

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 188-2026

A By-law to amend City of Vaughan By-law 001-2021, 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 to City of Vaughan By-law 001-2021, 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 “2” consisting of the attached text and Schedules “1” and “2”, and is effective on June 11, 2026.

Attachment 2

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 the KMS(525) Main Street Mixed-Use – Kleinburg Zone, subject to site-specific Exception 14.525, the I1 General Institutional Zone and the OS1 Public Open Space Zone to the KMS(H)(1257) Main Street Mixed-Use – Kleinburg Zone, subject to the Holding Symbol “(H)” and site-specific Exception 14.1257, in the manner shown on the said Schedule “1”.
 - b) Adding a new Part 14 Exception Zone with a new Subsection, being Subsection 14.1257, as follows:

Exception Number 1257	Municipal Address: 89 and 99 Nashville Road
Applicable Parent Zone: KMS	
Schedule A Reference: 177	
By-law 188-2026	
14.1257.1 Permitted Uses	
1. The following provisions shall apply to the lands zoned with the Holding Symbol “(H)”, as shown on Figure “E-1845”: a. Lands zoned with the Holding Symbol “(H)” shall be used only for a <u>use</u> legally <u>existing</u> as of the date of the enactment of y-law 001-2021. b. The Holding Symbol “(H)” shall not be removed until such time as: i. The Owner shall submit a revised Cultural Heritage Impact Assessment and Heritage Conservation District Conformity Report, and provide securities towards a commemoration feature on the Subject Lands, not exceeding \$10,000; ii. The Owner shall submit a revised Transportation Impact Study to the satisfaction of the City that addresses all outstanding technical comments and is based on the current site plan and statistics; iii. The Owner shall coordinate with York Region to explore a right-in right-out access from the underground parking structure onto Highway 27; iv. Vaughan Council shall adopt a resolution allocating sewage and water supply capacity in accordance with the City’s approved Servicing Capacity Distribution Policy; v. The Owner shall submit a revised Functional Servicing and Stormwater Management Report to the satisfaction of the City which addresses all outstanding comments, including an updated downstream sanitary capacity analysis, complete with up-to-date population densities for approved and proposed development applications (including the subject lands) within the vicinity of the subject lands and shall consider active or potential redevelopment to identify and confirm remaining capacity at the Nashville Sewage Pump Station and downstream wastewater infrastructure improvements in its analysis; vi. The Region of York confirms that additional servicing capacity is available at the Kleinburg Water Resource Recovery Facility through its Kleinburg Water Resource Recovery Facility Capacity Study to determine if additional servicing capacity is available at the Kleinburg Water Resource Recovery Facility beyond its current limit of 7,200 persons equivalent; vii. The Owner shall enter into a Development Agreement, if required, which includes, amongst other matters, agreeing to provide the necessary financial security or payment as its contribution towards the construction of the ultimate sanitary sewer along Highway 27, to the satisfaction of the City. The financial security or payment shall be provided in the form of a Letter of Credit or other method acceptable to the City. The financial security amount will be confirmed by the City’s Infrastructure Planning Department;	

- viii. The Owner shall obtain approval from the Region of York for the proposed stormwater management strategy, including the outlet discharging to the drainage ditch along Highway 27;
- ix. The Owner shall obtain a clearance letter from the Region of York; and
- x. The Owner shall demonstrate that the existing water and sanitary servicing infrastructure traversing the subject lands, which are currently servicing the Montessori School located south of the subject lands, will be maintained in continuous operation and will not be decommissioned, removed, or otherwise interrupted until it is demonstrated that an alternative water and sanitary servicing infrastructure has been provided to service the Montessori School, to the satisfaction of the City, such that:
 - 1. The proposed servicing strategy, including any relocation of infrastructure, is supported by a Functional Servicing Report and detailed engineering drawings;
 - 2. The continuity of water and sanitary servicing to the Montessori School is maintained at all times, with no interruption or adverse impact; and,
 - 3. All necessary approvals have been obtained, and the required works are secured through appropriate agreements and financial securities, to the satisfaction of the City.
- 2. In addition to the uses permitted in the KMS Zone, a Hotel use shall be permitted on the Subject Lands as shown on Figure “E-1845”.

