan – Failure to adopt the requested amendment
Description: To permit the development of a 30-storey residential building in Phase 2
Reference Number: OP.21.020
Property Address: Part of Lot 15, Concession 4
Municipality/UT: Vaughan/York
OLT Case No: OLT-22-002653
OLT Lead Case No: OLT-22-002653
OLT Case Name: Tesmar Holdings Inc. v. Vaughan (City)

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

Applicant/Appellant: Tesmar Holdings Inc.
Subject: Application to amend the Zoning By-law – Refusal or neglect to make a decision
Description: To permit the development of a 30-storey residential building in Phase 2
Reference Number: Z.21.041
Property Address: Part of Lot 15, Concession 4
Municipality/UT: Vaughan/York
OLT Case No: OLT-22-002655
OLT Lead Case No: OLT-22-002653

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

Appellant:	Tesmar Holdings Inc. and others
Subject:	Zoning By-law
Description:	New City-wide comprehensive zoning by-law
Reference Number:	By-law 001-2021
Property Address:	City Wide
Municipality/UT:	Vaughan/York
OLT Case No:	OLT-22-002104
OLT Lead Case No:	OLT-22-002104
OLT Case Name:	D'Aversa v. Vaughan (City)

BEFORE:

<i>“Steven T. Mastoras”</i>)	Thursday, the 17 th
)	
STEVEN T. MASTORAS)	Day of April, 2025
MEMBER)	
)	
<i>“P. Tomilin”</i>)	
)	
P. TOMILIN)	
MEMBER)	

THIS MATTER having come before the Tribunal for a Case Management Conference, which was converted to a Settlement Hearing on May 17, 2023, and the Tribunal in its Decision issued June 7, 2023 (“Decision”) having withheld its Final Order pending confirmation from Counsel that the Conditions noted in Paragraph 39 of the Decision have been satisfied; and,

THE TRIBUNAL having been notified by Counsel for Tesmar Holdings Inc. that the pre-approval Conditions noted in Paragraph 39 of the Decision have been satisfied and that all Parties have therefore provided their consent for the Tribunal to issue its Final Order.

THE TRIBUNAL ORDERS that the appeal of the Official Plan for the City of Vaughan is allowed, in part, and is amended as set out in the Decision issued on June 7, 2023; and,

THE TRIBUNAL FURTHER ORDERS that the amendment to Zoning By-law No. 1-88 is allowed, in part, as set out in **Attachment 1** to this Final Order. The Tribunal authorizes the Clerk of the City of Vaughan to assign a number to this By-law for record keeping purposes; and,

THE TRIBUNAL FURTHER ORDERS that the appeal to amendment Zoning By-law No. 001-2021 is allowed, in part, as set out in **Attachment 2** to this Final Order. The Tribunal authorizes the Clerk of the City of Vaughan to assign a number to this By-law for record keeping purposes;

THE TRIBUNAL FURTHER ORDERS that in all other respects, the balance of these appeals are dismissed; and that in the event there are issues arising from the implementation of the above Final Orders, the Parties may seek the further assistance of the Tribunal.

“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.

14. 1215

Exception Number 1215	Legal Description: Part of Lot 15, Concession 4, Vaughan
Applicable Parent Zone: RM3	
Schedule A Reference: 110	Figure E Link
By-law / Tribunal Decision Reference	Figure T Link
14.1215.1 Holding Provision(s)	
<p>1. The following provisions shall apply to all lands zoned with the Holding Symbol “(H)” as shown on Figure E-1791, until the Holding Symbol “(H)” is removed pursuant to Subsection 36 (3) or (4) of the <i>Planning Act</i>:</p> <p>a. Lands Zoned with the Holding Symbol “(H)” shall only be used for a use legally existing as of the date of enactment of By-law 176-2018, being for the production of field crops, an Underground Parking Structure and a Temporary Sales Office;</p> <p>2. Removal of the Holding Symbol “(H)” from the Subject Lands shown on Figure E-1791 shall be contingent on the following:</p> <p>a. The Owner is required to submit a detailed noise and vibration feasibility study and provide any recommended noise control measures, to the satisfaction of the City;</p> <p>b. If necessary, the execution and registration on title of agreements between the Owner and owners(s) of neighbouring lands contain stationary noise sources to secure, maintain, and operate any noise mitigation measures which may be required, including the noise mitigation measures further outlined in Section 14.1215.2.1.o of this Zoning By-law;</p> <p>c. That the Owner shall address, if required, the comments provided through the peer review of the Detailed Noise Report, to the satisfaction of the City, Granite Real Estate Investment Trust, Granite REIT Inc. and 805062 Ontario Limited (collectively ‘Granite’), Magna International Inc., and Canadian National Railway;</p> <p>d. The Owner is required to provide to the City’s satisfaction written communication from Granite, Magna International Inc., and Canadian National Railway confirming they each have been provided a copy of the most up to date architectural drawings</p>	

and Detailed Noise Report for their review and are in acceptance of the documents including all proposed noise mitigation measures and warning clauses;

