

## COMMITTEE OF THE WHOLE – JANUARY 17, 2012

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### COMMUNICATIONS

#### Distributed January 6, 2012

C1. Mr. Danny Pollak, dated December 19, 2011.

#### Item No.

Presentations and Deputations  
8a)

#### Distributed January 13, 2012

C2. Memorandum from the Commissioner of Planning, dated January 12, 2012.

15

#### Distributed January 16, 2012

C3. Mr. Bob Adam, CFO of adidas Canada, dated January 12, 2012.

10

C4. Mr. Rob Kenedy, MacKenzie Ridge Ratepayers Association.

1

C5. Mr. Gerard C. Borean, Parente, Borean LLP, dated January 16, 2012.

11

C6. Mr. Tony Monopoli

18

C7. Ms. Susan Sigrist, dated January 14, 2012.

1

#### Distributed at the January 17, 2012 Committee of the Whole Meeting

C8. Memorandum from the Commissioner of Engineering and Public Works, dated January 17, 2012.

18

C9. Confidential memorandum from Legal Counsel, dated January 16, 2012.

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Please note there may be further Communications.

c 1

COMMUNICATION  
CW - January 17 / 2012

Subject: FW: request

ITEM # - Presentations & Deputations a)

**From:** danny pollak [mailto:dannypollak@yahoo.com]  
**Sent:** Monday, December 19, 2011 7:53 PM  
**To:** Jeffry.abrams@vaughan.ca; Clerks@vaughan.ca  
**Subject:** request

*DANNY POLLAK*

127 Allison Ann Way Maple, Ontario L6A 0G7 Canada. Tel/Fax: (905) 731-7585 Cell: (416)455-9055  
E-mail: dannypollak@yahoo.com

20 December, 2011

Mr. Jeff Abrahams  
City of Vaughan Clerk.  
2141 Mayor and members of councilor.  
Major Mackenzie Dr.  
Vaughan, ON  
L6A 1T1

Dear Mr. Abrams.

Re: City of Vaughan Big Band /Jazz Festivals

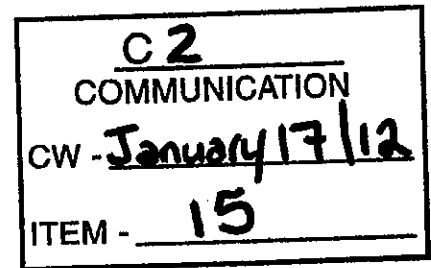
I would like to make a request /proposal on the next Meeting of the whole regarding a Jazz big band of the City of Vaughan.  
Kindly inform me if possible on the next meeting.

Sincerely.

*Danny Pollak*

C.C City Clerk Mr. Jeff Abrahams  
Jeffry. Abrams@vaughan.ca  
clerks@vaughan.ca  
Fax 905-832-8535

**DATE:** JANUARY 12, 2012  
**TO:** HONOURABLE MAYOR AND MEMBERS OF COUNCIL  
**FROM:** JOHN MACKENZIE, COMMISSIONER OF PLANNING  
**RE:** Communication – Item 15  
Committee of the Whole Meeting – January 17, 2012



Arvit Investments Inc. (Mosaik Homes)  
Official Plan Amendment File OP.09.008  
Zoning By-law Amendment File Z.09.040  
Site Development File DA.11.075  
Ward 1

**Recommendation**

The Commissioner of Planning recommends:

1. THAT the recommendation of the Commissioner of Planning for Item 15 of the Committee of the Whole report of January 17, 2012, be amended to include the following additional provision within the Site Plan Letter of Undertaking for Site Development File DA.11.075 (Arvit Investments Inc. (Mosaik Homes)) as 3a) vi):  
  
"vi) the Owner shall pay to the City, prior to the execution of the Site Plan Letter of Undertaking, a woodlot development charge at the rate of \$1,000.00 per residential unit, in accordance with the previous Special Area Woodlot Development Charge By-law and the City's Woodlot Acquisition Front-end Agreement."

**Background**

Official Plan Amendment File OP.09.008, Zoning By-Law Amendment File Z.09.040, and Site Development File DA.11.075 (Arvit Investments Inc. (Mosaik Homes)) are being considered at the January 17, 2012 Committee of the Whole meeting (Item 15). A condition relating to the payment of the woodlot development charge prior to the execution of the Site Plan Letter of Undertaking was inadvertently omitted from the recommendation in the staff report for Item 15 on the January 17, 2012 Committee of the Whole agenda, and is being included through the recommendation in this Communication.

**Attachments**

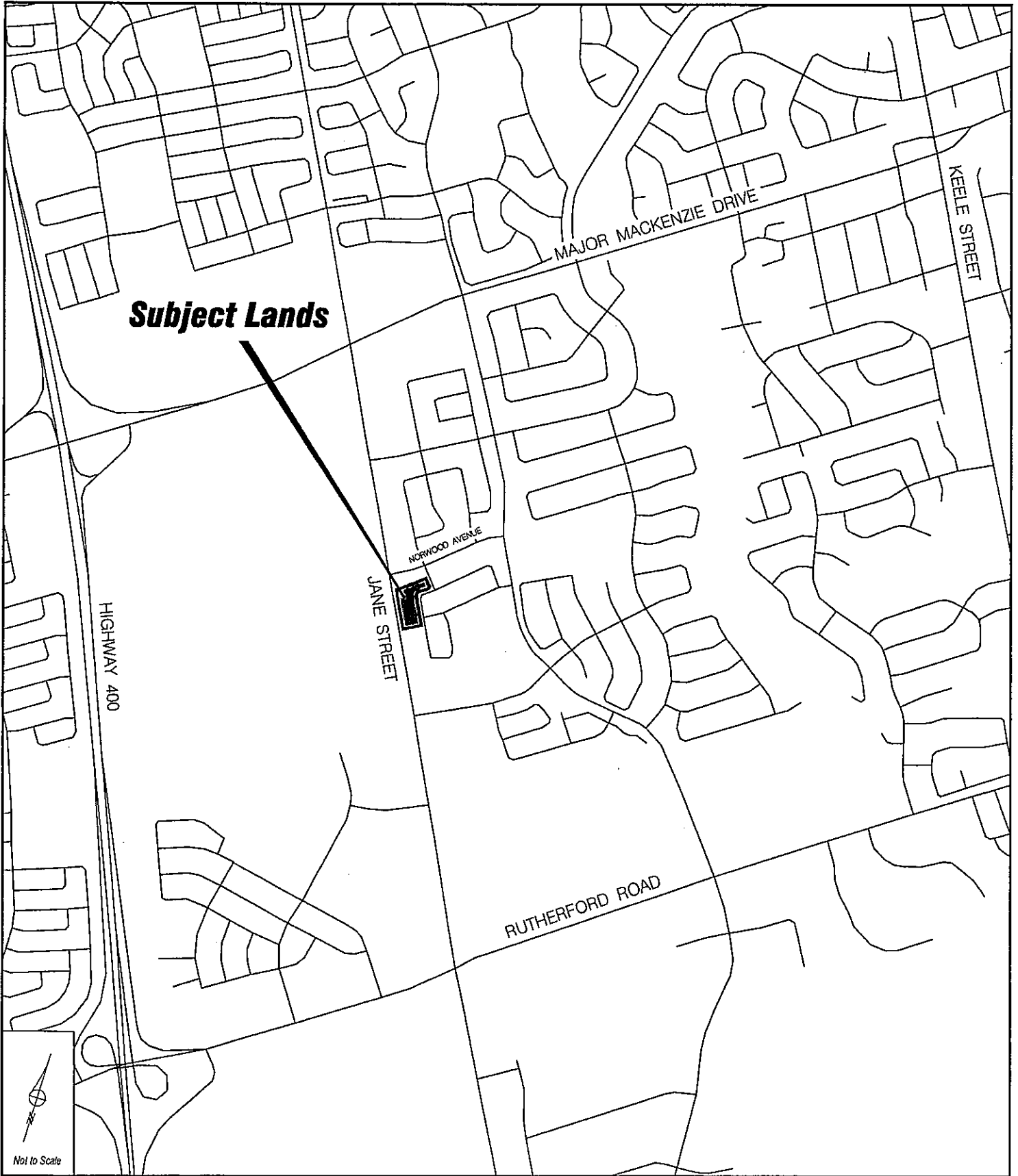
1. Context Location Map
2. Location Map

Respectfully submitted,



JOHN MACKENZIE  
Commissioner of Planning

Copy to: Clayton Harris, City Manager  
Jeffrey A. Abrams, City Clerk  
Grant Uyeyama, Director of Development Planning



# Context Location Map

LOCATION:  
Part of Lot 19, Concession 4

APPLICANT:  
Arvit Investments Inc. (Mosaik Homes)

N:\09\1 ATTACHMENTS\2\z.09.09\09.09.08.dwg



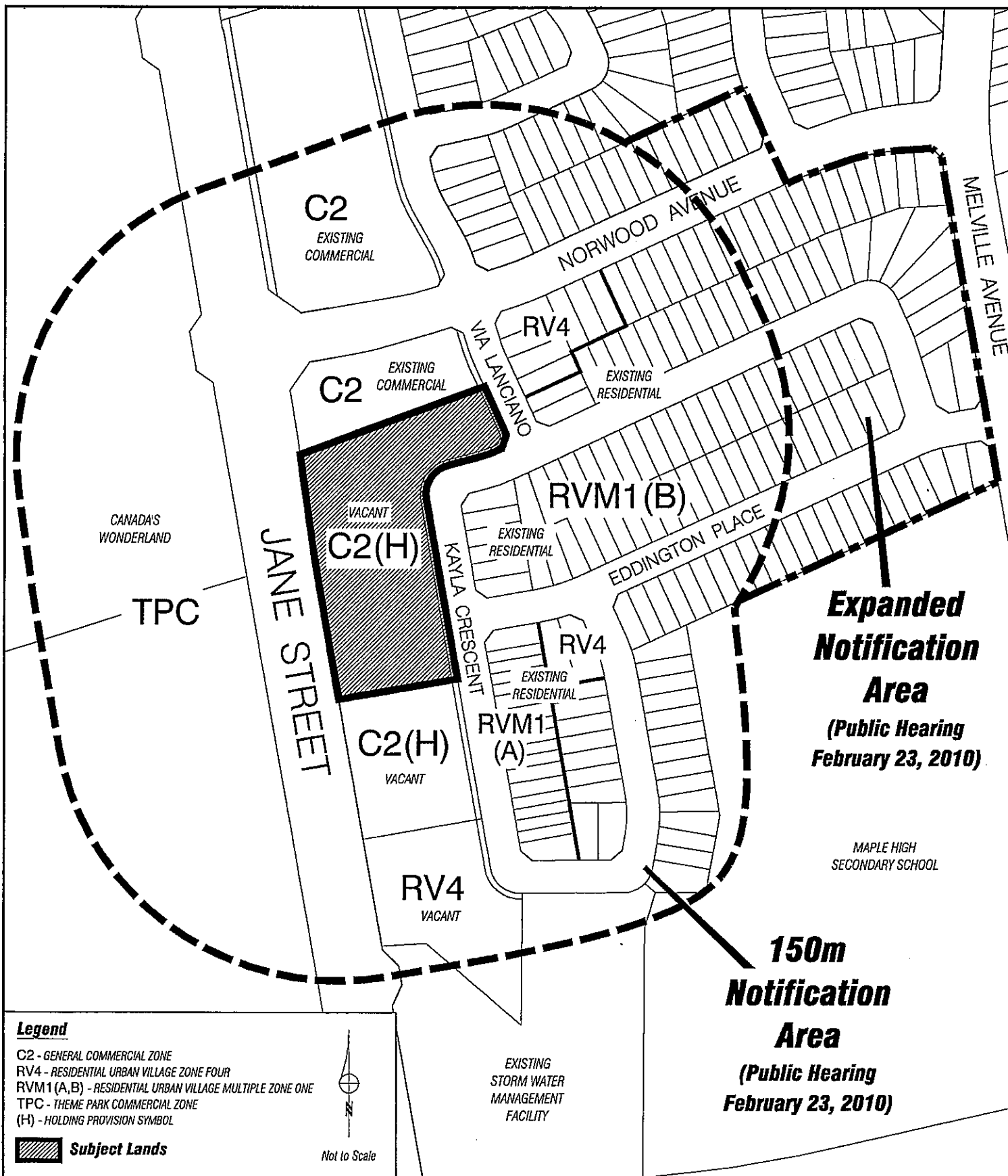
Development Planning Department

# Attachment

FILES:  
Z.09.040, OP.09.008, DA.11.075

DATE:  
October 28, 2011

1



**Legend**

- C2 - GENERAL COMMERCIAL ZONE
- RV4 - RESIDENTIAL URBAN VILLAGE ZONE FOUR
- RVM1 (A,B) - RESIDENTIAL URBAN VILLAGE MULTIPLE ZONE ONE
- TPC - THEME PARK COMMERCIAL ZONE
- (H) - HOLDING PROVISION SYMBOL

