

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 187-2026

A By-law to amend the Vaughan Official Plan 2010 for the Vaughan Planning Area with Amendment Number 163, as effected by the Ontario Land Tribunal.

WHEREAS applications for official plan and zoning by-law amendments were filed with respect to the subject lands at 89 and 99 Nashville Road to permit a mid-rise mixed-use residential and hotel development;

AND WHEREAS the application was appealed to the Ontario Land Tribunal as Case No. OLT-25-000884, and the Tribunal has made an order with respect to the appeal;

NOW THEREFORE the Ontario Land Tribunal ORDERS AS FOLLOWS:

1. THAT the attached Amendment Number 163 to the Vaughan Official Plan 2010 of the Vaughan Planning Area, as approved by the Ontario Land Tribunal Order dated the 11th day of June, 2026 (OLT Case No. OLT-25-000884), is attached hereto as Attachment “1” consisting of the attached text, Schedules “1”, “2”, “3” and “4” and Appendix “I” and “II” and is effective on June 11, 2026.

AMENDMENT NUMBER 163
TO THE VAUGHAN OFFICIAL PLAN 2010
OF THE VAUGHAN PLANNING AREA

The following text and Schedules “1”, “2”, “3” and “4” constitute Amendment Number 163 to the Official Plan of the Vaughan Planning Area.

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

I PURPOSE

The purpose of this Amendment to the Vaughan Official Plan 2010 ('VOP 2010') is to amend the Official Plan of the Vaughan Planning Area, specifically Volume 1, Schedule 1 - Urban Structure and Schedule 13 - Land Use, and Volume 2, Section 12.4 - Kleinburg Core Area Specific Plan, to redesignate the Subject Lands and add site-specific development standards to facilitate the development of a mid-rise mixed-use development with an 8-storey hotel component fronting Nashville Road, a 12-storey residential component towards the rear of the building and an FSI of 5.1 times the area of the lot on the Subject Lands.

This Amendment will facilitate the following with respect to the Subject Lands identified as, "Lands Subject to Amendment No. 163" on Schedule "1" attached hereto:

1. Redesignate a portion of the Subject Lands on Schedule 1 – Urban Structure of VOP 2010, Volume 1 from "Natural Areas and Countryside" to "Local Centres";
2. Redesignate the Subject Lands on Schedule 13 – Land Use of VOP 2010, Volume 1 from "Natural Area" and "Low-Rise Mixed-Use" to "Mid-Rise Mixed-Use";
3. Amend Map 12.4.A – Kleinburg Core Land Uses of VOP 2010, Volume 2 to label the Subject Lands as "Area D subject to Policy 12.4.13.5";
4. Permit a maximum building height of 8-stories for a hotel component fronting Nashville Road and a maximum building height of 12-stories for a residential component at the rear of the building, exclusive of rooftop mechanical enclosures/penthouses; and
5. Permit a maximum Floor Space Index (FSI) of 5.1 times the area of the lot.

II LOCATION

The lands subject to this Amendment, hereinafter referred to as the "Subject Lands", are located on the south side of Nashville Road, east of Highway 27, municipally known as 89 and 99 Nashville Road, City of Vaughan, as shown on Schedule "1" attached hereto

as “Lands Subject to Amendment No. 163.”

III BASIS

The decision to amend VOP 2010 is based on the following considerations:

1. Section 3 of the *Planning Act* requires that all land use decisions in Ontario “shall be consistent” with the Provincial Planning Statement, 2024 (PPS). The PPS provides policy direction on matters of provincial interest related to land use planning and development. The PPS is applied province-wide and provides direction to support strong communities, a strong economy, and a clean and healthy environment. The Subject Lands are located within a Settlement Area as defined by the PPS. The Amendment is consistent with the PPS, specifically Sections 2.1.6, 2.2.1.c, 2.3.1.1, 2.3.1.2 and 2.3.1.3 regarding: supporting the achievement of complete communities, promoting densities for new housing which efficiently uses land, resources, infrastructure and public service facilities and supports the use of active transportation, focusing growth and development to settlement areas through land use patterns that efficiently use land and resources.
2. York Region Council adopted the York Region Official Plan in June 2022 (YROP 2022), which was approved, as modified, by the Minister of Municipal Affairs and Housing in November 2022, bringing it into full force and effect. Bill 150 (*Planning Statue Law Amendment Act, 2023*) and Bill 162 (*Get it Done Act, 2024*) later rescinded some of those modifications. Pursuant to subsection 70.13(2) of the *Planning Act*, YROP 2022 is deemed to constitute an official plan of the City in respect of any area in the City to which it applies and will remain in effect until the City revokes or amends it.

YROP 2022 guides economic, environmental and community building decisions across York Region. The Subject Lands are designated “Urban Area” and partially within the “Regional Greenlands System” on Map 1 - Regional Structure and “Community Area” on Map 1A - Land Use Designations of the YROP 2022. Policy 3.2.2 of the YROP 2022 permits refinements to the boundaries of the “Regional

Greenlands System” where supported by appropriate technical studies. The extent of the Regional Greenlands System have been appropriately scoped and development limits established for the Subject Lands. The proposed development contributes towards meeting the prescribed density targets and providing a range and mix of housing types within the Community Areas. The Amendment conforms to the York Region Official Plan 2022.

3. The VOP 2010 sets out the City’s general planning goals and policies that guide future land use. The Subject Lands are identified in VOP 2010 as “Local Centres” and “Natural Areas and Countryside” on Schedule 1 – Urban Structure, and “Low-Rise Mixed-Use” and “Natural Areas” on Schedule 13 – Land Use. The Subject Lands are also subject to Area Specific Policy 12.4 – Kleinburg Core and designated as “Mainstreet Commercial” on Map 12.4.A – Kleinburg Core Land Uses in Volume 2, as identified on Schedule 14B – Areas Subject to Area Specific Plans.