- e. The Owner shall submit and obtain approval of a Site Development application to facilitate the Development from the Deputy City Manager, Planning and Growth Management or designate, addressing all the comments provided through Official Plan and Zoning By-law Amendment Files OP.21.020 and Z.21.041;
- f. Water supply and sewage capacity being identified and allocated by Vaughan Council for the Subject Lands;
- g. The Owner shall provide a signed letter outlining how all the relevant conditions in the Minutes of Settlement have been addressed, to the satisfaction of the City; and,
- h. Submission of an updated Transportation Mobility Plan and Transportation Demand Management Plan to the satisfaction of York Region Transportation Planning and the City of Vaughan.

14.1215.2 Lot and Building Requirements

1. The following lot and building requirements shall apply to all lands zoned RM3, Multiple Unit Residential Zone shown on Figure E-1791:

- a. Minimum Lot Area – 1.67 hectares;
- b. Minimum Rear Yard – 2.8 metres;
- c. Minimum Interior Side Yard – 2.0 metres;
- d. Minimum Exterior Side Yard – 2.0 metres;
- e. Maximum Height shall be as follows:
 - i. Phase 1a: height of 23-storeys and 80 metres;
 - ii. Phase 1b: height of 20-storeys and 73 metres;
 - iii. Phase 2: height of 30 storeys and 100.0 metres;
- f. Maximum Podium Height – 22.0 metres;
- g. For the purposes of this By-law, the LOT LINE, FRONT shall be deemed to be Jane Street;
- h. Minimum tower separation – 25.0 metres;

- i. Towers above the podium shall be setback a minimum of 4.0 m from any lot line and a minimum of 3.0 m from any *publicly accessible private amenity space*;
- j. Minimum tower step-back – not required;
- k. A rooftop mechanical penthouse shall be permitted to exceed the maximum height by 8.0 metres;
- l. Section 4.20.1 shall not apply.
- m. A Minimum Amenity Area of 16,000 m² shall be required over the total site area of the Subject Lands; and shall include a publicly accessible privately owned amenity space having a minimum area of 1,840 m² and subject to an easement for public access in favour of the City of Vaughan;
- n. A 45-degree angular plane shall not be required.
- o. The south and east facing Main Walls on Phase 2 (Tower C) shall include Blank Walls and Enclosed Noise Buffers as indicated on Figures 'E-1791a' and Figure 'E-1791b' of this By-law. Any dwelling units, including a guest suite, located on the ground floor of the south and east facades shall require Blank Walls and/or Enclosed Noise Buffers.
- p. The maximum driveway width shall not be greater than 15 metres in width;
- q. Any accessory building or structure may be located between any portion of a building and the rear lot line, and within the rooftop amenity area located above the podiums;
- r. The maximum Gross Floor Area for all accessory building and structures shall not exceed 500 m², of which a maximum of 20% shall be permitted on the lands to be used for publicly accessible private amenity space located at-grade level and subject to an easement for public access in favour of the City of Vaughan; Residential Landscaping Requirements shall not apply;
- s. The Gross Floor Area of residential uses on the lot shall not exceed 66,000 m².
- t. The minimum setback of a below-grade parking structure shall be 0.0 metres to a street line.

- u. To permit an accessory building or structure that is incidental to a below grade parking structure, such as air ventilation or an access staircase, to be located in any yard with a minimum setback of 0.0 metres.
- v. The minimum number of parking spaces shall be as follows:
 - i. 0.85 parking spaces per one-bedroom unit;
 - ii. 0.95 parking spaces per two-bedroom unit;
 - iii. 1.0 parking space per three-bedroom unit; and,
 - iv. 0.20 parking spaces per residential unit for visitors.
- w. Bicycle parking spaces shall only be required for Tower 3 (Phase 2). Bicycles parking spaces shall be provided at a rate of 0.5 for long-term spaces and 0.1 for short-term per unit.
- x. For a stacked bicycle parking space, the minimum vertical dimension for each bicycle parking space shall be 1.2 metres and the minimum vertical clearance from the floor shall be 2.4m, the minimum width shall be 0.4 metres.
- y. Section 6.5.4.3 shall not apply. Long-term bicycle parking spaces shall be permitted on the first or second storey located below grade.
- z. A strip of land not less than 2.0 m in width shall be provided along a lot line which abuts a street line, and shall be used for no other purpose than landscaping. This shall not prevent the provision of access driveways across the said strip and shall include both soft and hard landscaping including but not limited to trees, shrubs, flowers, grass, unit pavers, patio stones, concrete, decorative stonework or other architectural elements designed to enhance the visual amenity areas of the property.