 **Subject Lands**



Not to Scale

**Location Map**

LOCATION:  
Part of Lot 19, Concession 4

APPLICANT:  
Arvit Investments Inc. (Mosalk Homes)

N:\0971\1 ATTACHMENTS\Z\z.09.040op.09.008.dwg



Development Planning Department

**Attachment**

FILES:  
Z.09.040, OP.09.008, DA.11.075

DATE:  
October 28, 2011

**2**

# adidas

## GROUP

January 12, 2012

City of Vaughan  
City Clerk's Office  
2141 Major Mackenzie Drive  
Vaughan, Ontario  
L6A 1T1

<u>C 3</u>	
COMMUNICATION	
CW -	<u>Jan. 17/12</u>
ITEM -	<u>10</u>

Attention: Mr. Jeffery Abrams, City Clerk

Dear Sir:

Re: Zoning By Law Amendment Application  
611428 Ontario Limited  
File No. Z.11.031  
City of Vaughan

I have been advised that the owners, 611428 Ontario Limited, of the property north of our Corporate head office for adidas Canada ("adidas") have proposed to rezone a portion of their lands, on the east side of the valley from Prestige Employment Area (EM1-H) to General Employment Area (EM2). It is my understanding that the proposed re-zoning of these lands to General Employment Area would permit a number of undesirable uses in an area that has recently developed and will continue to develop with prestige employment and commercial uses, such as our head office complex.

To my astonishment, I was also made aware of the fact that the City's Planning Department has supported this request in a technical report that is to be presented to Vaughan Council (Committee of the Whole) on January 17, 2012. Please be advised that the staff report is incomplete as it has clearly failed to address the impact of the zoning change upon the emerging character of this prestige employment area and failed to assess the potential impact upon the natural environment and the existing businesses, all of which impact the City of Vaughan, its policies, its integrity, its reputation and its residents.

To be more specific, we are opposed to this request for the following reasons:

1. The lands immediately surrounding the subject lands are currently zoned, Prestige Employment, Retail Warehouse Employment and Open Space. The re-zoning of the subject lands to General Employment would establish very dangerous precedent for similar applications in the immediate area. In particular, the owners of the lands immediately adjacent to our office (to the east of the subject lands), would as a result, be encouraged to consider a similar re-zoning application. How would the City then respond to such an application if the precedent has been established on the subject lands?

adidas Canada Limited  
8100 Highway 7  
Woodbridge, Ontario  
L4B 1N2

T: 905.246.4200  
F: 905.246.4333  
[www.adidas-group.com](http://www.adidas-group.com)



# adidas

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## GROUP

2. The use of the lands for outside storage would allow for uses such as auto body shops and repairs, contractors yards, building supply outlet, meat packing and processing operations, repair of heavy equipment, truck terminal and scrap storage. All of these operation could result in derelict vehicles and equipment being stored on the premises, debris and garbage deposited on site as well as the generation of obnoxious odors. I confirm to you that these uses on the subject lands would be visible from the third and fourth floors of our office.
3. The subject lands are in very close proximity to and very visible from the future Highway 427 extension. The use of the subject lands for outside storage is grossly inappropriate as it will be clearly visible by motorists travelling on the Highway. No amount of berming or landscape screening could hide the storage of heavy contractor's equipment or machinery stored on site. Is this the image that the City of Vaughan wishes to portray to the world on a 400 series Highway? I think not, and in fact, I would hope that these are the reasons why the subject lands were zoned prestige industrial to begin with.
4. The subject lands back onto Rainbow Creek Valley which is a prominent natural and open space area. The use of the abutting lands for outside storage could result in garbage and debris being dumped or blown into this natural area. In addition, we understand and have been advised by our landlord, that a trail system is to be constructed within this valley extending from Highway No. 27 northward. Therefore, on the one hand we have the City demonstrating great foresight in establishing policies to encourage residents and businesses to connect with and respect the environment and on the other hand we have the City supporting policies that are damaging to the same natural features that it wishes to protect. Does the City really believe that residents and employees of the businesses in the area will use and enjoy such trails and path systems when all that will offered is garbage, debris, and the visibility of derelict vehicles, rusting contractor and other equipment, the storage of skids, etc. ? I think not.

adidas has made a substantial long term investment in establishing its new Canadian head office in the City of Vaughan. In so doing, adidas invested a significant amount of time, effort and money in its due diligence process to ensure the right decision was made. I confirm to you that adidas concluded its due diligence and based its decision to locate within the City of Vaughan and in particular this area for a number of reasons, including the following:

1. Availability of a site with exposure to a 400 series Highway;
2. A site in proximity to natural and open space areas that our employees, customers and suppliers would appreciate and enjoy. We understood that the City of Vaughan would protect these natural areas and promote the "connectivity" and the positive interaction of these natural spaces with the residents and businesses in the area;
3. The approved zoning for the surrounding areas was for prestige employment uses and not outside storage uses. As a result of our substantial investment, commitment and outstanding new facility, we expected to see an improvement in uses in the immediate area;

adidas Canada Limited  
8109 Highway 27  
Woodbridge, Ontario  
L4H 3N2

Tel: (905) 266-4300  
Tel: (905) 266-4388  
[www.adidas-group.com](http://www.adidas-group.com)



# adidas


## GROUP

4. Accessibility to higher order uses, such as the abutting commercial uses offered by the Rio Can development;
5. To co-exist in a corporate park that would grow smartly and in a positive, safe and appreciative manner and one that would offer the same opportunity to higher order corporate residents that the community and the City would be proud of. We did not locate into an area that ran the risk deterioration as a result of the impacts associated with outside storage uses including obnoxious noises, odors and visual pollution;
6. To be situated in area that is within close proximity to residents that equally enjoy being associated with clean and non offensive operations.

In conclusion, adidas Canada is proud to have located within a business park in the City of Vaughan that exhibited all of the positive attributes of a prestige employment area. The approval to re-zone the subject lands to General Employment and to allow uses that would erode these positives attributes throughout the area would undermine the originally planned objective of the City, the objective of creating a prestige business park that offered a positive and protected environment for the businesses, the employees and the residents of the neighbouring communities. adidas has been a long time resident of the City of Vaughan and we trust that the City of Vaughan will act responsibly and maintain its commitment to protect and improve our neighbourhood and the business park.

We respectfully request that Council not approve this Zoning By-Law Amendment Application.

Yours truly,



Bob Adam, CFO of adidas Canada

Cc: Mr. Mayor and Members of Council  
Mr. John Mackenzie, Commissioner of Planning  
Mr. Joseph Sgro, ZZEN Group  
Mr. Vic De Zen, ZZEN Group

adidas Canada Limited  
8100 Highway 27  
Woodbridge, Ontario  
L4H 3N2

T 905 266 4300  
F 905 266 4388  
[www.adidas-group.com](http://www.adidas-group.com)





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**From:** Abrams, Jeffrey  
**Sent:** Friday, January 13, 2012 5:23 PM  
**To:** Bellisario, Adelina  
**Cc:** Fernandes, Sybil  
**Subject:** Fw: adidas Canada objection letter  
**Attachments:** adidas.Letter of Objection.Milani Boulevard.January 13, 2012.pdf

For ctte?

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**From:** Joseph Sgro [mailto:JSgro@zzengroup.com]  
**Sent:** Friday, January 13, 2012 05:17 PM  
**To:** Abrams, Jeffrey  
**Cc:** MacKenzie, John; Bevilacqua, Maurizio; Carella, Tony; Racco, Sandra; Shefman, Alan; DeFrancesca, Rosanna; Rosati, Gino; Di Biase, Michael; Iafrate, Marilyn; debbie.schulte@vaughan.ca <debbie.schulte@vaughan.ca>; bob.adam@adidas.com <bob.adam@adidas.com>  
**Subject:** adidas Canada objection letter

Mr. Abrams,

Please find attached a letter that was delivered to our office this afternoon, to my attention and to Mr. Vic De Zen's attention, by adidas Canada, our tenant. Mr. Bob Adam of adidas very much wanted to deliver this letter to you personally today at the City but could not as a result of pressing matters at the office. Mr. Adam requested that I scan this letter and email it you, the Mayor, Members of Council and the Commissioner of Planning asap and that he would have the original couriered to your office first thing Monday morning. Mr. Adam also advised that he would, if necessary, make a deputation at the Council meeting regarding this matter but that he would be away from the office all week next week.

Thank you.

## Joseph Sgro CA

General Manager and Partner  
ZZEN Group of Companies Limited  
100 Zenway Boulevard, Vaughan  
Tel 905-264-5962

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# Mackenzie Ridge Ratepayers Association

City of Vaughan – Planning Department  
2141 Major Mackenzie Dr  
Maple, ON  
L6A 1T1

C 4
COMMUNICATION
CW - Jan. 17/12
ITEM - 1

Re: Official Plan (VOP) 2010, Volumes 1 and 2

We represent the interests of the Mackenzie Ridge Ratepayers Association. The association supports recommending that the new designation of low-rise residential be converted back to Open Space as it was before.

More specifically, we support the Planning Department recommendation that:

“...the lands municipally known as 1600 Teston Road that are currently designated “Low Rise Residential” in VOP 2010 should be designated as “Natural Areas” on Schedule 13 and Schedule 13-J. In addition, the lands shall be identified on Schedule 14-C.

Specific policies shall be provided in Section 13 of Volume 2 of the VOP to reflect the relevant policies of OPA 332 as amended by OPA 604. The recommended additions to Section 13 are noted below.

Adding a new subparagraph to Section 13.1.1 as follows:

. The lands known as 1600 Teston Road are identified on Schedule 14-C and are subject to policies set out in Section 13.X of this Plan.

Adding a new subsection to Section 13 as follows:

**13.X 1600 Teston Road Map 13.X.A**

13.X.1.1 Notwithstanding policy 9.2.1.1 of the Official Plan, for lands designated Natural Areas at 1600 Teston Road and shown on Map 13.X.A as Area ‘B’, and which are under private ownership, it shall not be construed that these lands will necessarily remain designated as such indefinitely or that such areas are free and open to the general public. Where such lands are not acquired by a public body, application for their designation for other uses will be given due consideration by the municipality.

13.X.1.2 Core Features policies in s. 3.2.3 of Volume 1 of the Official Plan apply to lands in Area ‘A’ in Map 13.X.1. Enhancement Areas policies in s. 3.2.3 of Volume 1 of the Official Plan apply to lands in Area ‘B’ in Map 13.X.1.”

If you have any questions, feel free to contact us.

Sincerely,

MacKenzie Ridge RatPAYERS Association  
Rob Kenedy, President  
87 Giorgia Cres  
Maple, ON  
L6A 4R2

---

**From:** Abrams, Jeffrey  
**Sent:** Monday, January 16, 2012 10:14 AM  
**To:** Bellisario, Adelina  
**Subject:** FW: Support for Official Plan (VOP) 2010, Volumes 1 and 2

**Attachments:** Mackenzie Ridge Ratepayers Association Support of VOP 2010 Jan 13, 2012.doc



Mackenzie Ridge  
Ratepayers Ass...

