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January 30, 2026

**Delivered Through Online ERO Submission**

Hon. Rob Flack, Minister of Municipal Affairs and Housing
Ministry of Municipal Affairs and Housing
777 Bay Street, 17th Floor
Toronto, ON M7A 2J3

Dear Minister Flack:

**Re: ERO No. 025-1420**
**MMAH Reference No. 19-OP-246866**
**Proposed New Vaughan Official Plan 2025**
**Requested Modification to VOP 2025 by City of Vaughan**
**Submission by PEM (Weston) Limited Partnership & PEM (Weston) GP Inc.**

We are counsel to PEM (Weston) Limited Partnership and PEM (Weston) GP Inc. ("**PEM**"), the owner of the lands municipally known as 3790 Highway 7 in the City of Vaughan (the "**Subject Lands**"). The Subject Lands are located in the northwest quadrant of the adopted Weston 7 Secondary Plan area, with frontages on both Highway 7 and Weston Road. A figure identifying the Subject Lands is enclosed as **Appendix A**.

The purpose of this submission is to request that the City of Vaughan's (the "**City**") request to modify policy 1.3.2 of the adopted Vaughan Official Plan 2025 ("**VOP 2025**") be rejected.

## Background

### *PEM's Proposed Mixed-Use Development*

On June 28, 2024, PEM submitted applications to the City for an official plan amendment, a zoning by-law amendment and approval of a draft plan of subdivision (the "**PEM Applications**"). The PEM Applications seek to redevelop the Subject Lands with three high-rise residential / mixed-use buildings containing a total of approximately 1,621 residential units, amenity space and at-grade commercial uses (the "**Proposed Development**"). As the City failed to make a decision on the PEM Applications within the statutory timeframe, on March 28, 2025, PEM appealed the applications to the Ontario Land Tribunal (the "**Tribunal**"). The Tribunal assigned the appeals OLT Lead Case No. OLT-25-000288 (the "**Appeals**").

On July 9, 2025, the Tribunal held a Case Management Conference in relation to the Appeals and scheduled a twelve-day hearing to commence on March 23, 2026 (the "**OLT Hearing**").

On September 30, 2025, City Council adopted staff's recommendations to refuse the PEM Applications and to attend the OLT Hearing in opposition of the Appeals.

On November 24, 2025, a Procedural Order for the OLT Hearing was submitted to the Tribunal on consent of all parties to the OLT Hearing, including the City, which the Tribunal issued on December 15, 2025. The Procedural Order attaches the City's Issues List related to the OLT Hearing, a copy of which is attached as **Appendix B**. Notably, the City's Issues List does not indicate that the PEM Applications are required to conform to the VOP 2025 and the Weston 7 Secondary Plan. On the contrary, Issue 7 reads as follows:

> "7. Does the Proposed Development have regard for the adopted Vaughan Official Plan 2025 and the adopted Weston 7 Secondary Plan?" [emphasis added]

Conversely, Issue 5 confirms the City's position that the Proposed Development is to be assessed by the Tribunal in the context of conformity with the existing and in-force Vaughan Official Plan 2010, subject to PEM's proposed official plan amendment:

> "5. Does the Proposed Development conform with or otherwise meet the intent and goals of the policies of the City of Vaughan Official Plan [2010], including but not limited to: Sections 1.5 – Goal 8, 2.1.1.1, 2.1.3.2, 2.2.1.1, 2.2.1.2, 2.2.5, 4.2.1, 4.2.1.32, 4.2.2.13, 4.2.3, 4.2.3.1, 4.2.3.2, 4.2.3.3, 4.3.2.2, 4.3.3, 4.3.3.6, 4.3.3.7, 5.1.1.3b & d, 5.1.2.2, 5.2.2, 5.2.3, 7.2.3.4, 7.3.2, 7.5.1, 7.5.1.1, 7.5.1.4b, 8.1.1.6, 8.1.1.7, 9.1, 9.1.1, 9.1.1.1, 9.1.1.10, 9.1.2, 9.1.2.1, 9.1.2.7, 9.1.2.9, 9.2, 9.2.1.9, 9.2.1.12, 9.2.2.6, 9.2.3.6, 10.1.1, 10.1.1.1, 10.1.1.3, 10.1.1.4, 10.1.1.5, 10.1.1.6, 10.1.1.8, 10.1.1.9, 10.1.1.10, 10.1.1.11 10.1.1.12, 10.1.1.13, 10.1.1.14, 10.1.1.25 10.1.2.5, 10.1.2.6, 10.1.2.8, and 10.1.2.20, 10.1.2.28, 10.1.2.29, 10.1.2.30, 10.1.2.31, 10.1.2.32 10.1.3.4, 10.1.3.6, 10.2.1.1, 10.2.1.5, 10.2.1.8, and Figure 6; and Schedules 1, 1A, 1C, 9, 10, 13, and 14A?" [emphasis added]

In accordance with the Procedural Order, the parties to the OLT Hearing have undertaken expert witness meetings and are currently preparing witness statements based on the agreed-upon Issues List, including Issues 5 and 7 above.