14.1215.3 Other Provisions

1. The following definitions shall apply to all lands zoned Multiple Unit Residential Zone (RM3) shown on Figure E-1791:
 - a. LANDSCAPE – Means an area of land comprising trees, shrubs, flowers, grass or other horticultural elements. Landscaping may include paths, patios, walkways, decorative stonework or other architectural elements designed to enhance the

visual amenity of a property but does not include open storage display areas, parking or loading areas, or areas covered by driveways.

- b. LOT – Means a parcel of land fronting on a street separate from any abutting land to the extent that a consent contemplated by Section 50 of the *Planning Act*, R.S.O. 1990, CP. 13 would not be required for its conveyance. For the purpose of this paragraph, land defined in an application for a Building Permit shall be deemed to be a parcel of land and a reserve shall not form part of the lot. For the purposes of zoning conformity, the lands shown as “Subject Lands” on Figure ‘E-1791’ shall be deemed to be one lot regardless of the number of buildings or structures erected and regardless of any conveyances, consents, subdivisions, easements, or condominiums, or other permissions granted after the approval of this By-law, shall be deemed to comply with the provisions of this By-law;
- c. PARKING SPACE – means a rectangular area measuring at least 2.7 metres by 5.7 metres, exclusive of any aisles or ingress and egress lanes use for the temporary parking of motor vehicles;
- d. UNDERGROUND PARKING STRUCTURE – Means a building or structure constructed below finished grade used for the temporary parking of motor vehicles and shall not include the storage of impounded or derelict motor vehicles;
- e. ACCESSORY BUILDING – Means a subordinate building or structure, whether separate or attached, located on the same lot as the main building, the use of which is clearly incidental to that of the main building, not used for human habitation and shall not include a private garage or carport;
- f. PUBLICLY ACCESSIBLE PRIVATE AMENITY SPACE – Means Publicly Accessible Private Amenity Space as shown on Figure ‘E- 1791’, and including a pedestrian connection to Jane Street, that are open space lands owned by a Condominium Corporation(s) with an easement for public access in favour of the City of Vaughan located at grade level. Underground parking may be permitted below the publicly accessible private amenity space to the satisfaction of the City of Vaughan. Residential,

commercial/retail and employment uses are not permitted on the publicly accessible private amenity space;

- g. 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 balcony, enclosed noise buffer, basement, attic, mechanical room, electrical room, elevator shaft, refuse chute, escalators, vehicle and bicycle parking areas, loading areas located above or below grade.
- h. FLOOR SPACE INDEX – Means the quotient obtained by dividing the total gross floor area of all buildings on the lot, by the lot area. For the purposes of calculating total gross floor area of a building, the area of any balcony and enclosed noise buffer shall be excluded from the total area calculation.
- i. BUILDING HEIGHT - Means 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); and
 - 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 on the roof surface;
 - iii. in the case of a gable, hip or gambrel roof, the mean height between the eaves and the highest point of the roof;