The Amendment is appropriate for the following reasons:

- The Subject Lands are located within a Local Centre, which is identified as an Intensification Area on Schedule 1 – Urban Structure and intended to be the mixed-use cores of their respective communities. Intensification Areas have been established to make efficient use of underutilized sites served by existing and/or planned transit.
 - The Amendment will facilitate a mixed-use development that is transit supportive and utilizes existing and future infrastructure in the area. The development is well served by existing greenspace, active transportation networks and service and retail establishments in the surrounding area.
 - The Amendment will require that the hotel component of the development be focused towards Nashville Road, while the higher residential component be focused towards the rear of the development.
4. The statutory Public Meeting was held on December 3, 2024. The recommendation of the Committee of the Whole to receive the Public Meeting report of December 3, 2024, and to forward a comprehensive report to a future Committee of the Whole meeting was ratified by Vaughan Council on December

17, 2024.

IV DETAILS OF THE AMENDMENT AND POLICIES RELATIVE THERETO

VOP 2010 is hereby amended by:

1. Amending Volume 1, Schedule 1 – Urban Structure by redesignating a portion of the Subject Lands from “Natural Areas and Countryside” to “Local Centre”, as shown on Schedule “2” of this Amendment.
2. Amending Volume 1, Schedule 13 – Land Use by redesignating the Subject Lands from “Natural Areas” and “Low-Rise Mixed-Use” to “Mid-Rise Mixed-Use” with a maximum permitted height of 12-storeys and a maximum permitted FSI of 5.1 times the area of the lot, as shown on Schedule “3” of this Amendment.
3. Amending Volume 2, Section 12.4 “Kleinburg Core” by adding the following policy to Section 12.4.13 “Exceptions”:
12.4.13.5. Area D:
 - a. Notwithstanding Policies 12.4.4.5, 12.4.7.1.b and 12.4.10.22, the following shall be permitted on the lands identified as Area D on Map 12-4A “Kleinburg Core Land Uses”:
 - i. One mid-rise mixed-use building, having a maximum FSI of 5.1 times the area of the lot, ranging in height from 3 to 12-storeys, with the lowest heights facing the Nashville Road lot line.
 - ii. A hotel component with a maximum height of 8-storeys, exclusive of rooftop mechanical penthouses, fronting Nashville Road and shall have a minimum of 50 rooms.

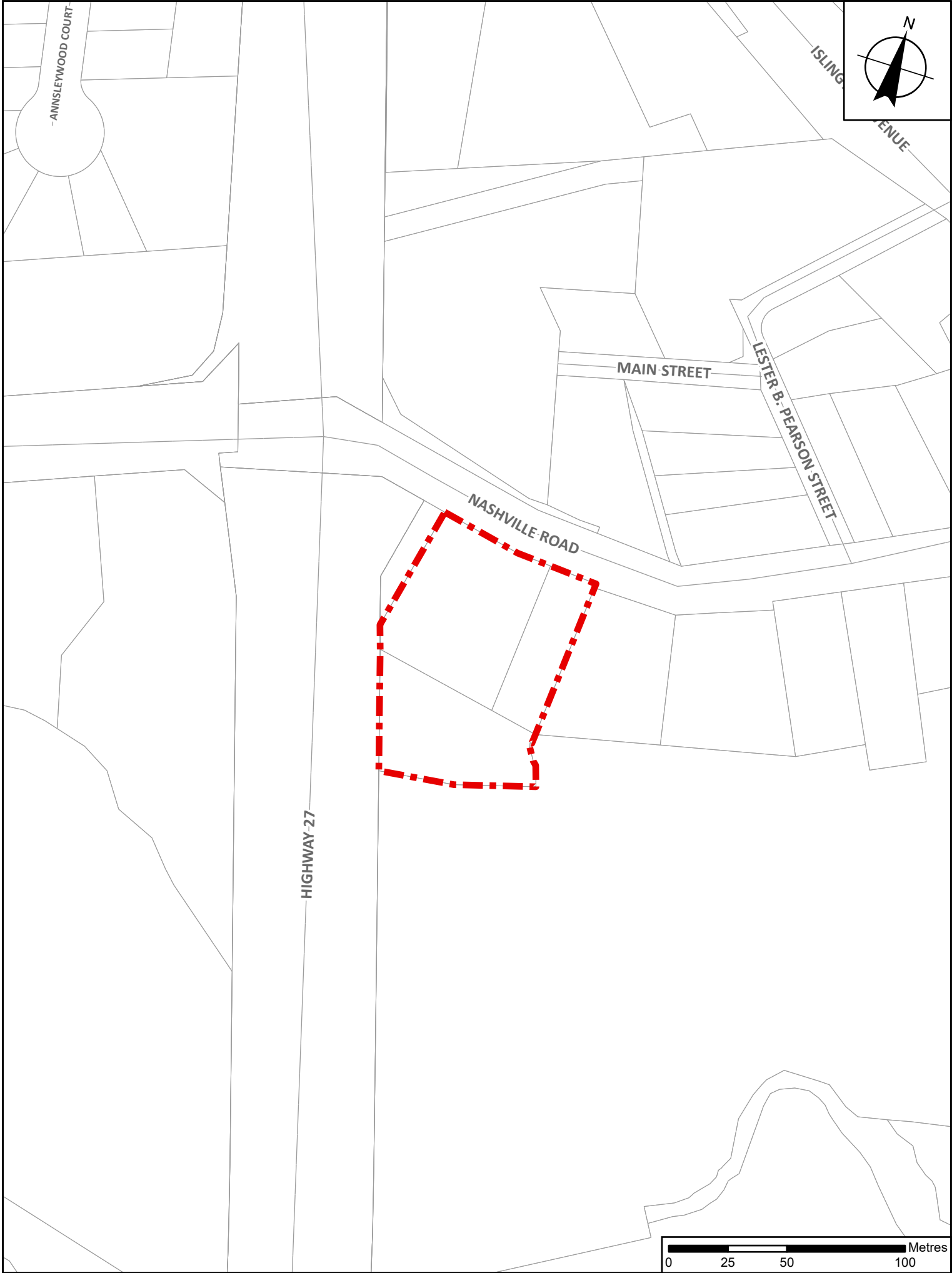
- iii. A residential component with a maximum height of 12-storeys, exclusive of rooftop mechanical penthouses, at the rear of the building and a 6-storey podium along Highway 27.
- b. Site-specific development standards shall be established in the implementing zoning by-law.
- 4. Amending Volume 2, Map 12.4.A – Kleinburg Core Land Uses by labeling the Subject Lands as “Area D subject to Policy 12.4.13.5”, as shown on Schedule “4” of this Amendment.