Jeffrey A. Abrams  
City Clerk  
City of Vaughan  
2141 Major Mackenzie Drive  
Vaughan, ON L6A 1T1  
Tel: (905) 832-8585 Ext. 8281  
Fax:(905) 832-8535  
jeffrey.abrams@vaughan.ca

-----Original Message-----

**From:** Caputo, Mary  
**Sent:** Monday, January 16, 2012 8:27 AM  
**To:** Abrams, Jeffrey  
**Subject:** FW: Support for Official Plan (VOP) 2010, Volumes 1 and 2

Good Morning,

Please see the attached letter.

Thank you,

Mary Caputo, Hon. B.A.  
Planner  
Development Planning Department, City of Vaughan  
2141 Major Mackenzie Drive, 2nd Floor, North Loft  
Vaughan, Ontario, L6A 1T1

Tel.: 905.832.8585 ext.: 8215  
Fax.: 905.832.6080  
E-mail.: mary.caputo@vaughan.ca

-----Original Message-----

From: Robert Kenedy [mailto:rkenedy@yorku.ca]  
Sent: Sunday, January 15, 2012 2:01 PM  
To: Caputo, Mary  
Subject: Support for Official Plan (VOP) 2010, Volumes 1 and 2

Mary, I have attached a letter of support from the Ratepayers Association. Can you please let me know who I have to send it to? If it is the City Clerk, can you please pass on an e-mail.

Thanks

Robert A. Kenedy, PhD  
Associate Professor  
Department of Sociology  
Faculty of Liberal Arts  
& Professional Studies  
124 Winters College  
York University  
Toronto, Ontario M3J 1P3  
CANADA  
rkenedy@yorku.ca  
416 736-2100 ext. 77458  
FAX 416 736-5715

On 10/18/2011 8:35 AM, Caputo, Mary wrote:

> Good Morning Robert,  
>  
> Thank you for your e-mail, I will forward it to Vaughan's Clerks Department to be put on record.  
>  
> Thank you,  
>  
>  
> Mary Caputo, Hon.B.A.  
>  
> Planner  
>  
> Development Planning Department, City of Vaughan  
>  
> 2141 Major Mackenzie Drive, 2nd Floor, North Loft  
>  
> Vaughan, Ontario, L6A 1T1  
>  
> Tel.: 905.832.8585 ext.: 8215

>  
> Fax.: 905.832.6080  
>  
> E-mail: mary.caputo@vaughan.ca  
>  
>  
> -----Original Message-----  
> From: Robert Kenedy [mailto:rkenedy@yorku.ca]  
> Sent: Monday, October 17, 2011 5:12 PM  
> To: Caputo, Mary  
> Subject: Opposition to Amendments File # OP.11009 and Z. 11.034

>  
> Dear Mary:

>  
> This is to confirm that I oppose Official Plan Amendment Application and  
> Zoning By-Law Amendment below based on the reality that this development  
> is both unprecedented and unsuitable for the area. All the neighbors I  
> have spoken to in the development north of the property also oppose the  
> amendments.

>  
> 1) An Official Plan Amendment Application to amend the City's Official  
> Plan (OPA #600, as amended by OPA #332), to increase the  
> maximum permitted density in the "Executive Residential"  
> designation on the subject lands from 5 units per hectare; and,

>  
> 2) A Zoning By-law Amendment Application to amend Zoning By-law 1-  
> 88, to rezone the subject lands from RR Rural Residential Zone  
> (single detached) to RM2 Multiple Residential Zone (townhouses)  
> with site-specific development standards.

>  
> Best,

>  
> Robert A. Kenedy

>  
> 87 Giorgia Crescent  
> Maple, ON  
> L6A 4R2

>  
> and

> --

>  
> Robert A. Kenedy, PhD  
> Associate Professor  
> Department of Sociology  
> Faculty of Liberal Arts  
> & Professional Studies  
> 124 Winters College  
> York University  
> Toronto, Ontario M3J 1P3  
> CANADA

> rkenedy@yorku.ca  
> 416 736-2100 ext. 77458  
> FAX 416 736-5715

>

>

>

> This e-mail, including any attachment(s), may be confidential and is intended solely for the attention and information of the named addressee(s). If you are not the intended recipient or have received this message in error, please notify me immediately by return e-mail and permanently delete the original transmission from your computer, including any attachment(s). Any unauthorized distribution, disclosure or copying of this message and attachment(s) by anyone other than the recipient is strictly prohibited.

**PARENTE, BOREAN LLP***Barristers & Solicitors*

3883 Highway 7, Suite 207, Vaughan, Ontario L4L 6C1

Telephone: (905) 850-6066

Facsimile: (905) 850-6069

Toronto Line: (416) 798-7077

Don Parente, B.A., LL.B.  
Gerard C. Borean, LL.B.

05
COMMUNICATION
CW - Jan. 17/12
ITEM - 11

E-mail: [gborean@parenteborean.com](mailto:gborean@parenteborean.com)  
[mdilena@parenteborean.com](mailto:mdilena@parenteborean.com)**CONFIDENTIALITY NOTE:**

The information contained in this facsimile message is legally privileged and confidential information intended only for the use of the individual or entity named below. If the reader of this message is not intended recipient, you are hereby notified that any use, dissemination, distribution or copy of this facsimile is strictly prohibited. If you have received this facsimile in error, please immediately notify us by telephone and return the original message to us by mail at the address above. Thank you.

**FAX NO.: 905-832-8535****DATE: January 16, 2012****TO: THE HONOURABLE MAYOR BEVILACQUA AND MEMBERS OF COUNCIL****FIRM: THE CORPORATION OF THE CITY OF VAUGHAN****FAX NO.: 905-832-8535****TO: JEFFREY ABRAMS, CITY CLERK****FIRM: THE CORPORATION OF THE CITY OF VAUGHAN****FROM: GERARD C. BOREAN**

**RE: COMMITTEE OF THE WHOLE - JANUARY 17, 2012 - ITEM 11 - OFFICIAL PLAN AMENDMENT FILE NO. OP. 11.004 AND ZONING BY-LAW AMENDMENT FILE Z.11.014 - RAVINES OF ISLINGTON HOLDINGS LIMITED - WARD 2**

**SENDER: Michelle Di Lena****FILE NO.: 110514**

WE ARE SENDING 3 PAGES INCLUDING THIS COVER SHEET. If you do not receive all of the pages, please contact Michelle Di Lena at 905-850-6066 X 226.

**PLEASE NOTE:** Attached hereto is my letter dated January 16, 2012, together with the enclosure therein; namely, Mr. Zipay's opinion letter dated January 12, 2012.

# PARENTE, BOREAN LLP

*Barristers & Solicitors*

Don Parente, B.A., LL.B.

Gerard C. Borean, LL.B.

3883 Highway 7, Suite 207, Vaughan, Ontario L4L 6C1

Telephone: (905) 850-6066

Facsimile: (905) 850-6069

Toronto Line: (416) 798-7077

E-mail: [gborean@parenteborean.com](mailto:gborean@parenteborean.com)

[mdilena@parenteborean.com](mailto:mdilena@parenteborean.com)

January 16, 2012

Our File No. 110514

**DELIVER VIA FACSIMILE: 905-832-8535  
AND VIA EMAIL AT: [jeffrey.abrams@vaughan.ca](mailto:jeffrey.abrams@vaughan.ca)**

To the Honourable Mayor Bevilacqua  
and Members of Council  
2141 Major Mackenzie Drive  
Vaughan, Ontario  
L6A 1R1

Office of the City Clerk  
City of Vaughan  
2141 Major Mackenzie Drive  
Vaughan, Ontario  
L6A 1T1

**Attention: Jeffrey Abrams, Clerk**

Your Worship, Members of Council  
and Mr. Abrams:

**RE: COMMITTEE OF THE WHOLE – JANUARY 17, 2012 – ITEM 11 – OFFICIAL  
PLAN AMENDMENT FILE NO. OP. 11.004 AND ZONING BY-LAW  
AMENDMENT FILE Z.11.014 - RAVINES OF ISLINGTON HOLDINGS  
LIMITED – WARD 2**

Further to my brief telephone conversation with Mr. Abrams, this shall confirm that I am the solicitor for Ravines of Islington Holdings Limited ("Ravines of Islington"). I have had an opportunity to review the Staff Report as prepared by City Staff for the above-referenced item; to that end, I do not agree with the position set out by City Staff in its report that would suggest a potential new public hearing for this matter. It is abundantly clear that the *Planning Act* contemplates that minor modifications would not require going through a further public meeting process. I respectfully submit that Council is empowered to decide what components of an Official Plan Amendment it wishes to adopt or change after it has gone through a public meeting process.



- 2 -

I have retained, on behalf of Ravines of Islington, John Zipay & Associates, to provide me with an opinion with respect to this matter; and to that end, I enclose/attach a copy of John Zipay's opinion letter which I trust you will find to be self-explanatory and which concludes and confirms that, in his opinion, given the request to the revisions are minor, that the legislation provides Council with the authority to make a decision as to whether or not a further public hearing is required for either an Official Plan Amendment or a Zoning Amendment Application.

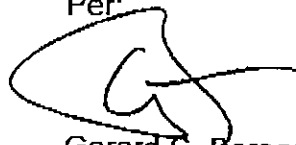
I would respectfully request that this correspondence and Mr. Zipay's opinion letter be distributed to the Mayor, and Members of Council for consideration.

As usual, I thank you for your co-operation and assistance.

Yours very truly,

**PARENTE, BOREAN LLP**

Per:

A handwritten signature in black ink, appearing to read "Gerard C. Borean". The signature is stylized with a large, sweeping initial "G" and a long horizontal stroke extending to the right.

Gerard C. Borean

GCB/md

Enc.

cc: client

cc: Claudio Brutto

cc: John Zipay

January 12, 2012

John Zipay & Associates  
2407 Gilbert Court  
Burlington, Ontario  
L7P 4G4

Mr. Gerard C. Borean,  
Parente, Borean LLP  
3883 Highway No.7  
Woodbridge, Ontario  
L4L 6C1

This is in response to your request for an opinion concerning the positions put forth by Mr. Claudio Bruto, on behalf of Ravines of Islington Holdings Ltd. and, by the Planning and Development Department, with regard to O.P.A. amendment file OP11,004, and zoning amendment File Z.11.014 as to whether or not another public hearing is required in order to consider revisions to the original applications.

The facts as I understand them are as follows:

- 1) Council passed a resolution to defer the adoption of By-laws 225 – 2011 and 226 – 2011 at the request of the applicant, and directed staff to prepare a report on the matters raised.
- 2) A staff report has been prepared for the January 17, 2012 meeting of the Committee of the Whole.
- 3) The applicant would like to revise the O.P.A. and zoning applications to permit 13 townhouses instead of 11. The building mass, size and height would stay the same. Units would become smaller to accommodate 2 more units within the same sized structure. The FSI of the building remains the same.
- 4) The issue is that the applicant is requesting that Council approve these revisions without having to proceed to another public hearing on the grounds that the changes are minor and comply with the Planning Act, and therefore Council can determine that another public hearing is not required and can approve the minor modification as requested.
- 5) The Planning Department has recommended that a new public hearing is required on the basis that the Planning Act requires a public hearing for the O.P.A. and Council policy requires a public hearing for any development application which increases density or the number of units, after the first public hearing.
- 6) The applicant's position is that the requested revisions are minor. The Planning Department agrees with this position as indicated in the staff report. There is no disagreement that the changes are minor.

The question is, can Council make revisions to the O.P.A. and zoning approvals prior to passage of the enacting by-laws without conducting another public hearing?