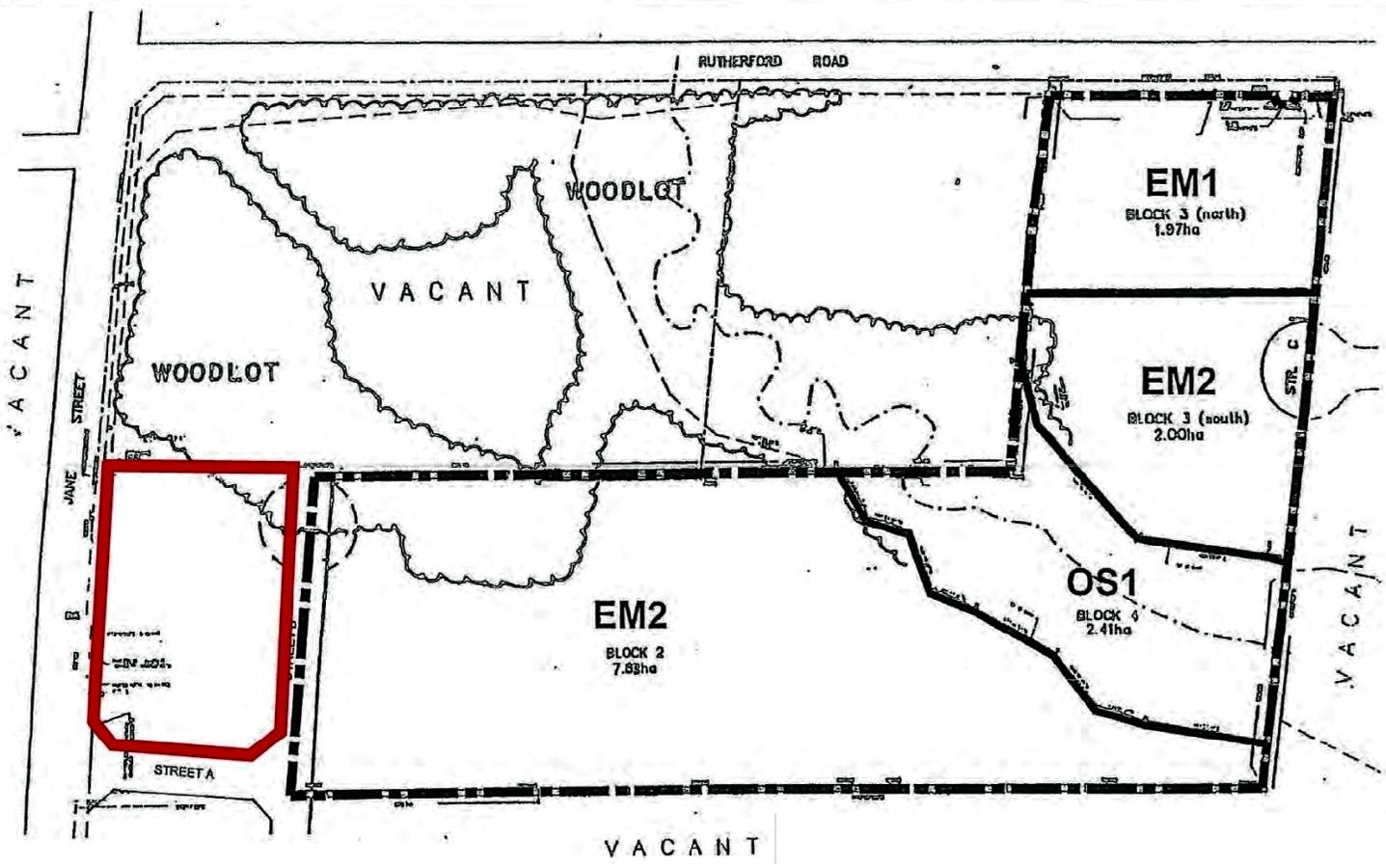
For the purposes of this By-law, the maximum building height shall exclude accessory roof construction and architectural roof features, such as elevators, mechanical room(s), antenna, parapet wall(s) or rooftop equipment.

- j. PARKING SPACE, VISITOR: Means a parking space designated and intended for the exclusive use of visitors to a dwelling. A maximum of five (5) Car-Share Parking Spaces may be permitted within a designated Visitor Parking Space.
- k. BLANK WALL: Means a Main Wall that is constructed of solid brick veneer or any exterior grade assembly having a minimum STC-53 rating and which does not include any vision glass.
- l. ENCLOSED NOISE BUFFER: Means an enclosed area outside the exterior wall of a building such as an enclosed balcony specifically intended to buffer one or more

windows of noise sensitive spaces. The characteristics of an Enclosed Noise Buffer are: i) not less than 1.0 metre and not more than 2.0 metres deep. A maximum encroachment of 0.2 metres into the minimum 1.0 metre Enclosed Noise Buffer shall be permitted for structural components of the building including structural columns and precast panels; ii) fully enclosed with floor to ceiling glazing or a combination of solid parapet plus glazing above, which glazing may be operable to the maximum permitted by the Ontario Building Code; iii) separated from interior space with a weatherproof boundary of exterior grade wall, exterior grade window, exterior grade door, or any combination, in compliance with exterior envelope requirements of the Ontario Building Code; iv) of sufficient horizontal extent to protect windows of noise sensitive spaces; and v) of an architectural design that is not amenable to converting the enclosed space to being noise sensitive (i.e., not part of interior space).

- 2. The following requirement shall apply to all lands zoned Multiple Unit Residential Zone (RM3) shown on Figure E-1791:
 - a. Phase 1a and 1b shall provide a shared Type D loading space. Phase 2 shall provide a Type D loading space.

14.1215.4 Figures



 SUBJECT LANDS

This is Schedule 'E-1791C'
 To By-Law 001-2021
 Section 14.1215

Not to Scale

This Is Schedule '1'
 To By-Law 127-2025
 Passed the 27th Day of May, 2025

File: Z.21.041
Related File: OP.21.020
Location: Part of Lot 15, Concession 4
Applicant: Tesmar Holdings Inc.
City of Vaughan