V IMPLEMENTATION

It is intended that the policies of the Official Plan of the Vaughan Planning Area pertaining to the Subject Lands shall be implemented by way of an amendment to the City of Vaughan Comprehensive Zoning By-law 001-2021, and Site Development Approval, 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.



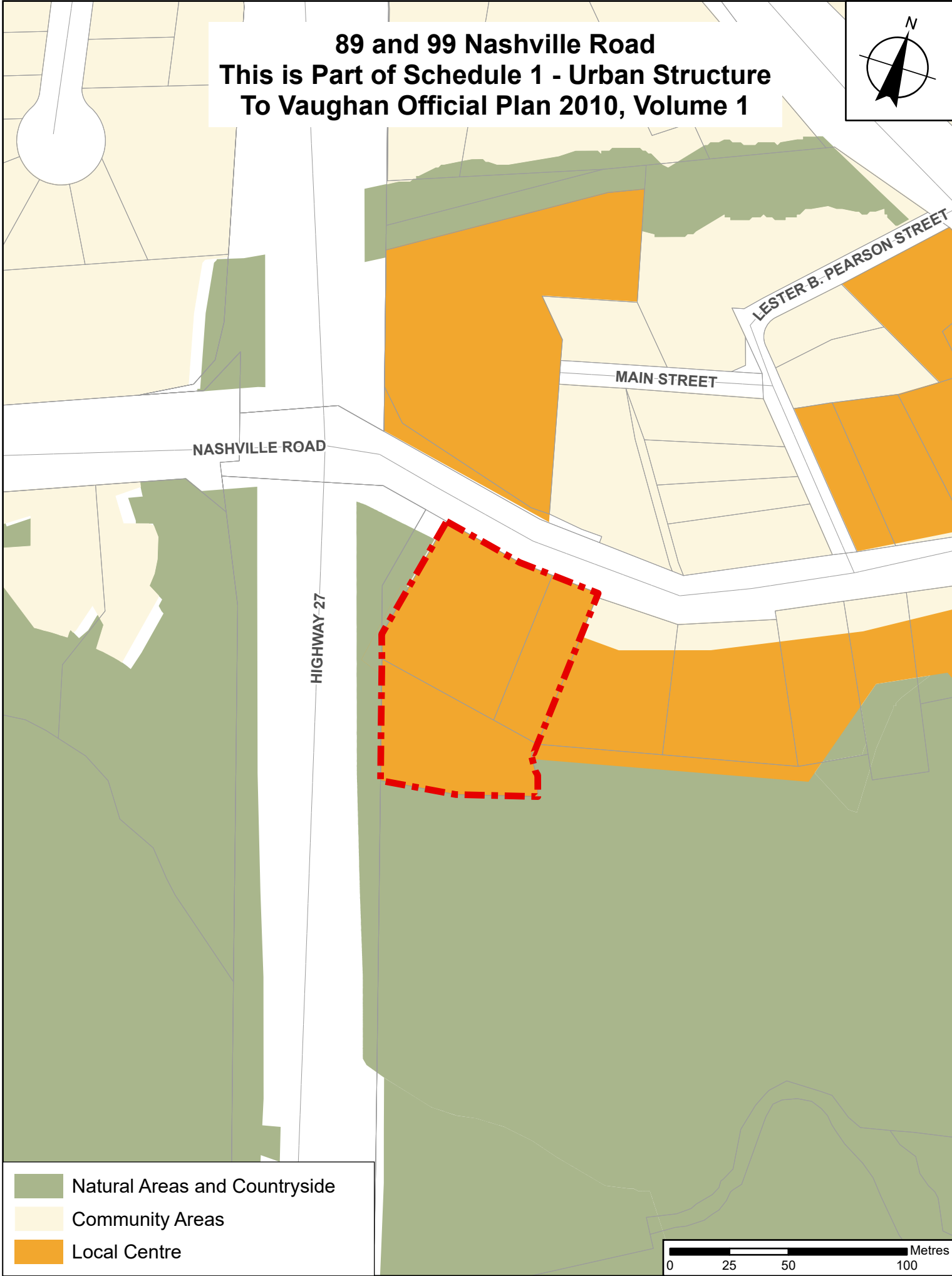
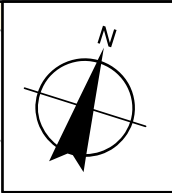
This is Schedule '1'
To Official Plan Amendment No. 163
Adopted the 11th Day Of June, 2026

File: OP.24.013
Related File: Z.24.030
Location: 89 and 99 Nashville Road
Part of Lot 24, Concession 8
Applicant: 2133904 Ontario Inc.
City of Vaughan



Lands Subject to
Amendment No. 163

89 and 99 Nashville Road
This is Part of Schedule 1 - Urban Structure
To Vaughan Official Plan 2010, Volume 1



This is Schedule '2'
To Official Plan Amendment No. 163
Adopted the 11th Day Of June, 2026

File: OP.24.013
Related File: Z.24.030
Location: 89 and 99 Nashville Road
Part of Lot 24, Concession 8
Applicant: 2133904 Ontario Inc.
City of Vaughan

