

COMMITTEE OF THE WHOLE FEBRUARY 19, 2008

KLEINBURG NEW FOREST NORTH PROJECT

Recommendation

The Commissioner of Planning and the Commissioner of Legal and Administrative Services, in consultation with the Director of Building Standards and the Director of Legal Services, recommend that this report be received for information purposes.

Economic Impact

There is no economic impact as a result of the recommendation in this report.

Communications Plan

All interested parties will be advised of the decision of Council on this matter.

Purpose

The purpose of this report is to respond to a Council direction to report on whether the City of Vaughan can issue a fill permit for the Kleinburg New Forest North Project.

Background - Analysis and Options

Section 2(2)(b) of the City's Fill By-law 189-96 provides that the requirement to obtain a fill permit from the City does not apply to the placing or dumping of fill or alteration of the grade of land by any municipality, local board as defined in the Municipal Affairs Act, Crown agency as defined in the Crown Agency Act, and Ontario Hydro. The Building Standards Department processes fill permit applications on behalf of the City and have always considered this exemption to include the Toronto Region Conservation Authority given its status as the local conservation authority for lands located in the City of Vaughan.

In this regard, however, notwithstanding the present wording of the City's Fill By-law, if Council determines it appropriate, an amendment could be made to the City's Fill By-law that the above exemption does not extend to a conservation authority. In that event, TRCA would be required to obtain a fill permit from the City for filling to be done in the Kleinburg New Forest North Project after the date of the by-law amendment.

It should also be noted that section 2(2)(a) of the City's Fill By-law and section 142(8) of the Municipal Act, 2001 provide an additional exemption from the City's Fill By-law if a Conservation Authorities Act regulation has been enacted designating the Project as being within TRCA regulated limits. The applicable regulation does not designate this Project as being within TRCA regulated limits, and accordingly this exemption is not applicable to the Project.

As well, otherwise exempt entities can voluntarily determine that it is appropriate to comply with municipal requirements. In this particular case, a review of Building Standards Department files for the Project confirms that TRCA submitted an application to the City for a fill permit in August 2005. This application was not processed by the Building Standards Department at that time on the basis that the Project was exempt from the City's Fill By-law.

Building Standards Department staff has contacted various area municipalities to determine whether their respective Fill By-laws apply to a conservation authority. A review of those Fill By-laws confirms that there is not a uniform policy with respect to regulation of a conservation authority. The Town of Aurora uses wording similar to the present City of Vaughan Fill By-law, and the Town of Aurora similarly considers the conservation authority exempt. The Town of

Richmond Hill Fill By-law specifically exempts a conservation authority from the By-law. The Town of Markham does not provide a specific exemption for a conservation authority in its Fill By-law. The City of Brampton has verbally advised that it requires a conservation authority to obtain a Fill Permit.

Relationship to Vaughan Vision 2020

This report is consistent with the priorities previously set by Council and the necessary resources have been allocated and approved.

Regional Implications

None.

Conclusion

It is recommended that Council receive this report for information purposes.

Attachments

None.

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Respectfully submitted,

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