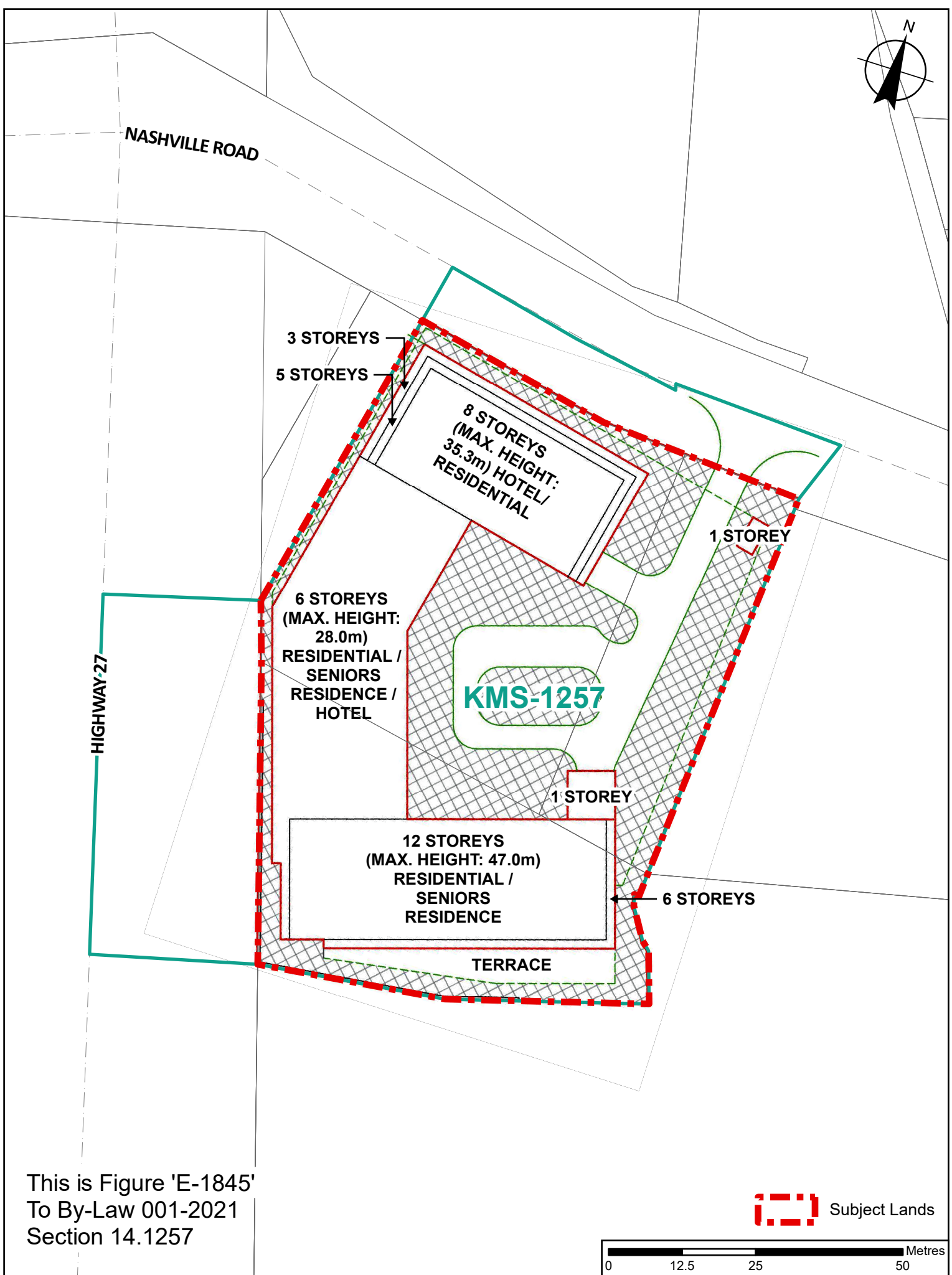
14.1257.2 Lot and Building Requirements

- 1. The following provisions shall apply to the Subject Lands, as shown on Figure “E-1845”:
 - a. The lot line along Nashville Road shall be deemed to be the front lot line;
 - b. The minimum number of Hotel guest rooms shall be 50;
 - c. The minimum front yard shall be 3 m (north lot line);
 - d. The minimum rear yard shall be 4 m (south lot line);
 - e. The minimum interior side yard shall be 2.5 m (east lot line);
 - f. The minimum exterior side yard shall be 1.5 m (southwest lot line);
 - g. The minimum interior side yard shall be 1.5 m (northwest lot line);
 - h. The maximum lot coverage shall be 60%;
 - i. The maximum building height shall be 8-storeys (35.3 m) along Nashville Road, 6-storeys (28 m) for the podium along Highway 27, and 12-storeys (47 m) at the south end of the Subject Lands, excluding any mechanical penthouse, measured from established grade along

Nashville Road;	
k. A <u>mechanical penthouse</u> shall not exceed 6 m in <u>height</u> ;	
l. A maximum <u>floor space index</u> of 5.1 shall be permitted;	
m. A terrace on the <u>ground floor</u> may encroach a maximum of 2 m into the required <u>rear yard</u> ;	
n. The minimum <u>setback</u> to a below- <u>grade parking structure</u> from a <u>street line</u> shall be 1 m; and	
o. An access staircase to the <u>parking structure</u> shall be permitted in the <u>front yard</u> and shall be <u>setback</u> a minimum of 5 m from the <u>front lot line</u> .	
14.1257.3	Parking
1. A minimum of 0.9 parking spaces per guest room shall be required.	
14.1257.4	Figures
Figure E-1845	

- c) Adding a new Figure E-1845 in Subsection 14.1257 attached hereto as Schedule “1”.
 - d) Deleting Map 177 in Schedule A and substituting therefore Map 177 attached hereto as Schedule “2”.
2. Schedules “1” and “2” shall be and hereby form part of this By-law.

This by-law is authorized pursuant to the Ontario Land Tribunal Order issued on June 11, 2026, in Tribunal Case No. OLT-25-000884.