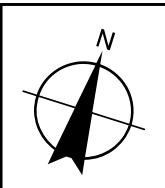
 Lands Subject to
Amendmant No. 163



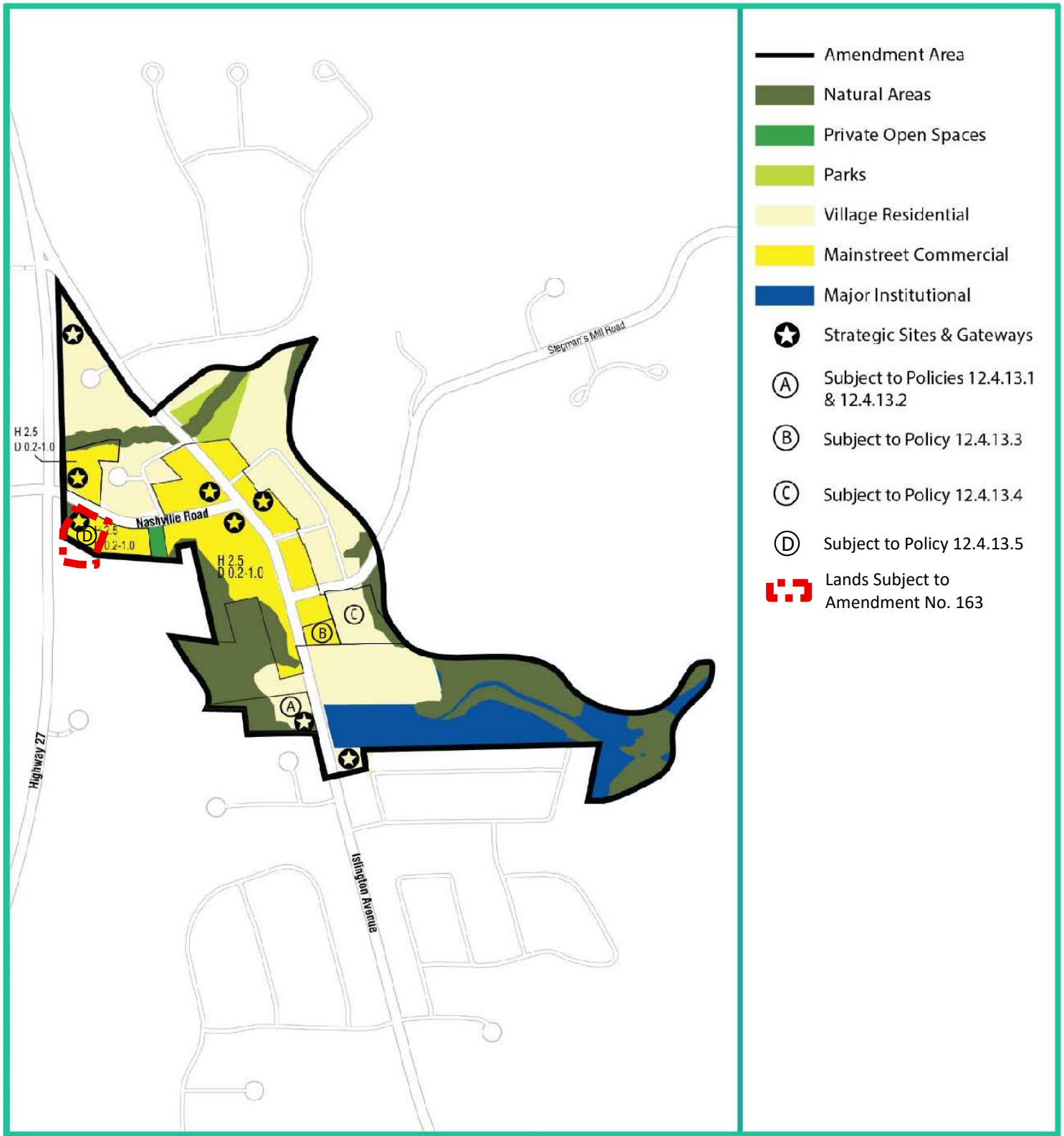
This is Schedule '3'
To Official Plan Amendment No. 163
Adopted the 11th Day Of June, 2026

File: OP.24.013
Related File: Z.24.030
Location: 89 and 99 Nashville Road
 Part of Lot 24, Concession 8
Applicant: 2133904 Ontario Inc.
City of Vaughan

 **Lands Subject to**
Amendment No. 163



Map 12.4.A:
Kleinburg Core Land Uses



This is Schedule '4'
To Official Plan Amendment No. 163
Adopted the 11th Day Of June, 2026