With respect to zoning, note the following:

- 1) Under Section 34(17) of the Planning Act, Council does have the authority to make revisions to zoning by-law application approvals so long as –  
“Council deems a revision as minor and not requiring a further Public Hearing”

Council must pass as part of the adopting resolution acknowledgement that it does deem the revisions as being minor and therefore another public hearing is not required.

The sticking point appears to revolve around whether or not Council has the Authority to make revision to the O.P.A. approval without a further Public Hearing.

The Planning Department Report states that,

“Council should note that the Zoning Section of Sec.34 (17) allows Council to deem a revision as minor and not requiring a further Public Meeting. However, the Official Plan Section of the Planning Act does not grant the same authority to the municipality.”

In my opinion, the statement is correct regarding the zoning process, but is misleading with respect to an Official Plan amendment. It leaves the impression that because there is no explicit clause in the Official Plan Section of the Planning Act similar to that which is in the Zoning Section, then it automatically means Council cannot consider a change to an Official Plan amendment after the original Public Hearing without holding another Public Hearing. I would submit that this is incorrect.

Sections 16 to 26 inclusive of the Planning Act, deals with matters related to Official Plan Legislation.

Section 21 (1) states the following:

“21 (1) Amendment or repeal of a plan – Except as hereinafter provided, the provisions of this Act with respect to an Official Plan, with necessary modifications to amendments thereto or the repeal thereof, and the Council of a municipality that is within a planning area may initiate an amendment to or the repeal of any Official Plan that applies to a municipality, and Section 17 applies to any such amendment.”

Further, Section 22 (1) states the following:

“Request for amendment – If a person or public body requests a Council to amend its Official Plan, the Council shall:

(b) hold a public meeting under Section 17 (15)”

Section 17 (15) prescribes the requirements for consultation and public meeting and specifically states that at least one public meeting be held for the purpose of giving the public an opportunity to make representation in respect of the proposed plan.

Section 17 (22) states the following:

“When the requirements of subsection 17 (15) to (21) as appropriate have been met and Council is satisfied that the plan as finally prepared is suitable for adoption, the Council may by by-law adopt all or part of the plan.”

The Official Plan Section does not need a specific clause as contained in the zoning section of the Act, because Council is empowered to decide what components of an Official Plan amendment it wishes to adopt or change after it has gone through a public meeting process. It is entirely Council's decision to choose what to do. Also, consider that zoning amendment applications and Official plan amendment applications more often than not are submitted and processed concurrently. Does it make sense that the legislation would permit Council to consider minor modifications without the necessity of conducting a further Public Hearing for only one type of application and not the other, when zoning and O.P. amendment applications are submitted at the same time and are heard at the same Public Hearing and deal with the same subject matter?

With respect of the Council policy regarding Public Meeting notification for Planning Applications, this is not legislation and Council by its own authority can make a decision whether or not to hold a further public meeting. The Policy is not prescriptive in that it does not require another Public Meeting. The Policy states:

“That a new public hearing be CONSIDERED for all planning applications under the following circumstances”.....  
and further clause (c) of the policy states that, the Development Planning Department shall prepare a brief report to Council outlining the rationale for a new public hearing and that Council will make the final decision with respect to holding a further public hearing.”

The intent of the policy is to ensure that if a revision or modification after the first public hearing is significant to the point where the land use changes, or where the project becomes considerably larger in terms of height, density, mass and scale, or the modification results in significant impact, then Council can exercise the option of holding another public hearing. A minor revision would logically lead one to conclude that a further public hearing is not required.

The planning report concludes that a new public hearing is required, even though the Planning Development report states in a number of instances that the requested modifications are minor.

The conclusion section of the Planning Department Report recognizes that the requested modifications are minor.

In conclusion, everyone agrees that the requested revisions are minor. The Planning Act Legislation gives Council the authority to make a decision as to whether or not a further Public Hearing is required for either an O.P.A. or zoning application.

The Council Policy does not require a public meeting, it only requires Council to consider whether or not another Public Hearing should be held.

Minor changes should not require a further Public Hearing.

Sincerely,

A handwritten signature in black ink, appearing to read 'John J. Zipay', written in a cursive style with a large loop at the end.

John J. Zipay Msc.U.R.P.; MCIP; RPP

City of Vaughan  
2141 Major Mackenzie Drive  
Vaughan, Ontario L6A 1T1

C 6
COMMUNICATION
CW - Jan. 17 / 12
ITEM - 18
WITHOUT PREJUDICE

Attention: Mr. Paul Jankowski

RE Privacy Fence on the south side of Gregory Gate  
124 Blaine Court, Plan 65M-2524 - Ward 3  
Woodbridge, Ontario

In response to your email dated January 11, 2012 containing the Committee Report which in on the agenda for January 17, 2012 we comment and respond as follows.

As various Councilors and City Officials have been replaced or re-elected since the inception of this issue it would be prudent that they are aware of the facts and history regarding this issue. Attached find a copy of Addendum #27 (The Committee of the Whole - September 29, 2009). Addendum #27 provides detailed information and factual items related to this issue.

To touch on some of the items, please refer to "Background - Analysis and Options" contained in the previous report (Addendum #27).

- "1. Surveyor's Certificate. The survey provided to the property owners shows a wall located on Weston Road and stretching over to the daylight triangle located at the corner of Gregory Gate. The survey does not show a "privacy fencing" along Gregory Gate to either the subject property.
2. The property owners were not provided by the builder within the purchase agreement with any specifications or disclosure of any side yard fencing. The property owners were of the understanding that the side yard fencing was a municipal requirement and to be built on municipal property.
3. The property owners reviewed the legal documents and have concluded no such notification or disclosure was made in that the side yard fencing was to be built on private property nor is there any maintenance requirement normally or typically provided.
4. The property owners have expressed since the period of construction of their home there appeared to be numerous characteristics of substandard construction with the side yard fencing: the fencing base has been shown to be shallow and areas have very little concrete as a base; the fencing panels do not have horizontal brace on the top and bottom as exists with the fencing located on Weston Road thereby causing more stress on each panel; the fencing panels do not have a brace every 5 or 6 runs but rather have some 12 or 14 runs with no concrete column to spread the load and stress as is typical; the owners have also contacted the City of

Vaughan Parks Department and was confirmed by Frank Romano that the contractor had damaged a slab; and the columns have been held up and maintained by the property owners as there have been separation between the vertical and horizontal runs; and the connection between the Gregory Gate fencing and Weston Road fencing has been clearly not been undertaken with a consistent or good workmanship. Appendix 2.

In summary, the property owners have been able to demonstrate the fencing has been constructed, and substantively inferior characteristics are evident to exist when comparing the fencing to the abutting wall that continues to run along Weston Road that has no evidence of deterioration.

The City of Vaughan for decades have advised the property owners the standard response in that privacy fencing is located on private property and that each property owner is obligated to maintain the privacy fencing. To support this standard expression, all parties normally and typically refer to a subdivision agreement.

The property owners attach as Appendix 3 the subdivision agreement and it does not include such disclosure as with respect to any fencing or maintenance. The property owners further submits there is no evidence their lawyer was provided with any information with respect to the privacy fencing to be located on private property and the responsibility of the property owner."

Also contained in Addendum #27, are 2 (two) letters sent to the Town of Vaughan sent to the Town of Vaughan dated July 6, 1988 and July 20, 2988 reflecting concerns with the privacy fence and grading associated with Lot 3246 (124 Blaine Court) to which to date have not been responded to.

Excerpt from the development agreement is also included in Addendum #27 and reads as follows

"21.23 Prior to issuance of a building permit for Lots 199 to 204 inclusive and lots 246, 247 and 205 the applicant shall provide the Town with satisfactory proof that a restriction has been registered on title that prevents the transfer of the lot without the consent of the Town, which shall be given only after the privacy fence abutting such lots has been installed in accordance with the construction drawings and to the satisfaction of the Town Engineer".

As indicated in the background analysis and options, no such restriction or disclosure has been registered on title regarding the side yard fencing. Although, the Town Engineer would have been satisfied in order to issue a Building Permit for the affected lots.

It also mentions the privacy fence abutting such lots have been installed in accordance with the construction drawings. Should this have been the case it would be reflected on

the legal property survey, and installed (I assume) on private property, in which we know that neither is the case, as the previous report indicates the VAST MAJORITY is located on city lands.

Subdivision agreements are between the City and the Developers, as far as the potential homeowner is concerned the City is the governing body.

The various reports touch on the “substandard” construction of the applicable fence in comparison with the fence located on Weston Road. Both fences were installed on or around the same time by the same developer. The fence on Weston Road being of superior standard and installation with proper supports is in excellent condition and the “substandard” fence along Gregory Gate with minimal supports is “Failing”.

As outlined in the City of Vaughan’s “Noise Attenuation Fencing Policy “The typical life expectancy of these pre-cast concrete walls is in the order of 30 years” In this case we have experienced a life expectancy of 21 years (1988 to 2009) with many additional supports and bracings added through the years to prevent an un-safe condition.

The question of timing is also very interesting.

“On August 28, 2009, staff sent a letter to the property owner outlining the result of their document search and field survey. In this letter, staff noted that the privacy fence has been in place for about 20 years and appears to be at the end of its design life. However, given that the existing fence was mistakenly located by the developer partly on the City’s 0.3 metre reserve and there is a risk that the fence may collapse, staff offered to remove and dispose of the existing fence material. Staff did not agree to replace the fence as it does not serve any municipal purpose and it exists solely for the benefit of the lot owner.

Council at its meeting October 13, 2009, received Item 27, Report 42 with respect to the existing private fence on the south side of Gregory Gate and approved the following resolution.

***“That Senior Management Staff be directed to conduct a review of the matters contained herein and meet with the property owners to address the issues and bring forth recommendations to resolve this issue to a future Committee of the Whole meeting.”***

Council at the time was fully aware of the offer to remove the existing fence (August/2009) and yet recommended Senior Management Staff to meet with the property owners to address the issues and bring forth recommendation to resolve this issue.

The documents being put in front of council – January 17, 2012, do not bring forth any resolution to this issue, it only reiterates the offer previously extended to the property owners, which subsequently has been declined by the property owner and Council at the time, City Staff have yet to present any options for resolution to council as previously mandated by Council over 2-years ago.



Councils acceptance of the report put forward would result in a major set back and contradict a previous decision and recommendation made by the previous Council on October 13, 2009.

I look forward to your support in reiterating the decision and recommendations made by previous Council and extend an offer in providing you and The Senior Management with any further clarification, or discussions in bringing forward possible recommendations to resolve this issue.

Tony Monopoli

647-982-6147

cc: Mayor Maurizio Bevilacqua - maurizio.bevilacqua@vaughan.ca  
Regional Councillor Gino Rosati - gino.rosati@vaughan.ca  
Regional Councillor Michael Di Biase - michael.dibiase@vaughan.ca  
Regional Councillor Deb Schulte - deb.schulte@vaughan.ca  
Ward 1 Councillor Marilyn Iafrate - marilyn.iafrate@vaughan.ca  
Ward 2 Councillor Tony Carella - tony.carella@vaughan.ca  
Ward 3 Councillor Rosanna DeFrancesca - rosanna.defrancesca@vaughan.ca  
Ward 4 Councillor Sandra Yeung Racco - sandra.racco@vaughan.ca  
Ward 5 Councillor Alan Shefman - alan.shefman@vaughan.ca  
City Manager – Clayton Harris - clayton.harris@vaughan.ca  
Director of Development/Transportation Engineering – Andrew Pearce C.E.T. – andrew.pearce@vaughan.ca  
City Clerk – Jeffrey Abrams - jeffrey.abrams@vaughan.ca  
Director of Legal Services – Heather Wilson - heather.wilson@vaughan.ca

ADDENDUM  
# 27

COMMITTEE OF THE WHOLE -- SEPTEMBER 29, 2009

GREGORY GATE PRIVACY FENCING

Recommendation

Councillor Bernie DiVona recommends:

1. That the City of Vaughan receive this report.
2. That Senior Management Staff be directed to conduct a review of the matters contained herein and meet with the property owners to address the issues and bring forth recommendations to resolve this issue to a future Committee of the Whole meeting.