OLT CASE NO. OLT-22-002653,
OLT-22-002655, and OLT-22-002104
APRIL 17, 2025

 Mayor

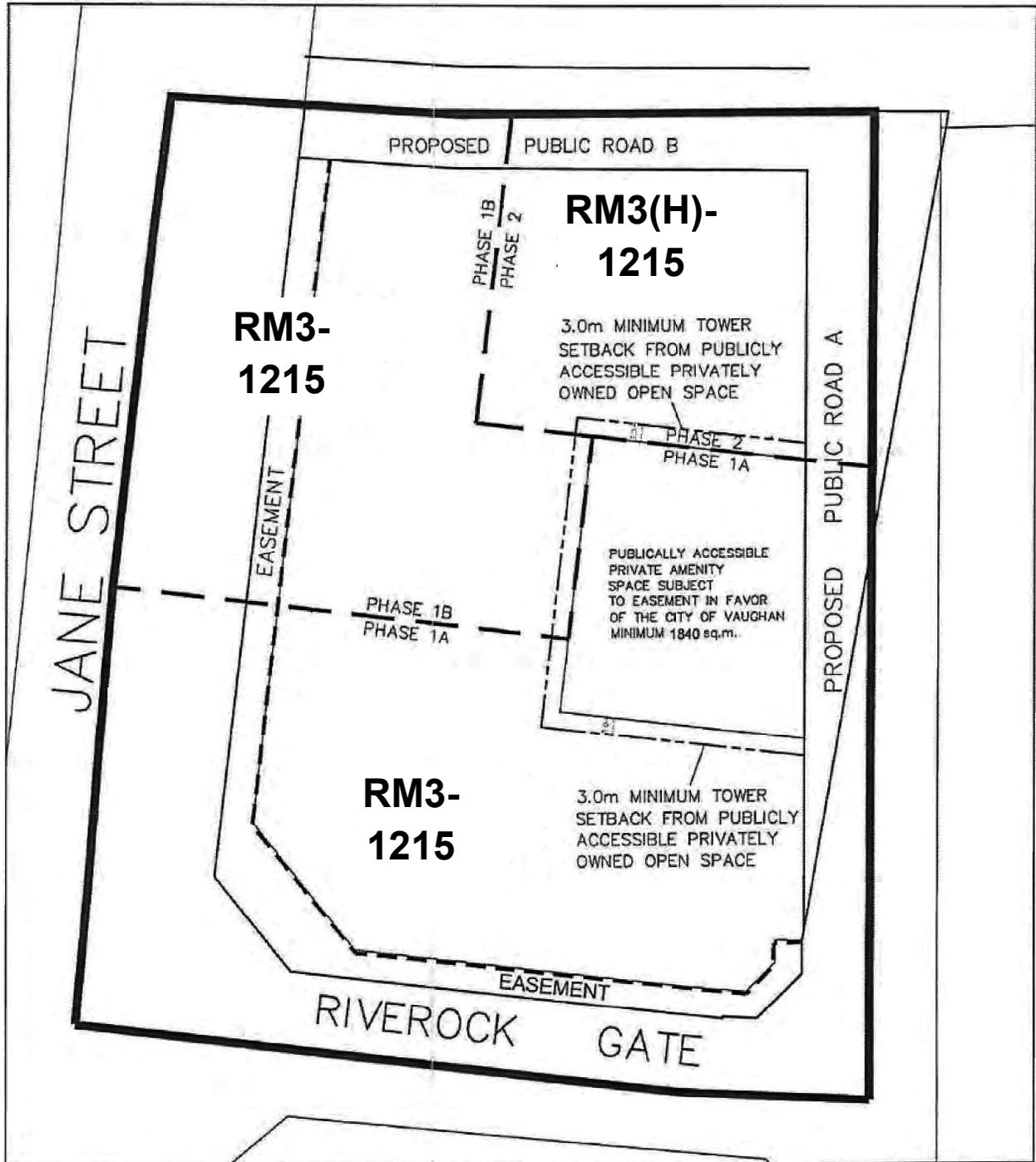
 Clerk

LEGEND

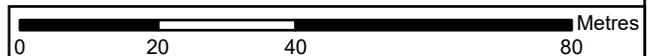
- SUBJECT LANDS
- -** PHASE BOUNDARIES



THE SUBJECT LANDS ARE DESIGNATED AS
A CLASS 4 AREA PURSUANT TO NPC-300



This is Schedule 'E-1791'
To By-Law 001-2021
Section 14.1215

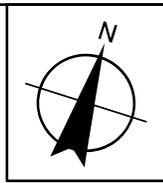


This Is Schedule '2'
To By-Law 127-2025
Passed the 27th Day of May, 2025

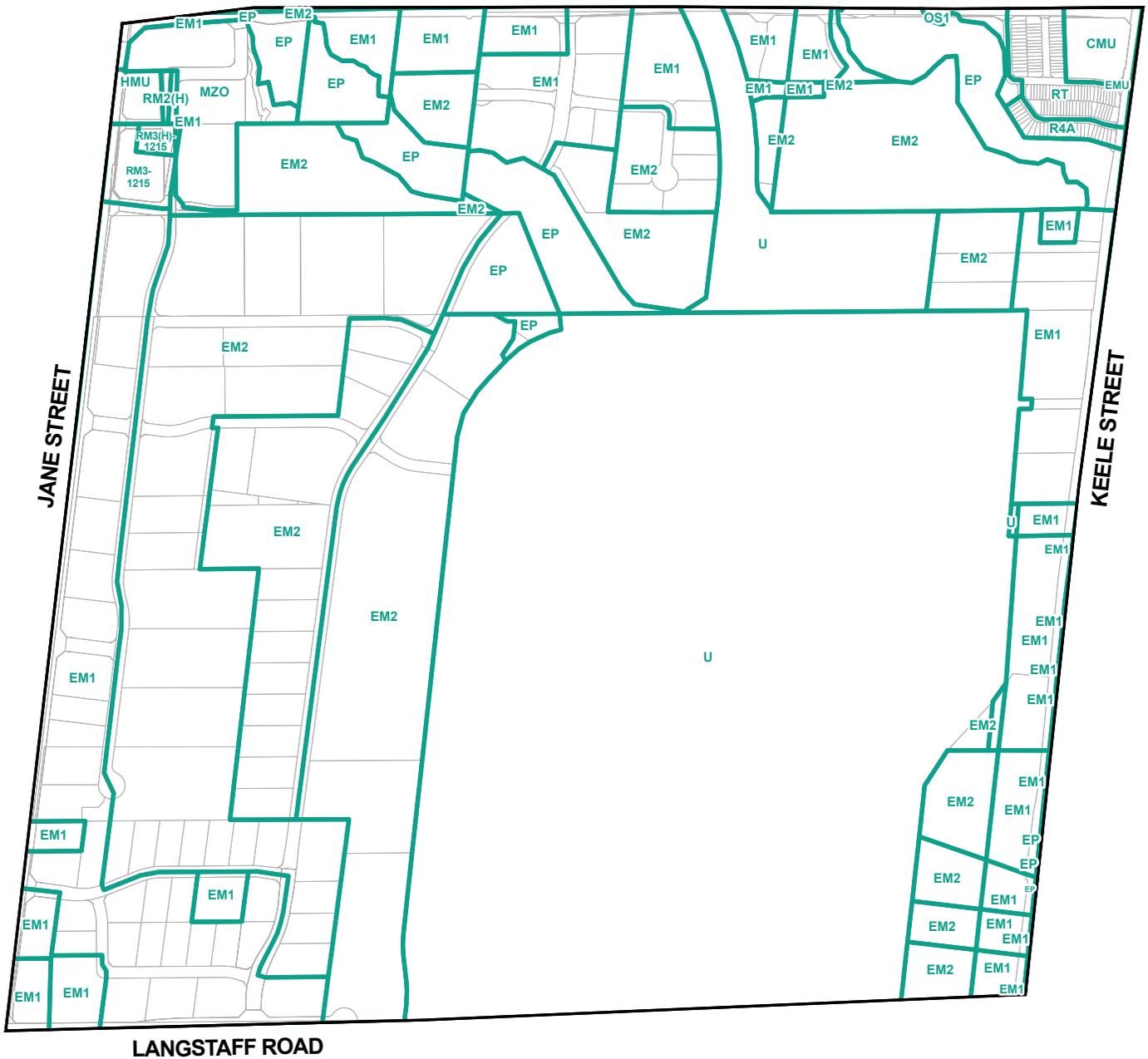
File: Z.21.041
Related File: OP.21.020
Location: Part of Lot 15, Concession 4
Applicant: Tesmar Holdings Inc.
City of Vaughan

**OLT CASE NO. OLT-22-002653,
OLT-22-002655, and OLT-22-002104
APRIL 17, 2025**

Officers
Mayor
Clerk

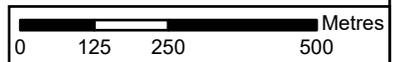


RUTHERFORD ROAD



LANGSTAFF ROAD

Key Map 4C
By-Law No. 001-2021



This is Schedule '3'
To By-Law 127-2025
Passed the 27th Day of May, 2025

File: Z.21.041
Related File OP.21.020
Location: Part of Lot 15, Concession 4
Applicant: Tesmar Holdings Inc.
City of Vaughan