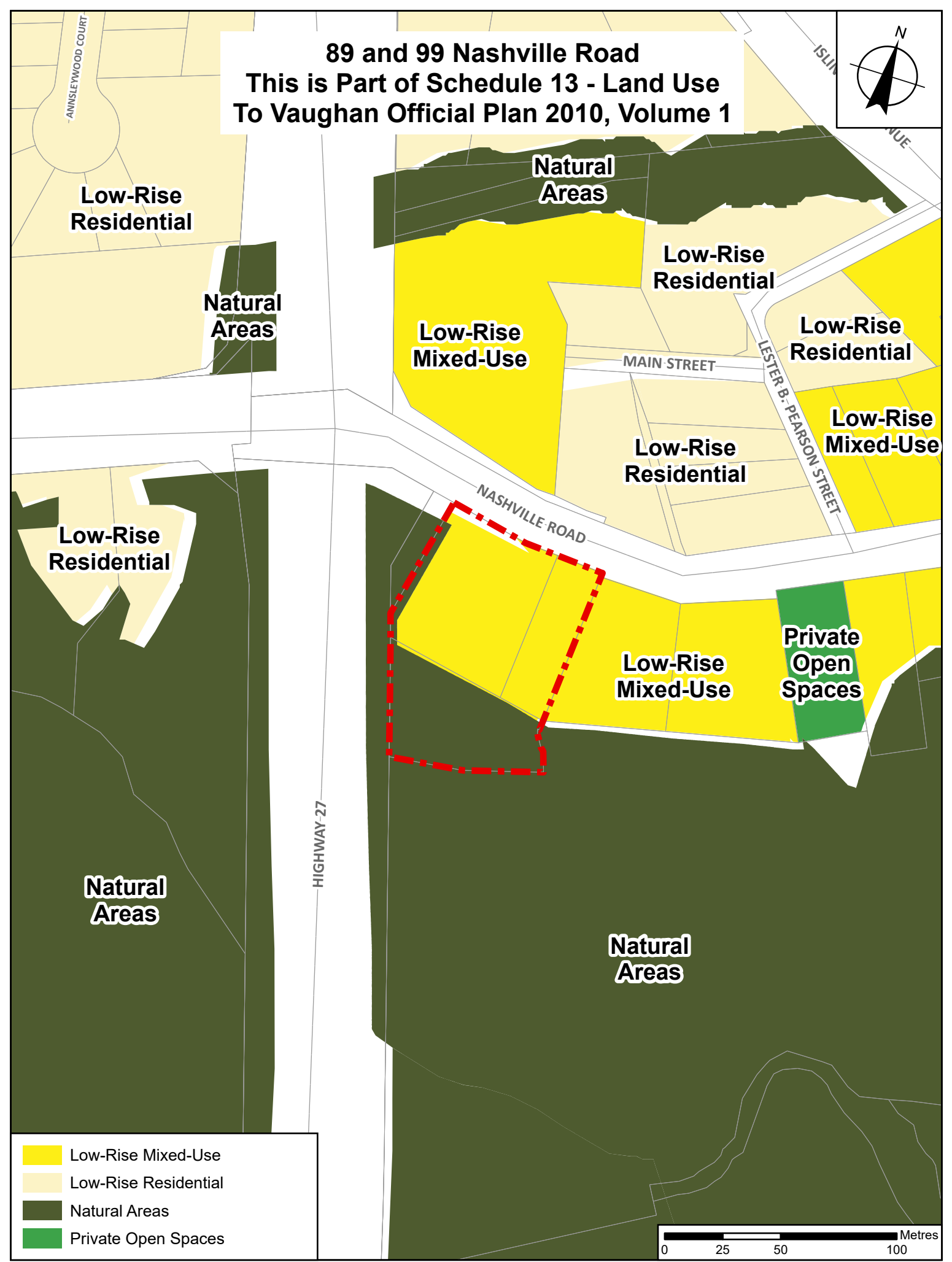
File: OP.24.013
Related File: Z.24.030
Location: 89 and 99 Nashville Road
Part of Lot 24, Concession 8
Applicant: 2133904 Ontario Inc.
City of Vaughan

APPENDIX I

The Subject Lands are located on Nashville Road, east of Highway 27, municipally known as 89 and 99 Nashville Road, in the City of Vaughan.

The purpose of this Amendment is to amend the Vaughan Official Plan 2010, Volumes 1 and 2, to permit the re-designation of the Subject Lands and site specific policies to facilitate the development mid-rise mixed-use development with an eight-storey hotel component fronting Nashville Road, a 12-storey residential component towards the rear of the building and an FSI of 5.1 times the area of the lot.

Vaughan Council on April 28, 2026 approved the recommendation in Item 10, Report No. 21 of the Committee of the Whole (Closed Session) report dated April 14, 2026 with respect to Official Plan Amendment File OP.24.013 (2133904 Ontario Inc.).



Appendix II
Existing Land Uses
Official Plan Amendment No. 163

File: OP.24.013
Related File: Z.24.030
Location: 89 and 99 Nashville Road
Part of Lot 24, Concession 8
Applicant: 2133904 Ontario Inc.
City of Vaughan

 Lands Subject to
Amendment No. 163

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: June 11, 2026

CASE NO(S): OLT-25-000884

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

Applicant/Appellant:	2133904 Ontario Inc.
Subject:	Request to amend the Official Plan – Failure to adopt the requested amendment
Description:	To permit the development of Mid-Rise Residential and High-Rise Residential consisting of 11 to 14 storey buildings
Reference Number:	OP.24.013
Property Address:	89 & 99 Nashville Road and 10515 Highway 27
Municipality/UT:	Vaughan/York
OLT Case No.:	OLT-25-000884
OLT Lead Case No.:	OLT-25-000884
OLT Case Name:	2133904 Ontario 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:	2133904 Ontario Inc.
Subject:	Application to amend the Zoning By-law – Refusal or neglect to make a decision
Description:	To permit the development of Mid-Rise Residential and High-Rise Residential consisting of 11 to 14 storey buildings
Reference Number:	Z.24.030
Property Address:	89 & 99 Nashville Road and 10515 Highway 27
Municipality/UT:	Vaughan/York
OLT Case No.:	OLT-25-000883
OLT Lead Case No.:	OLT-25-000884

Heard:

May 11, 2026, by Video Hearing

APPEARANCES:**Parties**

2133904 Ontario Inc.

City of Vaughan

Counsel

G. Borean

M. Rubin

MEMORANDUM OF ORAL DECISION DELIVERED BY S. DEBOER ON MAY 11, 2026 AND ORDER OF THE TRIBUNAL

INTRODUCTION

[1] The Tribunal scheduled a Hearing in accordance with Rule 12 of Tribunal's *Rules of Practice and Procedure* to review the proposed settlement and planning instruments between 2133904 Ontario Inc. ("Appellant") and the City of Vaughan ("City") due to the City's failure to make a decision on the Official Plan Amendment Application ("OPA") and the Zoning By-law Amendment Application ("ZBA") (together, the "Applications"). The Applications would permit the development of Mid-Rise residential and High-Use residential uses for the lands municipally known as 89 & 99 Nashville Road, and 10515 Highway 27 ("Subject Lands").

LEGISLATIVE FRAMEWORK

[2] When considering appeals filed pursuant to s. 22(7) and s. 34(11) of the *Planning Act* ("Act"), the Tribunal must have regard to matters of provincial interest as set out in s. 2 of the Act. Decisions of the Tribunal affecting planning matters must be consistent with the applicable policies of the Provincial Planning Statement, 2024 ("PPS 2024") and, in this matter, conform to the York Region Official Plan ("ROP"), the City of

Vaughan Official Plan (“VOP”), and the City of Vaughan Zoning By-law No. 001-2021 (“ZBL”).