Contribution to Sustainability

N/A

Economic Impact

The City of Vaughan Council is being requested to conduct a final comprehensive review of a series of extraordinary events with respect to a privacy fence that has deteriorated. The economic impact can not be finalized until more specific matters have been evaluated and to be considered at a future Committee of the Whole meeting.

Communications Plan

N/A

Purpose

This report has been prepared in response to a Ward 3 Subcommittee meeting, attended by Regional Councillors Joyce Frustaglio, Mario Ferri, and Gino Rosati, and Councillor Bernie DiVona, along with Engineering staff and the property owner of 124 Blaine Court, Woodbridge Ontario, earlier this year.

The property owner has been informed by the Commissioner of Engineering and Public Works, per letter dated August 28, 2009 of unique and extraordinary findings with respect to the privacy side yard fencing.

The residents under the circumstances are looking for a fair compensation package to address the issues as outlined herein.

Background - Analysis and Options

The property owners, Mr. and Mrs. Monopoli, purchased a home at 124 Blaine Court in 1988. The property owners did notify the City of Vaughan Engineering Department and the Building Department in 1988 several issues existed with grading issues and the "unsafe condition of the wall, and how several sections are loose". Appendix 1.

The property owners have expressed, the City of Vaughan conducted site inspections accompanied by the builder and it was understood these matters were to be addressed.

The property owners have expressed they had contacted the City of Vaughan on numerous occasions and were advised that no further action would be taken as the subdivision had been assumed and that privacy fencing are constructed on private property.

The property owners having purchased the property were provided with several documents:

1. Surveyor's Certificate. The survey provided to the property owners shows a wall located on Weston Road and stretching over to the daylight triangle located at the corner of Gregory Gate. The survey does not show a "privacy fencing" along Gregory Gate to either the subject property.
2. The property owners were not provided by the builder within the purchase agreement with any specifications or disclosure of any side yard fencing. The property owners were of the understanding that the side yard fencing was a municipal requirement and to be built on municipal property.
3. The property owners reviewed the legal documents and have concluded no such notification or disclosure was made in that the side yard fencing was to be built on private property nor is there any maintenance requirement normally or typically provided.
4. The property owners have expressed since the period of construction of their home there appeared to be numerous characteristics of substandard construction with the side yard fencing: the fencing base has been shown to be shallow and areas have very little concrete as a base; the fencing panels do not have horizontal brace on the top and bottom as exists with the fencing located on Weston Road thereby causing more stress on each panel; the fencing panels do not have a brace every 5 or 6 runs but rather have some 12 or 14 runs with no concrete column to spread the load and stress as is typical; the owners have also contacted the City of Vaughan Parks Department and was confirmed by Frank Romano that the contractor had damaged a slab; and the columns have been held up and maintained by the property owners as there have been separation between the vertical and horizontal runs; and the connection between the Gregory Gate fencing and Weston Road fencing has been clearly not been undertaken with a consistent or good workmanship. Appendix 2.  
In summary, the property owners have been able to demonstrate the fencing has been constructed, and substantively inferior characteristics are evident to exist when comparing the fencing to the abutting wall that continues to run along Weston Road that has no evidence of deterioration.

The City of Vaughan for decades have advised the property owners the standard response in that privacy fencing is located on private property and that each property owner is obligated to maintain the privacy fencing. To support this standard expression, all parties normally and typically refer to a subdivision agreement.

The property owners attach as Appendix 3 the subdivision agreement and it does not include such disclosure as with respect to any fencing or maintenance. The property owners further submits there is no evidence their lawyer was provided with any information with respect to the privacy fencing to be located on private property and the responsibility of the property owner.

As a result of the inspection and investigation conducted by the City of Vaughan, per letter dated August 28, 2009:

"In your case, the fence has been wrongly located by the developer on the City's 0.3 metre Reserve. Accordingly, in this instance, since the VAST MAJORITY of the fence is located on City lands, we are prepared to remove and dispose of the existing fence material.."

#### Relationship to Vaughan Vision 2007

This report recommends a change from the priorities previously set by Council and the necessary resources have not been allocated.

**Regional Implications**

N/A

**Conclusion**

This report is requesting a full review, and after doing so, staff be directed to determine the options available to address the matters contained in this report extraordinary in nature:

- property owner has demonstrated that fencing was inferior at the time of construction;
- property owner had contacted the municipality at the time of construction and prior to assumption of the inferior construction;
- property owners has expressed they were not notified by their builder, lawyer, or does there exist any document that transfers ownership of the fencing or location of the fencing to be on private property;
- the City of Vaughan has confirmed the fencing has been "vastly constructed" on city property and not private property as is normal or typical;
- the remainder of the existing fencing next to the Gregory Gate is in excellent condition.


**Attachments**

- 1- Letter dated July 6, 1988 and letter dated July 20, 1988
- 2- Survey's certificate
- 3- Subdivision agreement 1987
- 4- City of Vaughan letter dated August 28, 2009
- 5- City of Vaughan e-mail from Engineering Department dated December 17, 2008
- 6- City of Vaughan e-mail from Lynn Taylor and photos
- 7- Photographs November 14, 2008 package

**Report prepared by:**

Councillor Bernie DiVona, ext. 8339

Respectfully submitted,



Bernie DiVona,  
Councillor - Ward 3



The City of Vaughan  
2141 Major Mackenzie Drive  
Vaughan, Ontario  
Canada L6A 1T1  
Tel (905) 832-8585  
Ext 8247  
E-mail bill.robinson@vaughan.ca

August 28, 2009

Mr. Frank Monopoly  
124 Blaine Court  
Woodbridge, Ontario  
L4L 7T8

Re: Privacy Fence South Side Gregory Gate Plan 65M-2524

Dear Mr. Monopoly:

Further to our meeting at your property on June 18, 2009, I have now had an opportunity to review our subdivision files and our field survey conducted earlier this year (February 17, 2009). You have indicated to the City that since the privacy fence along the side of your property abutting Gregory Gate is in poor condition, you wish to have it replaced. You have also expressed your position that the privacy fence belongs to the City of Vaughan.

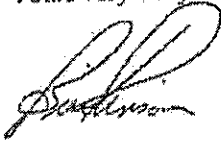
Our staff survey of the privacy fence shows that the fence is located outside the Gregory Gate right-of-way but generally within the 0.3 metre reserve owned by the City of Vaughan. The subdivision agreement states that fences are not to be built on City lands, and that the maintenance of fences provided under the subdivision agreement is the responsibility of the abutting land owner. The subdivision agreement also states that these fences are not assumed by the City. This fence appears to have been built in the wrong location by the developer and should have been built on your property.

The privacy fence has been in place for about 20 years and appears to be at the end of its design life. You can replace the privacy fence if you wish provided that the fence is installed on your own property and is constructed in accordance with applicable by-laws.

Normally, these fences are constructed entirely on private property as they are solely for the benefit of the property owner. In these cases, the repair and/or replacement of deteriorating fences would be the responsibility of the property owner. In your case, the fence has been wrongly located by the developer on the City's 0.3 metre reserve. Accordingly, in this instance, since the vast majority of the fence is on City lands, we are prepared to remove and dispose of the existing fence material. You can then construct a fence on your property if you wish. The City will not replace any fencing as it does not serve any municipal purpose. The work would be undertaken by City forces and the timing would be co-ordinated through our Public Works Department. We would require about a week to arrange our crew and equipment.

Please advise of your decision in this matter.

Yours very truly,



Bill Robinson,  
Commissioner of Engineering and Public Works

Copy: Brian Anthony, Director of Public Works  
Andrew Pearce, Director of Development/Transportation Engineering  
Heather Wilson, Director of Legal Services

Appendix 1

July 6, 1988

Town of Vaughan  
2141 Major MacKenzie Drive  
Maple, Ontario  
L0J 1E0

Attention: Mr. Rob Bailey

Re: 124 Blaine Court  
Lot 246

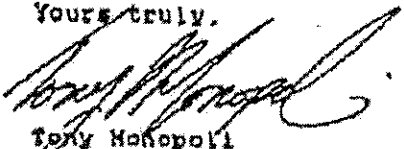
Dear Sir:

I have a situation whereby the grading and the laying of sod has been provided by the builder of my home (Builders-Valleypark). Now that this process has been completed, I have noticed a canal running through the back of my property. The canal is one meter away from the property line, and is one meter wide. In actual fact, I have two meters of land that is not of any use. Also I have five properties draining into my property. This does not seem fair.

Could either yourself or anyone with jurisdiction please look into this matter. Please notify me should you wish to inspect the property, so that we may agree upon a mutually convenient time.

Please do not hesitate to call me at my resident number 851-8062 or business number 756-1740.

Yours truly,



Tony Monopoli

TH:kc

**RECEIVED**

JUL 13 1988  
TOWN OF VAUGHAN  
BUILDING DEPT.

PAGE 1 OF 2

TOWN OF VAUGHAN  
ENGINEERING DEPT.  
2141 MAJOR MACKENZIE DRIVE  
MAPLE, ONTARIO  
L0T1E0

ATT: MR. BOB BONE

DATE: JULY 20, 1988

THIS LETTER IS TO CONFIRM OUR TELEPHONE CONVERSATION ON THE AFTERNOON OF JULY 20, 1988. IN REGARDS TO LOT 246 OF PLAN 65M-2524 OF THE TOWN OF VAUGHAN. IT WAS DISCUSSED THAT THERE MAY BE A PROBLEM TO THE HEIGHT OF THE WALL BUILT BY VALLEY PARK SEPERATING GREGORY GATE AND LOT 246. THERE MAY ALSO BE THE PROBLEM OF THE HOUSE ON LOT 246 BEING BUILT TO HIGH. IT WAS ALSO MENTIONED THAT ON THE GRADING PLAN APPROVED BY THE TOWN OF VAUGHAN DOES NOT SHOW A SWALL ALONG THE BLOCK WALL. I ALSO EXPLAINED THE UNSAFE CONDITION OF THE WALL, AND HOW SEVERAL SECTION ARE LOOSE. IT WAS ALSO STATED THAT AT THE TIME OF MR. RON KOLBE (BUILDING INSPECTOR OF THE TOWN OF VAUGHAN) VISIT TO THE SITE HE SHOOK THE WALL AND SEVERAL SECTIONS FELL DOWN. IT SHOULD ALSO BE RECORDED THAT MR. BOB BONE EXPLAINED THAT THE CONSULTING ENGINEERS ARE ANTON KIKAS LTD (CONTACT MR. J. STEWART) AND THEY WILL BE NOTIFIED OF THIS PROBLEM, AND THEY WOULD BE ASKED TO LOOK INTO THIS. IT WAS LEFT OFF THAT I WOULD BE NOTIFIED AS



JULY 20/88.

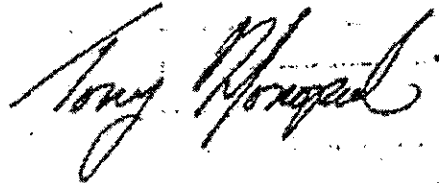
SOON AS SOMETHING WAS DETERMINED, MEANING:

- ① IS THERE A PROBLEM?
- ② WHAT MUST BE DONE TO RESOLVE THIS DISCREPANCY?
- ③ HOW SOON CAN THIS BE RESOLVED.

IF ANY PARTY IS INTENDING ON VISITING THE SITE. I WOULD PLEASE ASK IF I CAN BE NOTIFIED, IN ORDER TO BE PRESENT AT THE TIME OF VISIT.