**OLT CASE NO. OLT-22-002653,
OLT-22-002655, and OLT-22-002104
APRIL 17, 2025**

Officers

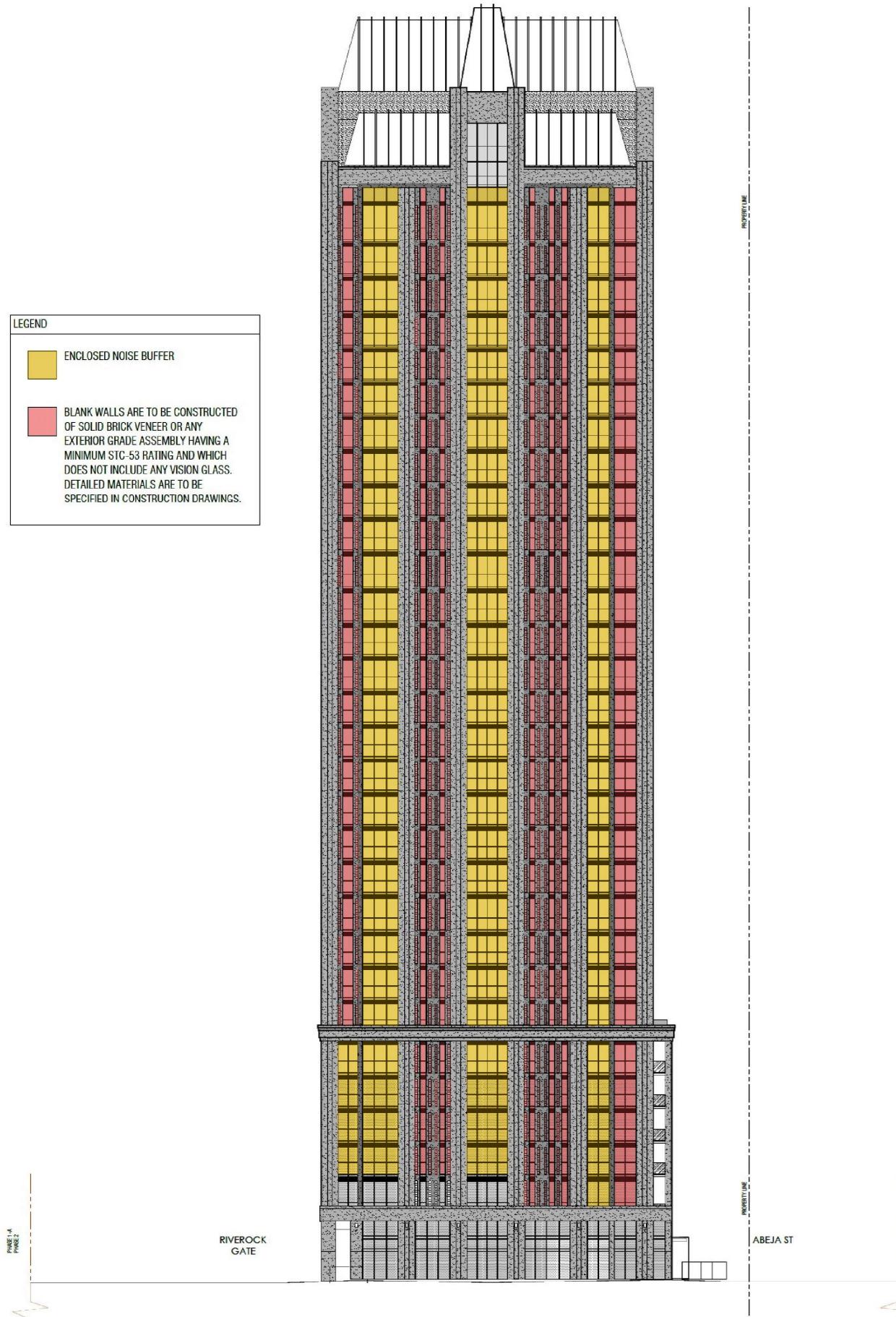
Mayor

Clerk

LEGEND

- ENCLOSED NOISE BUFFER

- BLANK WALLS ARE TO BE CONSTRUCTED OF SOLID BRICK VENEER OR ANY EXTERIOR GRADE ASSEMBLY HAVING A MINIMUM STC-53 RATING AND WHICH DOES NOT INCLUDE ANY VISION GLASS. DETAILED MATERIALS ARE TO BE SPECIFIED IN CONSTRUCTION DRAWINGS.