SUBJECT LANDS AND SURROUNDING AREA

[3] The Subject Lands consist of a land assembly of three properties, municipally known as 89 & 99 Nashville Road, and 10515 Highway 27. The area of the site is 0.74 hectares in size with frontages of 71 metres (“m”) on Nashville Road and 61.8 m on Highway 27 and are located within the community of Kleinburg.

[4] To the north of the Subject Lands is a low-rise residential neighbourhood and a multi-tenant retail plaza. To the south is a forested area and a Montessori school. To the east of the Subject Lands is the historic Village Core of Kleinburg and to the west is a single detached residential dwelling located at the corner of Nashville Road and Highway 27.

[5] The Subject Lands are partially within the Kleinburg Historic Village Core, which includes the area fronting onto Nashville Road, and this forms the westerly boundary of the Village Core. The balance of the Village Core extends easterly along Nashville Road to Islington Avenue and includes properties within some of the side streets accessing Nashville Road.

[6] The Subject Lands are currently vacant and were purchased in 2023 by the Appellant. The previous owner of the property had received a demolition permit to remove two designated heritage structures. This demolition was completed prior to the Appellant owning the Subject Lands.

HISTORY OF THE APPLICATION

[7] The Appellant began the application process in 2024 and filed the Applications on July 30, 2024. The original Applications would permit a mid-rise residential

redevelopment consisting of 11 storeys and included a 12-storey tower to the north end and a 14-storey tower to the south end of the proposed building. The building proposed to have a total of approximately 557 residential dwelling units and a proposed Floor Space Density Index ("FSI") of 6.15. The original proposal included a total of approximately 2,810 square metres ("m²") of amenity space with a four level below ground parking structure, which would accommodate approximately 523 shared vehicle spaces and approximately 360 shared bicycle spaces.

[8] An OPA was required to redesignate the rear portion of the Subject Lands from "Natural Areas and Countryside" to "Local Centres", which would then create the whole of the Subject Lands to have the "Local Centres" designation. Secondly, Schedule 13 of the Land Use Plan is proposed to be redesignated from "Low-Rise Mixed Use" and "Natural Areas" to "High-Rise Residential". Thirdly, a new site-specific policy is proposed to be added to Area Specific Policy 12.4 "Kleinburg Core" in Volume 2 of the VOP 2010 to permit a mid-rise building with a maximum Gross Floor Area of 46,000 m² that transitions from 14 storeys to 12 storeys, with a definition of mid-rise building that does not exceed 14 storeys.

[9] A ZBA was required to amend the Subject Lands from "R1 Residential Zone" (R1) and "OS2 Open Space Park" to "RA3 Apartment Residential" (RA3) with site specific exceptions. Secondly, it is proposed that Zoning By-law No. 001-2021 be amended by rezoning the Subject Lands from "KMS Main Street Mixed Use - Kleinburg Zone" (KM2) subject to site-specific exception 14.525, "I1 – General Institutional Zone" (I1) and "OS1 Public Open Space Zone" (OS1) to "KMS – Exception".

[10] On November 20, 2024, the Applications were deemed complete. On December 2, 2024, a statutory public meeting was held on the Applications. On October 24, 2025, the Appellant filed an appeal to the OLT due to the City's failure to make a decision on the Applications.

[11] In the months that followed the appeal, the Appellant held informal, without prejudice meetings with the City. The OLT assisted in mediation between the Parties in April 2026. As a result of the mediation, the Appellant made the following revisions to the planning instruments:

1. Deeming Nashville Road as the lot frontage and establishing front, rear, and side yard setbacks on that basis;
2. Reduction of proposed building heights from 11 to 14 storeys to 3 to 12 storeys;
3. Reduction of FSI to 5.1;
4. Transitioning height from Nashville Road frontage to rear of property by eliminating 11-storey podium, reducing heights at northernly building fronting Nashville Road from 12 storeys to three (3) storeys stepping back to eight (8) storeys; creating a six (6)-storey podium building flanking Highway 27 which connects to a 12-storey building at the rear of the site;
5. Introducing zoning provisions to permit a mixed-use hotel component in the front building based on overnight accommodations being permitted in the Official Plan;
6. Identifying six (6)-storey connecting podium structure and rear building as possible locations for Seniors/Retirement Residence;
7. Adding new provisions for balcony and ground related patio/terrace depths;

8. Maintaining building envelope limits in accordance with previously staked limits and buffers imposed by the Toronto and Region Conservation Authority (“TRCA”);
9. Restricting Hotel use to a minimum of 50 hotel suites;
10. Maintaining private amenity and parking rates based on current parent zoning by-law requirements; and,
11. Imposing Holding (H) provisions, subject to multiple conditions required by the City of Vaughan.

[12] Following the mediation process, an offer of settlement was presented to the City by the Appellant on April 13, 2026. On April 28, 2026, City council passed a resolution accepting the offer as presented.

PRELIMINARY ISSUES

Participant Statements

[13] At the previous Case Management Conference (“CMC”) the Tribunal deferred ruling on the Participant Statements that were received, due to the Appellant arguing that some of the Participants and their Statements were duplicitous in nature, as some of the individuals had submitted statements while being members of the Kleinburg and Area Ratepayers’ Association. The Appellant argued that 2537297 Ontario Limited and Kleinburg Mews Inc. owned different lands in proximity to the Subject Lands, but the concerns should only be allowed as one Participant statement and not two.