HOME PHONE #: 851-8062  
BUS. PHONE #: 756-1740

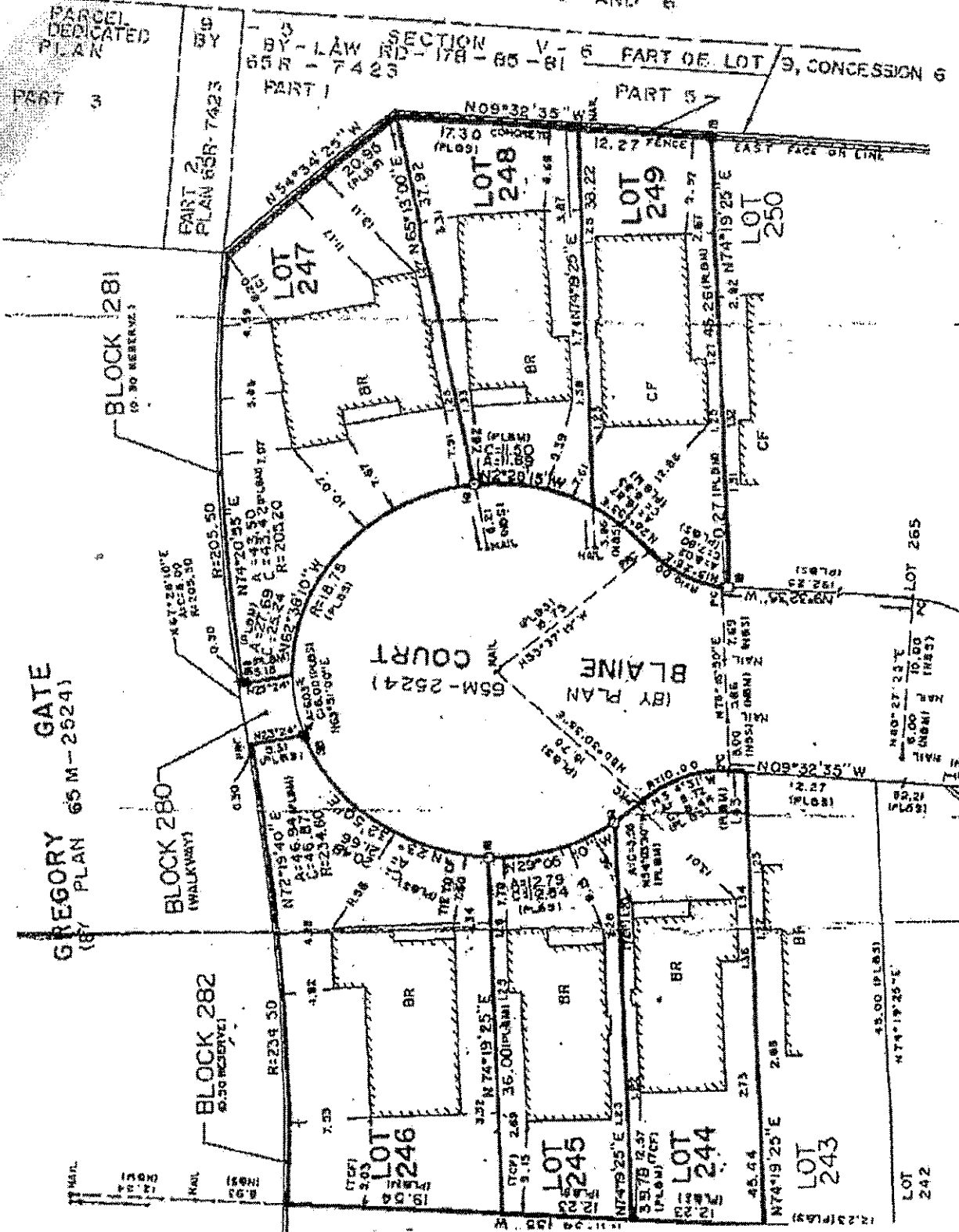
YOURS VERY TRULY.



TONY MONOPOLI

Appendix 2

WESTON ROAD ALLOWANCE BETWEEN ROAD CONCESSIONS 5 AND 6



P. SALNA COMPANY LTD.

SURVEYOR'S CERTIFICATE  
I HEREBY CERTIFY  
THAT THE FIELD SURVEY REPRESENTED

NOTES  
BEARINGS ARE ASTROMONIC AND  
ARE DERIVED FROM THE EAST

ATURE

Appendix 3

Forthwith upon receipt of the funds, the Town shall deduct its 3% charge for Administration costs and forward the sum of \$235,000.00 to the Regional Municipality of York as per Schedule "O".

21.23 Prior to issuance of a building permit for Lots 199 to 206 inclusive and Lots 246, 247 and 205, the applicant shall provide the Town with satisfactory proof that a restriction has been registered on title that prevents the transfer of the lot without the consent of the Town, which shall be given only after the privacy fence abutting such lots has been installed in accordance with the construction drawings and to the satisfaction of the Town Engineer.

21.24 The following warning clause shall be included in all Offers of Purchase and Sale or Lease for Lots 1, 13 to 18 inclusive, 39, 40, 84, 85, 86, 98 to 101 inclusive and Lot 197.

"Purchasers are advised that the dwelling occupants may be subject to parkland noise and sportsfield lighting due to the nature and use of the adjacent community park."

21.25 The Owner shall install a 1.5 metre high galvanized chain link fence along the south limit of school Block 226 on Plan 65M-2301, abutting Lots 123 to 136 inclusive within Draft Plan 19T-85113, to the satisfaction of the York Region Board of Education and the Town. The Owner shall also install a 1.5 metre high Schedule 40 black vinyl coated chain link fence along the south boundary of Block 227 on Plan 65M-2301, where it abuts Lots 121 and 122 within Draft Plan 19T-85113, to the satisfaction of the Town. The foregoing fencing is to be installed by the Owner prior to May 30, 1987, otherwise the Town shall draw on the Municipal Services Letter of Credit and proceed to construct the said fencing.

21.26 The Owner shall design and construct storm sewers and drainage systems within the Plan, adequate to accommodate drainage from Weston Road, to the satisfaction of the Regional Engineering Commissioner and the Town.

#### SECTION "22" NOTIFICATION

If any notice is required to be given by the Town to the Owner with respect to this agreement, such notice shall be delivered to:

B.D. - 87/04/09  
W.P. - 87/04/16

AS

**Guida, Amanda**

**From:** Guida, Amanda on behalf of Robinson, Bill  
**Sent:** Wednesday, December 17, 2008 1:41 PM  
**To:** Frustaglio, Joyce; Zipay, John; Kallideen, Marlon  
**Cc:** Taylor, Lynn; DiVona, Bernie; Bellicoso, Anna; Guida, Amanda; Robinson, Bill  
**Subject:** 124 Blaine Court 1 of 2

Hello Joyce,

The side yard fence for 124 Blaine Court is a concrete (Evercrete) privacy fence installed by the subdivision developer (Pine Weston Land Inc.) in the late 1980's. The subdivision agreement required all noise barriers and privacy fences not to be constructed on or within the road right-of-way of Gregory Gate which this lot abuts. The following extract is from the subdivision agreement:

21.12 "No part of any noise attenuation measure shall be constructed on or within the road right-of-way of Weston Road or Gregory Gate. Fences adjacent to Weston Road or Gregory Gate may be constructed on the property line provided that they are not higher than 1.83 metres.

The maintenance of noise barriers and fences and landscaping bordering on the Weston Road or Gregory Gate right-of-way shall not be the responsibility of the Regional Municipality of York or the Town and shall be maintained by the Owner until assumption of the services in the plan. Thereafter, the maintenance of the fences and barrier shall be the responsibility of the abutting lot owners, and each such owner shall be responsible for the portion abutting his lot.

Any landscaping provided by the Owner for aesthetic purposes with the Regional road allowance shall be maintained by the Owner until the assumption of services and thereafter by the Town, with the exception of the usual grass maintenance which will be undertaken by the Region.

In the event that the Owner fails to maintain the noise barriers, fences and landscaping, the Town may draw upon the Municipal Services Letter of Credit and carry out the necessary maintenance."

You made reference to a repair the City undertook to a concrete fence at Stan Gate/Langstaff. In fact, this was an entrance feature that experienced a structural failure. At the time (June 2002) Council authorized staff to repair the entrance feature at City expense. I believe this was on the basis that the entrance feature was a benefit to the community and not an acoustic barrier of benefit only to the abutting resident. In the case of 124 Blaine Court, the fence is a privacy fence only and not an entrance feature.

We have reported on the matter of deteriorating fences across the City on more than one occasion in the past. Council has consistently taken the position that where these fences are adjacent to private properties, the maintenance and replacement is the responsibility of the abutting homeowner. We had suggested to Committee in one instance that the City could assist a group of homeowners along New Westminster Drive in the design, tendering and replacement of their fence by providing staff assistance and our tendering procedures with the actual construction cost being borne by the homeowners. Council elected not to take this approach and the homeowners subsequently got together and replaced the acoustic barrier with their own contractor and at their expense.

Many of these concrete barriers are 20-25 years old and are at the end of their design life. The replacement cost across the City is in the millions of dollars and would be an enormous burden for the taxpayer if the City was to take on the cost of replacement.

I trust the foregoing is helpful and would be prepared to discuss the matter further if you wish.

Bill Robinson,  
Commissioner of Engineering and Public Works  
(Ext 8247)

-----Original Message-----

From: Frustaglio, Joyce  
Sent: Tuesday, November 18, 2008 4:45 PM  
To: Robinson, Bill; Zipay, John; Kallideen, Marlon  
Cc: Guida, Amanda; Taylor, Lynn; DiVona, Bernie; Bellicoso, Anna  
Subject: FW: 124 Blaine Court 1 of 2

Gentlemen,

I attended at a site visit with Jeff Childs to address the residents concerns. Photos were taken to show the residents concerns regarding the condition of the side yard fence.

The resident claims that the fence is not on his property....the resident is an elderly senior living on a fixed income. They claim that the fence was not installed properly...i.e. Very few brick pillars to support the concrete slabs.

Can you please review the matter and let me know how we might assist this home owner. You may recall that we did rebuild a falling concrete fence sometime ago on Stan Gate and Langstaff.

Also, I think we must deal with the issue of dilapidated fences right across the municipality.

The issue of ownership must also be clarified. Most homeowners are not aware that they own the fence and that they are responsible for it's up keep. Let's talk about what we can do to assist this resident.

Thank you,  
Joyce

-----Original Message-----

From: Childs, Jeffery  
Sent: Friday, November 14, 2008 12:21 PM  
To: Ciafardoni, Joy  
Cc: Fraser, Marjie; DiPonio, Sandra; Vidiri, Angelo  
Subject: 124 Blaine Court 1 of 2

Hello Joy

Here are some photos taken at our site meeting this week with Mr Monopoli. As per our meeting with Councillor Frustaglio, the resident is requesting further investigation of the ownership of the fence. I could not send all photos in 1 e-mail. Additional photos to follow.

Thank you and have a good weekend.  
Jeff

Tracking:

Recipient	Read
Frustaglio, Joyce	Read: 12/17/2008 2:39 PM
Zipay, John	Read: 12/17/2008 2:03 PM
Kallideen, Marlon	
Taylor, Lynn	Read: 12/18/2008 10:04 AM
DiVona, Bernie	Read: 12/17/2008 1:41 PM
Bellicoso, Anna	Read: 12/17/2008 2:29 PM
Guida, Amanda	Read: 12/17/2008 1:42 PM
Robinson, Bill	

#5

**Bellicoso, Anna**

**From:** Taylor, Lynn  
**Sent:** Friday, November 21, 2008 1:08 PM  
**To:** Frustaglio, Joyce; Robinson, Bill; Zipay, John; Kallideen, Marlon  
**Cc:** Guida, Amanda; DiVona, Bernie; Bellicoso, Anna  
**Subject:** RE: 124 Blaine Court 1 of 2 (Log C82/08)

Regional Councillor Frustaglio,

Further to your email regarding 124 Blaine Court, this is to advise that Bill Robinson's department will be responding to you.