This is Schedule '1'
To By-Law 188-2026
Passed the 11th Day of June, 2026

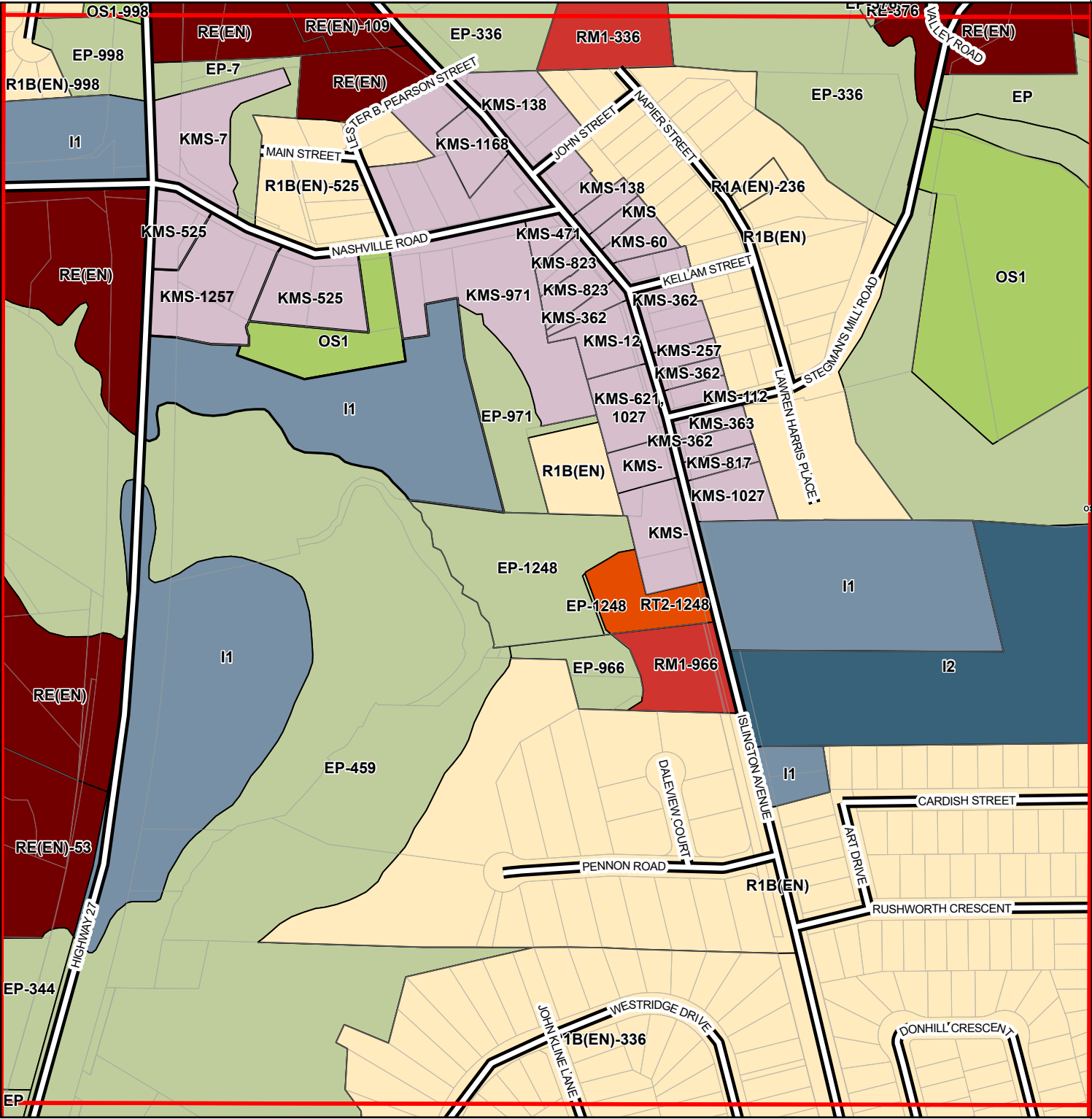
File: Z.24.030
Related File: OP.24.013
Location: 89 and 99 Nashville Road
Part of Lot 24, Concession 8
Applicant: 2133904 Ontario Inc.
City of Vaughan

Signing Officers

OLT CASE NO. OLT-25-000884
June 11, 2026

Zoning By-law 001 - 2021

Schedule A | Map 177



Conservation, Open Space and Agricultural Zones

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

Vaughan Metropolitan Centre Zones

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

Residential Zones

- R1 (First Density Residential Zone)
- R2 (Second Density Residential Zone)
- R3 (Third Density Residential Zone)
- R4 (Fourth Density Residential Zone)
- R5 (Fifth Density Residential Zone)
- RT (Townhouse Residential Zone)
- RT1 (Townhouse Residential Zone)
- RT2 (Townhouse Residential Zone)
- RM1 (Multiple Unit 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)

Employment Zones

- EM1 (Prestige Employment Zone)
- EM2 (General Employment Zone)

Other Zones

- EM3 (Mineral Aggregate Operation Zone)
- 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

VAUGHAN

215	216	217	218	219
195	196	197	198	199
175	176	177	178	179
156	157	158	159	160
137	138	139	140	141