[14] After further review, the Tribunal ruled that the following Participant Statements would be approved for the Hearing before the Tribunal and the Tribunal directed that the

evidence heard at this Settlement Hearing would reflect the concerns of these Participants:

- a. Kleinburg and Area Ratepayers Association
- b. Alexandra Battison
- c. Kleinburg Mews Incorporated

Submissions

[15] Prior to the commencement of the Hearing, the Tribunal received the following documents and marked said documents as exhibits to the Hearing:

Exhibit 1: Witness Statement of Jim Levac and related planning documents; comprising 350 pages

Planning Evidence

[16] The Appellant presented Mr. Levac to provide oral evidence along with his Affidavit. Based on the curriculum vitae of Mr. Levac, the Tribunal approved Mr. Levac to give expert opinion evidence in the area of land use planning pertaining to the planning instruments that were before the Tribunal.

Planning Act

[17] It was Mr. Levac's opinion that the planning instruments before the Tribunal are of provincial interest as per s. 2 of the Act. Mr. Levac continued to opine that the planning instruments have respect to the protection of ecological systems, including natural areas, features, and functions.

[18] Concerning the conservation of architectural, cultural, historical, and archaeological features on the Subject Lands, Mr. Levac opined that even though the

property is partially located with the historic “Village Core”, the heritage features were removed by the previous owners under the approval of the City in 2020. As apart of the settlement with the City and apart of the Holding Zone provisions, a commemorative feature will be provided on the property.

[19] Mr. Levac continued to opine that the planning instruments will make efficient use of the existing municipal services and will help facilitate the orderly development of safe and healthy communities. The planning instruments will facilitate the redevelopment of underutilized lands and will provide for an orderly development to occur while providing for a greater choice of housing.

[20] It was Mr. Levac’s opinion that the Subject Lands are an appropriate location for growth and development, which are located within walking distance to various retail and personal service uses.

[21] Mr. Levac continued to opine that the proposed built form is well designed, encourages a sense of place, and will be in a compact built form that is complimentary and compatible to the surrounding Kleinburg Village.

Provincial Planning Statement, 2024 (“PPS 2024”)

[22] It was Mr. Levac’s opinion that the planning instruments will provide for healthy, liveable, and safe communities by promoting an efficient land use development that will not cause environmental, public health, or safety concerns.

[23] Mr. Levac continued to opine that the planning instruments will help support the achievement of a “complete” community by providing for a mix of land uses, housing options, transportation options, and access to public facilities, parks, and open spaces.

[24] Mr. Levac opined that the planning instruments will provide for a residential intensification of underutilized lands and optimizes the use of existing and planned infrastructure and public services, including public transportation.

[25] The PPS 2024 speaks to municipalities identifying “Strategic Growth Areas”, and within these “Strategic Growth Areas”, identify “Local Centres” which establishes the prioritization of growth and intensification areas. The Kleinburg Village is one of the City’s Local Centres, and the planning instruments before the Tribunal will help the City achieve its intensification targets in one of its Local Centres.

[26] Finally, it was Mr. Levac’s opinion that the Subject Lands do not contain any heritage features or resources; however, the Appellant will continue to work with the City to ensure the development is compatible with the character of Kleinburg Village.

York Region Official Plan (“YROP”)

[27] Concerning the YROP, it was Mr. Levac’s opinion that the planning instruments conform to the applicable policies of the YROP as the planning instruments will help create a “complete community”, and the proposed development is intended to be designed in such a manner that it will be sustainable, vibrant, healthy, and walkable, while making efficient use of the Subject Lands.

[28] Mr. Levac continued to opine that the planning instruments conform to the policies concerning “Community Areas”. The planning instruments will permit the development of the Subject Lands that will provide for other forms of housing not currently available in the immediate area and will provide forms of housing to residents in different stages of their lives, while balancing a mix of residential and employment needs.

[29] Concerning the intensification of the Subject Lands, Mr. Levac opined that the planning instruments will provide an appropriate form of intensification within a Strategic

Growth Area, while balancing this intensification with the contextual setting of Kleinburg Village.

Vaughan Official Plan ("VOP")

[30] Pertaining to the VOP, Mr. Levac opined that the planning instruments conform to the VOP, as the planning instruments conform to the Local Centre policies by providing a mixed-use development that will be compatible with the local area and context. The planning instruments will provide a mix of housing types that will be predominantly residential in character, be compatible with the surrounding neighbourhood, and will be a transitional gateway that can support more height and density.

[31] It was Mr. Levac's opinion that the Subject lands do not contain any culturally significant buildings and, as such, the proposed redevelopment of the Subject Lands is appropriate and responds to the cultural heritage policy framework where applicable.

[32] Mr. Levac continued to opine that the planning instruments conform to the applicable policies of the VOP pertaining to urban design and parking. The planning instruments propose a mid-rise built form that uses the natural topography to locate the highest portion of the building farthest away from any streets and uses the natural topography to reduce the sightlines and massing along Nashville Road. The proposal, as presented, will not create any adverse forms of shadowing or overlook perceptions. Concerning parking, Mr. Levac opined that the proposal would minimize the impact on surrounding properties by utilizing private driveways and will provide underground parking to the residents, and thus, conforms to the urban design and parking policies.

[33] Chapter 12 of the VOP focuses on the Kleinburg Core Area. Mr. Levac opined that the proposed OPA designation change is appropriate and conforms to the policies in Chapter 12, as the planning instruments will provide an appropriate level of

intensification at the gateway to the Kleinburg Village Core that will not have an adverse effect on the remainder of the Core.

City of Vaughan Zoning By-law 001-2021

[34] It was Mr. Levac's opinion that the ZBA will allow the Subject Lands to conform to the ZBL. The Holding provisions implemented into the ZBA will allow the development to occur in such a way that it will remain in conformity with the ZBA and the site-specific OPA planning instruments.

Participant Statements

[35] Concerning the approved Participant Statements, it was Mr. Levac's opinion that the concerns of the Participants that are relevant to the planning instruments before the Tribunal have been given the appropriate amount of regard. The proposal before the Tribunal has had its massing and overall height reduced from 11-14 storeys to a total of 3-12 storeys. The proposal has an appropriate amount of compact intensification within a Strategic Growth Area. The proposal will be built in such a way that it will have the appropriate regard to the heritage of the Kleinburg Village Core. A Cultural Heritage Impact Assessment will need to be completed, and a commemorative feature will be included in the final design of the Subject Lands before the Holding symbol can be removed.