Thank you.

Lynn Taylor  
Assistant to the Commissioner of Planning  
The City of Vaughan  
Phone: 905-832-8585 Ext. 8111  
Fax: 905-832-8545  
lynn.taylor@vaughan.ca

-----Original Message-----

**From:** Frustaglio, Joyce  
**Sent:** Tuesday, November 18, 2008 4:45 PM  
**To:** Robinson, Bill; Zipay, John; Kallideen, Marlon  
**Cc:** Guida, Amanda; Taylor, Lynn; DiVona, Bernie; Bellicoso, Anna  
**Subject:** FW: 124 Blaine Court 1 of 2

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**Sent:** Friday, November 14, 2008 12:21 PM  
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**To:** Robinson, Bill; Zipay, John; Kallideen, Marlon  
**Cc:** Guida, Amanda; Taylor, Lynn; DiVona, Bernie; Bellicoso, Anna  
**Subject:** FW: 124 Blaine Court 1 of 2

**Attachments:** 124 Blaine Court 2 of 2; IMG\_0127\_0080.JPG; IMG\_0128\_0081.JPG; IMG\_0129\_0082.JPG; IMG\_0130\_0083.JPG; IMG\_0131\_0084.JPG



IMG\_0127\_0080.JPG (80 KB)    IMG\_0128\_0081.JPG (74 KB)    IMG\_0129\_0082.JPG (78 KB)    IMG\_0130\_0083.JPG (77 KB)    IMG\_0131\_0084.JPG (69 KB)

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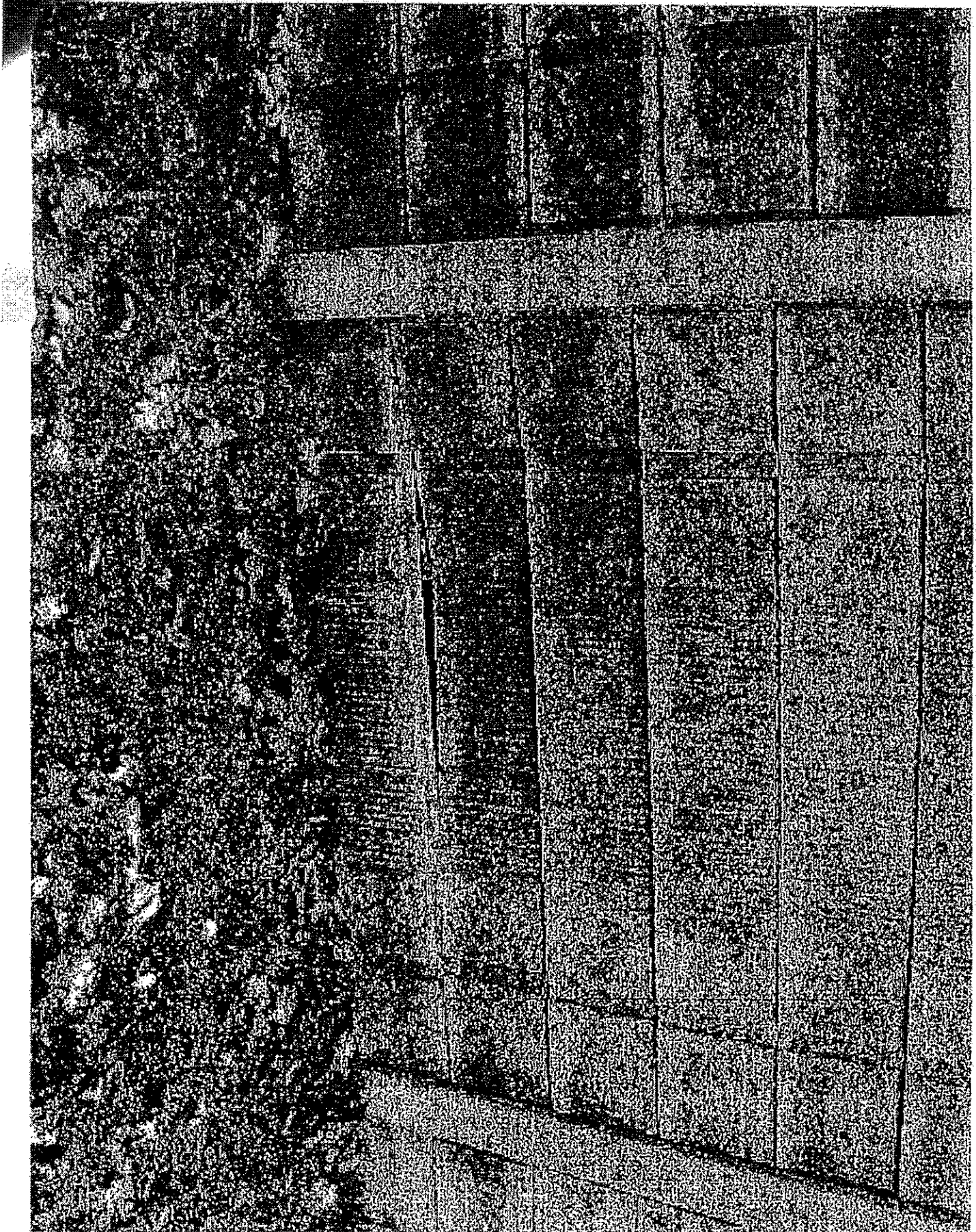
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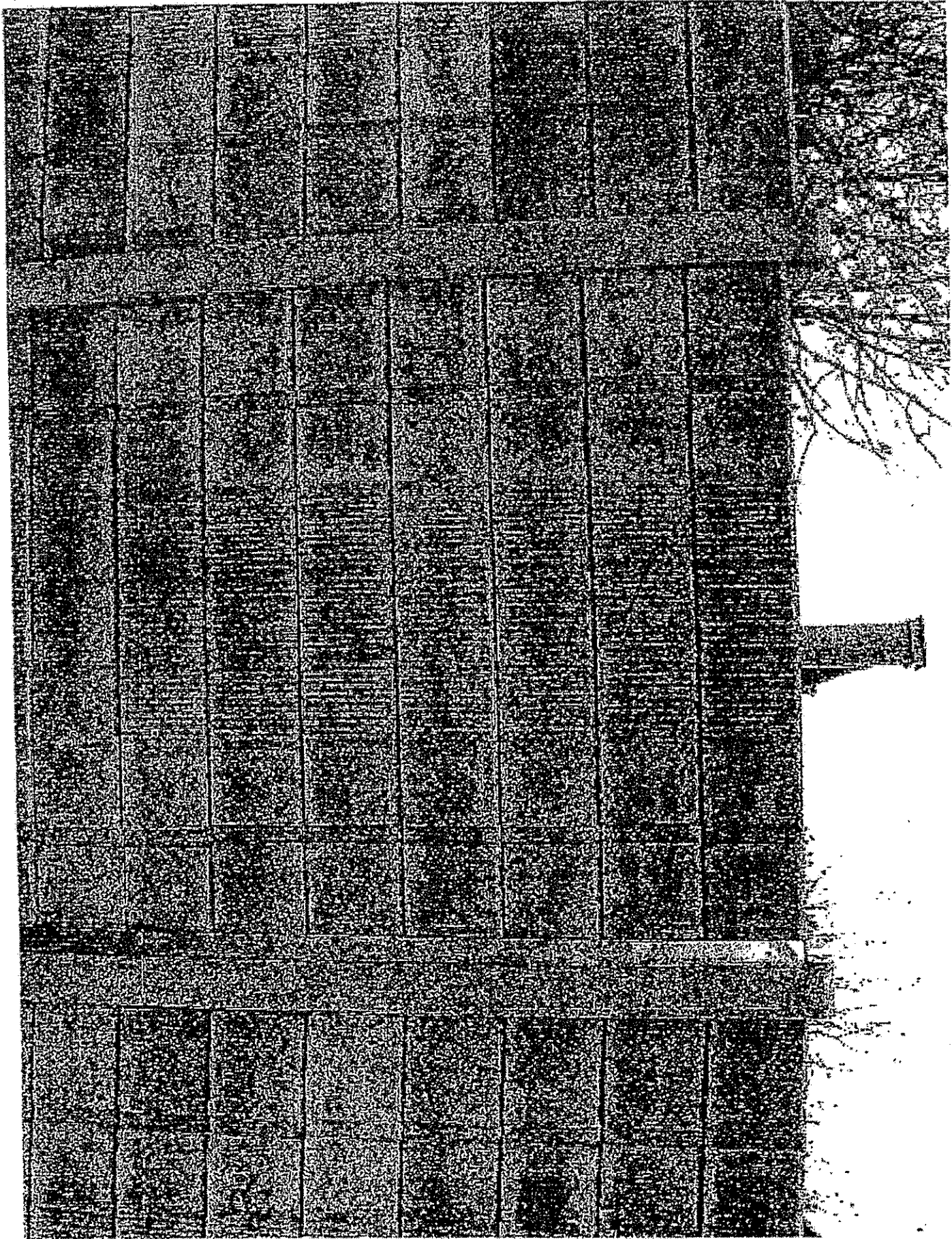
-----Original Message-----

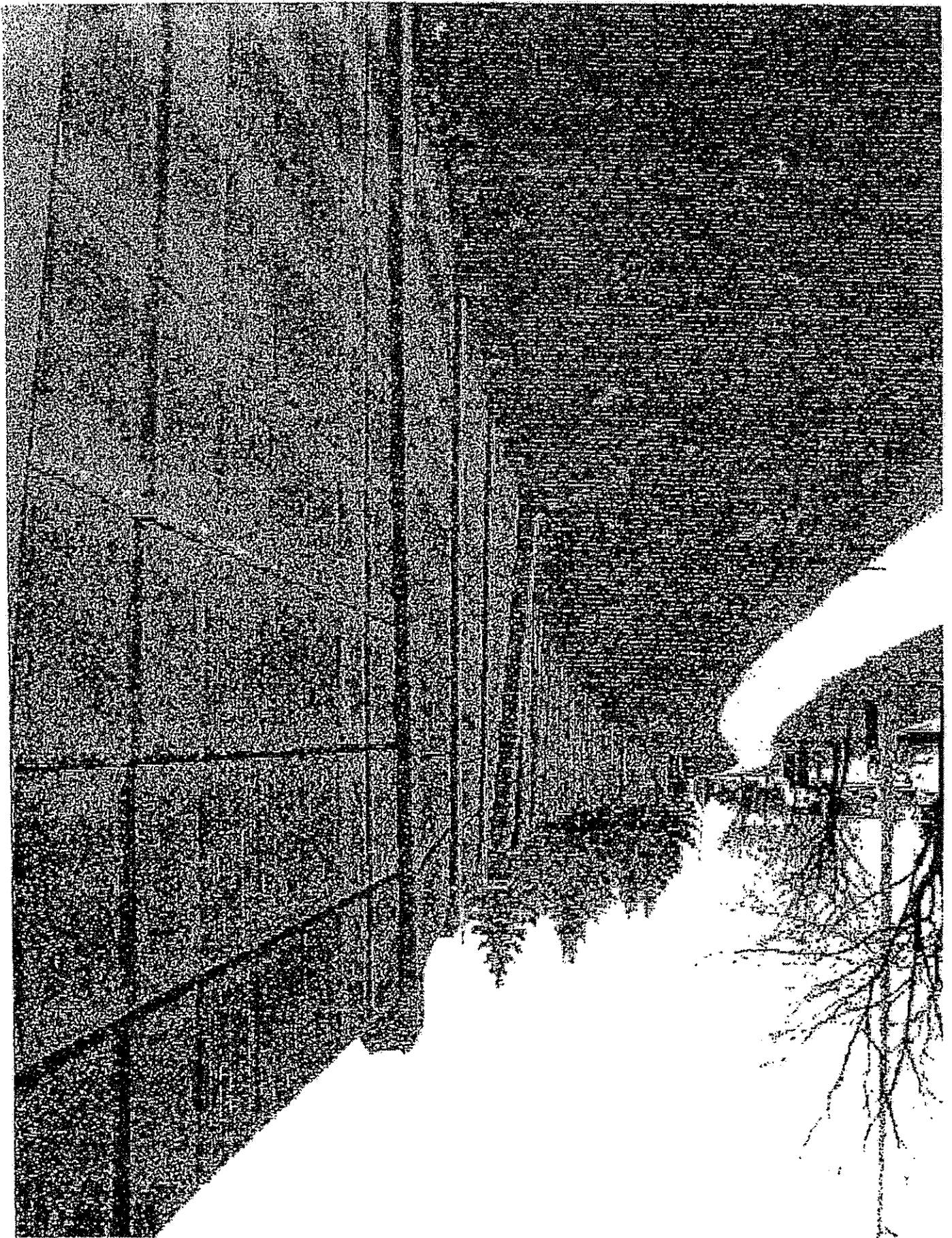
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**Subject:** 124 Blaine Court 1 of 2