May 2026

This is Schedule '2'
To By-Law 188-2026
Passed the 11th Day of June, 2026

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

Signing Officers

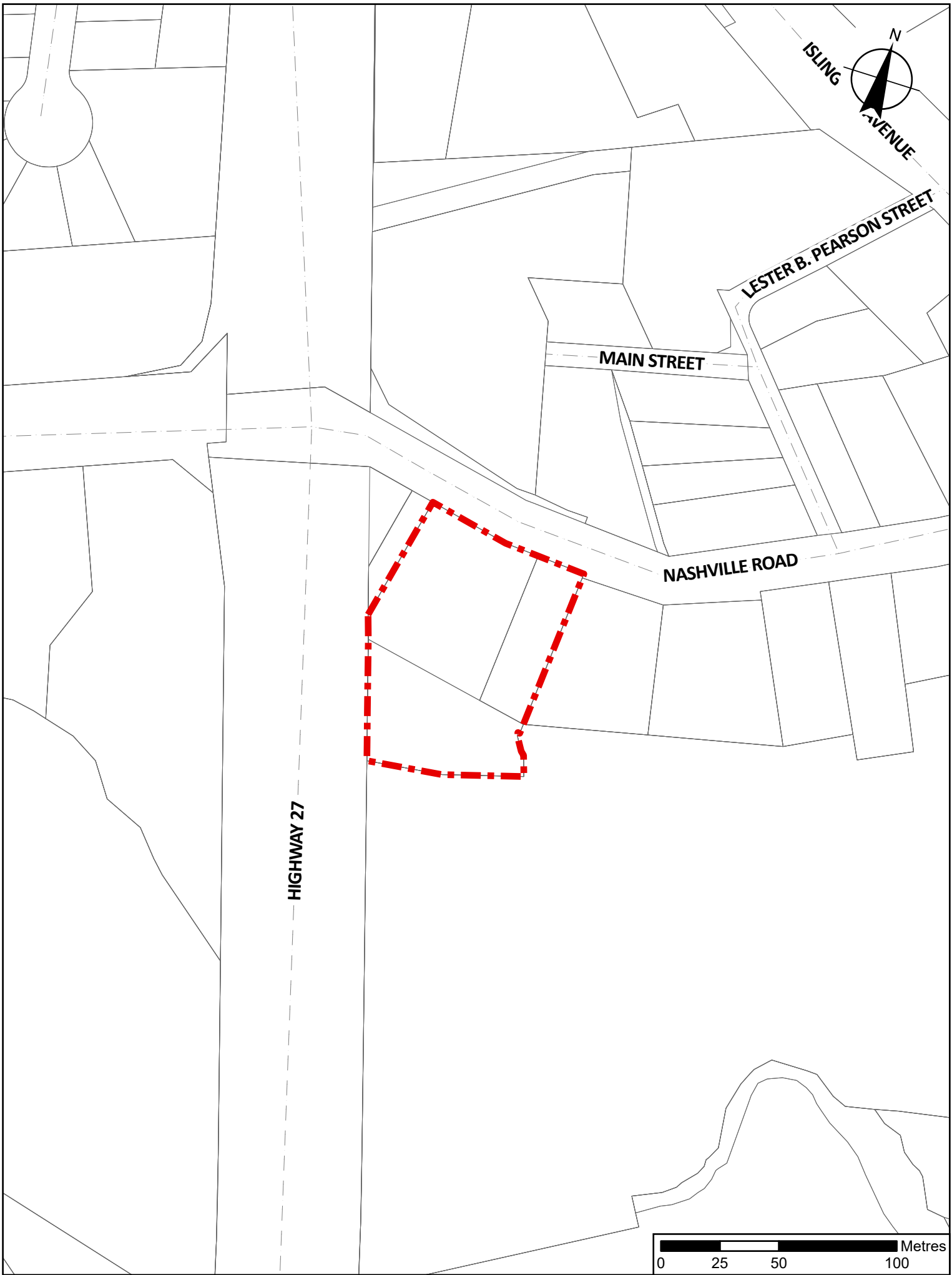
OLT CASE NO. OLT-25-000884
June 11, 2026

SUMMARY TO BY-LAW 188-2026

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 By-law is to amend City of Vaughan Zoning By-law 001-2021 to re-zone the Subject Lands with the Holding Symbol “(H)” and implement site specific standards 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.).



Location Map
To By-Law 188-2026

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

 Subject Lands

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.