***The VOP 2025 and the Proposed Transition Policy***

City Council adopted the VOP 2025 on October 28, 2025, which includes a new Weston 7 Secondary Plan. While the Subject Lands are within the proposed Weston 7 Secondary Plan area, in accordance with long-standing planning principles and Tribunal procedure,

and reflected in policy 1.3.2.4(a) of the adopted VOP 2025, the PEM Applications are not required to conform to these proposed new policies, as the PEM Applications were submitted to the City and confirmed to be complete well before the VOP 2025 was adopted and may ultimately be approved.

The VOP 2025 was subsequently forwarded to the Ministry of Municipal Affairs and Housing for approval and posted on the Environmental Registry of Ontario ("**ERO**") on December 18, 2025, with the public comment period ending on February 1, 2026.

On January 16, 2026, the Weston 7 Landowners Group (the "**W7LOG**"), of which PEM is a member, filed submissions through the ERO and enclosed various other submissions filed on behalf of W7LOG to the City dated May 1, 2024, January 21, 2025, June 3, 2025 and September 29, 2025, each expressing W7LOG's concerns related to the VOP 2025 and the proposed Weston 7 Secondary Plan.

On January 27, 2026, without any prior notice by the City, it came to PEM's attention that the City had arranged a Special Committee of the Whole Meeting (the "**Special COW Meeting**") to consider a staff report in which staff recommended that Council request the Minister to incorporate a modification to the transition provisions of the adopted VOP 2025 (the "**Requested Modification**"). In particular, City staff recommended, and Council subsequently resolved, that policy 1.3.2.4(c) be modified to add the underlined sentence:

> *1.3.2.4 That development applications:*
>
> *a. submitted prior to the date this Plan is adopted (including any appeals of such development applications) shall not be subject to this Plan unless they have been deemed incomplete, and shall be reviewed and assessed under the appropriate Official Plan policies and schedules prior to this Plan save and except in respect of parkland dedication in which case this Plan shall apply;*
>
> *[…]*
>
> *c. which are not within policy 1.3.2.4 (a) or (b), or notwithstanding (a) or (b) are within an area for which there is a Secondary Plan adopted in this Plan, but for which there was no Secondary Plan adopted under VOP 2010, shall be subject to the policies and schedules of this Plan;*

Since there is currently no approved Secondary Plan governing the Subject Lands, the Requested Modification would purport to have the effect of subjecting the PEM Applications, which were deemed complete on November 24, 2024 under the City's current in-effect Official Plan (the "**VOP 2010**"), to the VOP 2025 and the Weston 7 Secondary Plan. It is particularly troubling that the City did not provide any notice of the Requested Modification to PEM prior to considering the matter at the Special COW Meeting, despite knowing that PEM would have an obvious interest in this matter. In failing

to provide advanced notice, the City deprived PEM the opportunity to make submissions to the Committee of the Whole before it considered the matter.

## The City's Requested Modification

### *The Requested Modification is an Attempt to Frustrate In-Process Applications*

PEM is concerned that the Requested Modification is an attempt to frustrate the Proposed Development and other proposed developments in the Weston 7 Secondary Plan area, some of which are currently before the Tribunal. As the Proposed Development seeks to introduce approximately 1,621 residential units to the Weston 7 area (together with ground floor commercial space in two of the proposed buildings), the City's actions are not consistent with Provincial direction to build more homes quickly.