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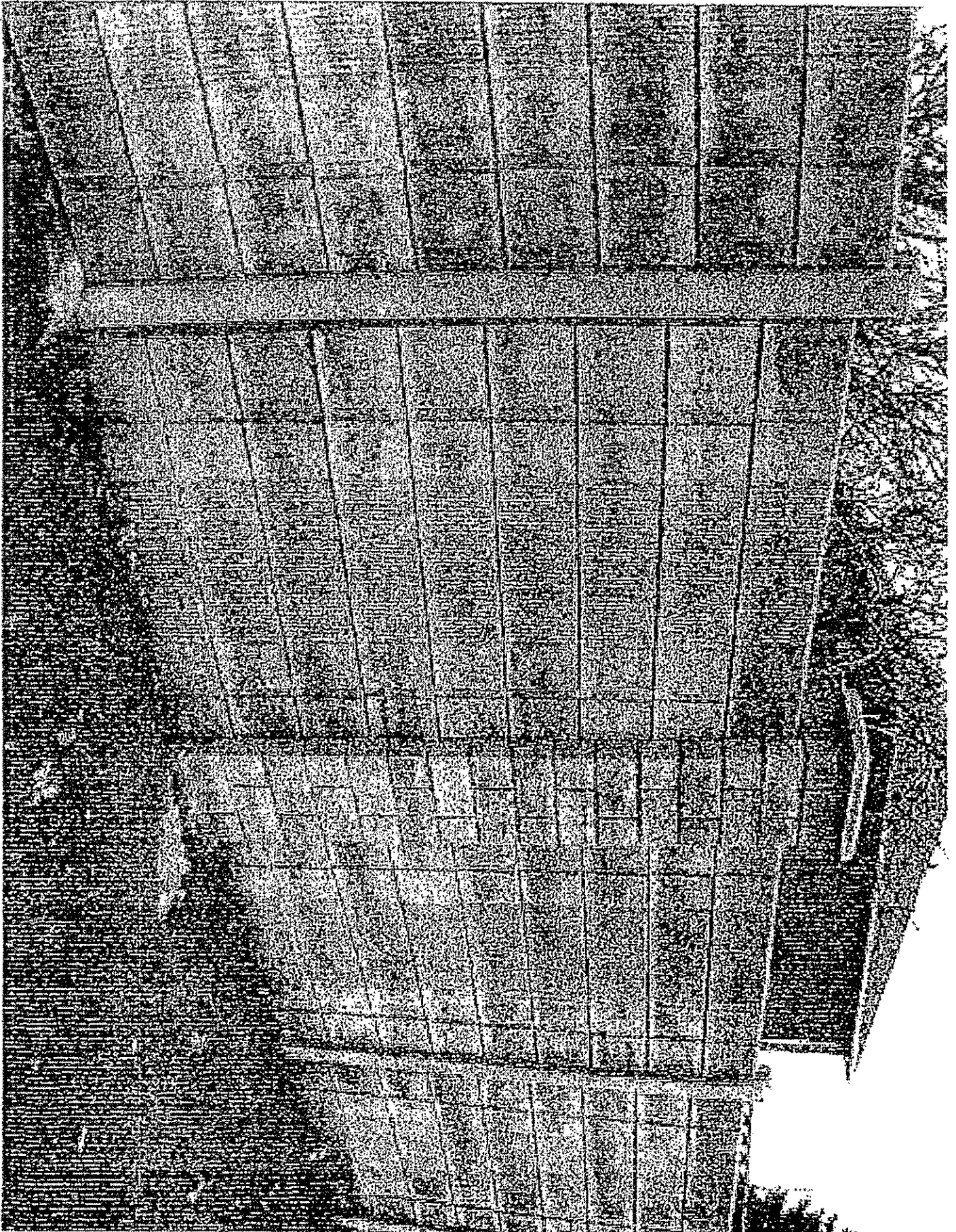












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**From:** Bonsignore, Connie on behalf of Abrams, Jeffrey  
**Sent:** Monday, January 16, 2012 12:43 PM  
**To:** Bellisario, Adelina  
**Subject:** FW:  
**Attachments:** hppscan359.pdf

Communication for CW Jan 17/12.

**Connie Bonsignore**

Administrative Assistant  
Office of the City Clerk  
Telephone: (905) 832-8585 Ext. 8280  
Email Address: [connie.bonsignore@vaughan.ca](mailto:connie.bonsignore@vaughan.ca)



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**From:** Leanne Monopoli [<mailto:dyneng@rogers.com>]  
**Sent:** Monday, January 16, 2012 12:12 PM  
**To:** Jankowski, Paul  
**Cc:** Bevilacqua, Maurizio; Rosati, Gino; Di Biase, Michael; Schulte, Deb; Iafrate, Marilyn; Carella, Tony; DeFrancesca, Rosanna; Racco, Sandra; Shefman, Alan; Harris, Clayton; Pearce, Andrew; Abrams, Jeffrey; Wilson, Heather  
**Subject:**

Mr. Jankowski,

Please see the attached with respect to your email dated January 11, 2012 containing the Committee Report which is on the agenda for January 17, 2012.

Regarding PRIVACY FENCE ON THE SOUTH SIDE OF GREGORY GATE  
124 BLAINE COURT, PLAN 65M-2524  
WARD 3

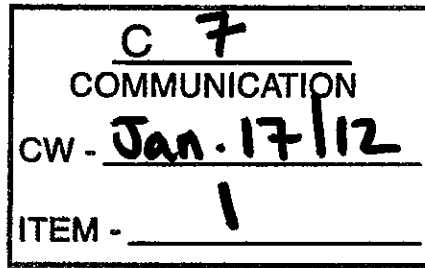
Included in the attached package is my response which includes a copy of Addendum #27 (The Committee of the Whole - September 29, 2009) which will provide yourself, Senior Management and Council detailed information and factual items related to this issue.

I look forward to support in reiterating the decision and recommendations made by previous Council in September 2009 and extend an offer in providing you, Senior Management and Council with any further clarification or discussion.

Regards,  
Tony Monopoli  
647-982-6147

January 14, 2012

Attention: Clerk's Department, City of Vaughan  
2141 Major Mackenzie Dr.  
Vaughan, ON L6A 1T1



Subject: **OFFICIAL PLAN (VOP 2010) MAPPING CHANGE FOR LANDS LOCATED IN THE OAK RIDGES MORAINÉ WARD 1**

The York Region Environmental Alliance is in support of:

1. The Vaughan Official Plan (VOP) 2010, Volumes 1 and 2, being modified by designating the lands located at 1600 Teston Road as "Natural Areas" in Schedule 13 and Schedule 13-J in Volume 1, and identifying the lands on Schedule 14-C 'Areas Subject to Site Specific Plans' and adding a new subsection with specific policies regarding a portion of the lands in Section 13 'Site Specific Policies' in Volume 2.
2. This report being forwarded to the Region of York as a recommended modification to the Vaughan Official Plan 2010, Volumes 1 and 2, and that the Region of York be requested to modify the Plan accordingly as part of the process leading to the approval of the Vaughan Official Plan 2010.

Due to inconsistencies in the designation of the eastern portion of the lands in VOP 2010 as Low Rise Residential as compared to the designation of Open Space in OPA 332, we agree the lands should be designated as "Natural Areas" in Schedule 13 and Schedule 13-J and Schedule 14-C.

Specific policies shall be provided in Section 13 of Volume 2 of the VOP to reflect the relevant policies of OPA 332 as amended by OPA 604. The recommended additions to Section 13 are noted below.

Adding a new subparagraph to Section 13.1.1 as follows:

The lands known as 1600 Teston Road are identified on Schedule 14-C and are subject to policies set out in Section 13.X of this Plan. Adding a new subsection to Section 13 as follows:

**13.X 1600 Teston Road Map 13.X.A 13.X.1.1**

Notwithstanding policy 9.2.1.1 of the Official Plan, for lands designated Natural Areas at 1600 Teston Road and shown on Map 13.X.A as Area 'B', and which are under private ownership, it shall not be construed that these lands will necessarily remain designated as such indefinitely or that such areas are free and open to the general public. Where such lands are not acquired by a public body, application for their designation for other uses will be given due consideration by the municipality. 13.X.1.2 Core Features policies in s.3.2.3 of Volume 1 of the Official Plan apply to lands in Area 'A' in Map 13.X.1. Enhancement Areas policies in s. 3.2.3 of Volume 1 of the Official Plan apply to lands in Area 'B' in Map 13.X.1.

Although "it shall not be construed that these lands will necessarily remain designated as such indefinitely or that such areas are free and open to the general public. Where such lands are not acquired by a public body, application for their designation for other uses will be given due consideration by the municipality.", The York Region Environmental Alliance would like to be notified if and when an application for their designation for other uses is requested so we may provide input into the decision making process.

The York Region Environmental Alliance commends Council on their foresight in this matter.

Sincerely,  
Susan Sigrist  
York Region Environmental Alliance Board Member  
Vaughan Resident  
27 Matterhorn Road, Maple ON

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**From:** Iafrate, Marilyn  
**Sent:** Monday, January 16, 2012 12:30 PM  
**To:** Bellisario, Adelina  
**Cc:** Tarantini, Maria  
**Subject:** FW: Low Rise Development Land Designation at Teston and Dufferin  
**Attachments:** YREA Jan14 Vaughan letter.pdf; ATT00002..htm

Did you get this one as well?

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**From:** Susan Sigrist [mailto:sigrist@rogers.com]  
**Sent:** Monday, January 16, 2012 11:58 AM  
**To:** Iafrate, Marilyn; Schulte, Deb; Bevilacqua, Maurizio  
**Subject:** Low Rise Development Land Designation at Teston and Dufferin



memorandum

<u>C 8</u>
COMMUNICATION
CW - <u>Jan. 17 / 12</u>
ITEM - <u>18</u>

**DATE:** January 17, 2012  
**TO:** Mayor and Members of Council  
**FROM:** Paul Jankowski, Commissioner of Engineering & Public Works  
**RE:** **Committee of the Whole Meeting – January 17, 2012**

**Item No. 18**  
**Privacy Fence on the South Side of Gregory Gate**  
**124 Blaine Court, Plan 65M-2524**  
**Ward 3**

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On the evening of January 16, 2012, I had further discussions with a representative of the owner of 124 Blaine Court. During this discussion, new potential options requiring further development and evaluation were explored. Accordingly, I respectfully request, with the concurrence of the property owner's representative, that Item 18 be deferred to a future Committee of the Whole meeting.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Paul Jankowski', written over a horizontal line.

PAUL JANKOWSKI,  
Commissioner of Engineering and Public Works  
(Extension 8247)

**Copy to:** Clayton D. Harris, City Manager  
Jeffrey A. Abrams, City Clerk  
Janice Atwood-Petkovski, Commissioner of Legal and Administrative Services  
Andrew Pearce, Director of Development / Transportation Engineering