[36] Mr. Levac continued with his opinion that the parking requirements meet the current zoning; however, the ZBA performance standards were included in the form before the Tribunal to guarantee these standards are kept.

[37] Concerning site grading, drainage, stormwater, and erosion, it was Mr. Levac's opinion that the Holding provisions will guarantee that the site grading, drainage, stormwater, and erosion will meet the engineering requirements of the City, the Region, and the TRCA. The concerns pertaining to municipal service requirements will be dealt

with as a part of the performance requirements contained within the Holding symbol, and the concerns pertaining to privacy and rooftop noise have been dealt with through the agreed upon TRCA limits and buffers and site-specific yard and encroachment standards within the ZBA.

[38] It was Mr. Levac's opinion that the proposal and the planning instruments before the Tribunal do not set any precedents as both of the planning instruments are site specific in nature and the conditions set into the holding symbol of the ZBA will provide continuing oversight into the concerns of the Participants, and these concerns must be satisfied to the City and Region before a building permit can be issued.

ANALYSIS AND FINDINGS

[39] Having received the uncontroverted evidence and expert opinion of Mr. Levac, and the Tribunal receiving the uncontested submissions of the Parties in support of the planning instruments before the Tribunal, the Tribunal accepts the evidence of Mr. Levac, and the Tribunal is satisfied that the proposed planning instruments meet the statutory tests.

[40] The Tribunal finds that the settlement proposal and the planning instruments are a matter of provincial interest as per s. 2 of the Act. The planning instruments will protect the natural ecological systems and natural features found on the Subject Lands, while making efficient use of the existing municipal services and providing the need for housing intensification within a settlement area. The Tribunal finds that the proposed planning instruments will help the orderly development of safe communities by providing an appropriate amount of intensification on underutilized lands within a settlement area. The planning instruments will promote a built form that is well designed, will encourage a sense of place, and the proposed development will be in a compact form that will be compatible with the character of the surrounding Kleinburg Village community.

[41] The Tribunal finds that the planning instruments have demonstrated that they are consistent with the applicable policy framework of the PPS 2024 as the proposal will help promote efficient land use and an intensification that is in a compact form. The planning instruments will help achieve a ‘complete’ community by accommodating a mix of land uses, housing options, and public spaces. The planning instruments will allow for an efficient use of the existing and planned municipal infrastructure, which includes the existing public transportation network. The Subject Lands are located in a “Local Centre”, which is an area that is to be a prioritization of intensification, as stated in the PPS 2024. The planning instruments before the Tribunal help achieve an appropriate amount of intensification that is both appropriate and compatible with its surrounding context.

[42] The Tribunal finds that the proposal, as presented, has demonstrated its conformity to the applicable policies of the YOP as the planning instruments will support the YOP’s goals of intensification within a Regional Built-Up Area. The planning instruments will help with the creation of a complete community by efficiently using an underutilized parcel of land while maximizing the use of existing public services and infrastructure. The Tribunal finds that the planning instruments will provide for a range of housing options not currently available in the existing “Community Area” context and will help the Region meet its growth targets by providing an appropriate form of density.

[43] The Tribunal finds that the proposed settlement conforms to the VOP as the planning instruments will provide a mix of housing types that can support local transit and will be designed to have a compatible transition to the surrounding neighbourhoods. The Tribunal finds that the planning instruments will minimize shadow or overlook concerns and will be built in a form that will reflect the character of the existing streetscape. The Tribunal finds that the planning instruments will provide underground parking and will minimize surface parking, which conforms to the parking policies contained in the VOP.

[44] Concerning the cultural heritage of the Subject Lands, the Tribunal finds that the Heritage Impact Assessment confirms that the Subject Lands previously had buildings of heritage value. However, the City did grant the previous owner of the Subject Lands a demolition permit to remove those heritage buildings. The Tribunal finds that the Heritage Impact Assessment supports the conclusion that the proposed planning instruments are appropriate and has given appropriate regard for the cultural framework policies of the VOP.

[45] The Tribunal finds that the proposed planning instruments conform to the ZBL and the use of the Holding Symbol ("H") is appropriate for the conditions that need to be met by the Appellant.

[46] The Tribunal finds that the concerns of the Participants are being appropriately addressed through the use of the Holding Symbol in the ZBA.

[47] The Tribunal finds that the Holding provisions are appropriate, and the Tribunal finds that it is appropriate for the City of Vaughan to have the authority to remove these conditions as they are satisfied.

[48] The Tribunal finds that the planning instruments, as presented, are compatible with the surrounding area context, are an appropriate use of the Subject Lands, represents good land use planning, and should be approved as presented.

ORDER

[49] **THE TRIBUNAL ORDERS THAT** the appeal is allowed, in part, and Orders that the Official Plan of the City of Vaughan is modified as set out in **Attachment 1** to this Order.

[50] **THE TRIBUNAL ORDERS THAT** the appeal is allowed, and the City of Vaughan's Comprehensive Zoning By-law No. 001-2021 is hereby amended as set out

in **Attachment 2** to this Order. The Tribunal authorizes the municipal clerk of the City of Vaughan to assign a number to this by-law for record keeping purposes.

[51] **THE TRIBUNAL FURTHER ORDERS THAT** the Holding Symbol (“H”) affixed to the Subject Lands through the Zoning By-law Amendment shall not be removed until the conditions set out in Subsection 14.1257.1 of the Zoning By-law Amendment have been satisfied to the satisfaction of the City of Vaughan.

[52] If there are any issues concerning the satisfaction of the conditions attached to the Holding Symbol (“H”), the Tribunal may be spoken to, schedule permitting.

“S. deBoer”

S. deBOER
MEMBER

Ontario Land Tribunal

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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.