This is Schedule 'E-1791A'
 To By-Law 001-2021
 Section 14.1215

Not to Scale

This Is Schedule '4'
 To By-Law 127-2025
 Passed the 27th Day of May, 2025

File: Z.21.041
Related File: OP.21.020
Location: Part of Lot 15, Concession 4
Applicant: Tesmar Holdings Inc.
City of Vaughan

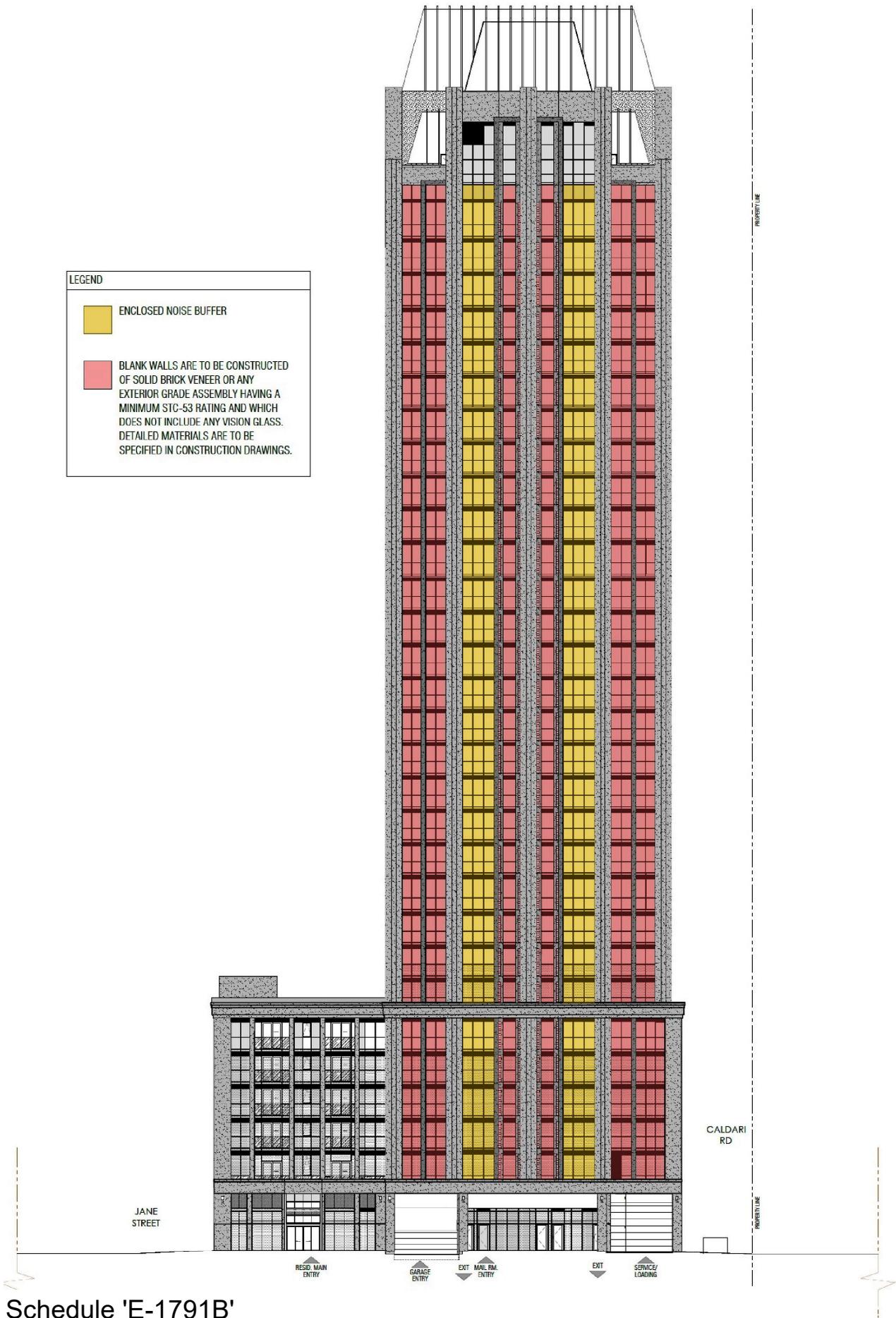
**OLT CASE NO. OLT-22-002653,
 OLT-22-002655, and OLT-22-002104
 APRIL 17, 2025**

_____ Officers
 Mayor
 _____ Clerk

LEGEND

 ENCLOSED NOISE BUFFER

 BLANK WALLS ARE TO BE CONSTRUCTED OF SOLID BRICK VENEER OR ANY EXTERIOR GRADE ASSEMBLY HAVING A MINIMUM STC-53 RATING AND WHICH DOES NOT INCLUDE ANY VISION GLASS. DETAILED MATERIALS ARE TO BE SPECIFIED IN CONSTRUCTION DRAWINGS.



This is Schedule 'E-1791B'
 To By-Law 001-2021
 Section 14.1215

Not to Scale

This Is Schedule '5'
 To By-Law 127-2025
 Passed the 27th Day of May, 2025

File: Z.21.041
Related File: OP.21.020
Location: Part of Lot 15, Concession 4
Applicant: Tesmar Holdings Inc.
City of Vaughan

**OLT CASE NO. OLT-22-002653,
 OLT-22-002655, and OLT-22-002104
 APRIL 17, 2025**

Clerk