### *The Requested Modification is Contrary to the Clergy Principle*

The City's request also inappropriately asks the Ministry to disregard the well-settled principle of natural justice and procedural fairness which requires that a party know the case it must answer and be permitted to answer that case. In the land use planning context, this is known as the "*Clergy* Principle", which stands for the principle that applications should be determined under the policy regime in effect at the time the applications were submitted, which continues to apply to municipal official plan policies. This principle comes from the former Ontario Municipal Board's decision in *Clergy Properties*, which was upheld by the Ontario Divisional Court and has since been followed by over 100 planning decisions of both the Tribunal and various levels of Canadian courts.[1] The underlying basis of this principle is procedural fairness – it is unfair to require an application to adhere to one policy framework, then later change the policy foundation.[2]

The City justifies its complete disregard for this well-established and long-standing principle by saying that the Requested Modification will improve "the effectiveness and usefulness of the VOP 2025 and the all-new secondary plan".[3] However, the City has failed to explain what "effectiveness" applying the VOP 2025 to applications never previously subject to it will create, nor is this sufficient justification to abdicate its duty to uphold principles of procedural fairness.

Denying the City's Requested Modification does not mean that applicants can necessarily completely disregard the proposed policies of the VOP 2025 and Weston 7 Secondary

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[1] *Clergy Properties Ltd. v. Mississauga (City)*, 1996 CarswellOnt 5704 (O.M.B.), upheld in 1997 CarswellOnt 5385 (Ont. Div. Ct.), leave to appeal denied in 1998 CarswellOnt 451 (O.N.C.A.)
[2] *Sun Life Assurance Co. of Canada, Re*, 2007 CarswellOnt 8003 (O.M.B.)
[3] City of Vaughan Staff Report, Proposed City-Requested Modifications to the Adopted Vaughan Official Plan 2025 (January 27, 2026)

Plan. In fact, as noted above, Issue 7 on the City's Issues List for the OLT Hearing asks whether PEM's Proposed Development has "regard for" the adopted VOP 2025 and the Weston 7 Secondary Plan. It simply means that applications submitted under the VOP 2010 do not need to strictly conform to the new VOP 2025, including the Weston 7 Secondary Plan, as this would unjustly create a "moving target" for applicants to adhere to, potentially requiring applicants to revise their applications every time the City adopts a new policy, increasing both costs and delay.

Accordingly, the PEM Applications are to be determined under and evaluated in the context of the municipal official plan policies in place at the time they were submitted and confirmed to be complete, being the VOP 2010. PEM and its expert witnesses have been preparing for the upcoming OLT Hearing on this basis. Subjecting the PEM Applications to the VOP 2025 and the Weston 7 Secondary Plan at this very late stage in the process would be prejudicial to PEM and is contrary to principles of procedural fairness.

## Conclusion

For the reasons stated above, PEM requests that the City's Requested Modification be rejected.

We thank you in advance for your consideration of this submission and we request notice of any decision regarding the VOP 2025. In the meantime, please do not hesitate to contact us if you have any questions regarding this submission or if you require any additional information.

Yours truly,
**DAVIES HOWE LLP**



Mark R. Flowers
Professional Corporation

copy: Client
Ryan Mino-Leahan and Ian Franklin, KLM Planning Partners Inc.

**Appendix "A"**

# AERIAL ORTHOPHOTOGRAPH




3790 Highway 7
City of Vaughan
Region of York

KLM PLANNING PARTNERS INC.

JUNE 28, 2024

Davies Howe

LAND DEVELOPMENT ADVOCACY & LITIGATION

**Appendix "B"**

# Attachment 2

# ISSUES LIST

**NOTE: The identification of an issue on the Issues List does not constitute an acknowledgement by the Tribunal or any Party that the issue is either relevant or appropriate. The identification of an issue on this list by a Party indicates that Party's intent to lead evidence or argue that the issue is relevant to the proceeding, for the purpose of fairly identifying to the other Parties the case they need to meet and shall not be construed as the Tribunal having jurisdiction over such matters in each circumstance. Accordingly, no Party shall advance an issue not identified on the Issues List without leave of the Tribunal.**

## Issues List of City of Vaughan

### Planning Act

1. Do the proposed Official Plan, Zoning By-law Amendment, draft plan of subdivision and the development it permits (the "**Proposed Development**") have appropriate regard for the matters of provincial interest as set out in Section 2 of the *Planning Act*, including (f), (h), (i), (k), (l), (m), (n), (o), (p), (q) and (r)?

2. Does the draft plan of subdivision application have regard for the criteria set out in subsection 51(24) of the *Planning Act*, in particular 51(24) (a), (b), (c), (d), (e), (f), (i) and (k)?

### Provincial Planning Statement

3. Is the Proposed Development consistent with the Provincial Planning Statement (2024) including but not limited to Sections 2.1.6, 2.2.1c), 2.3.1.2b) c) d), 2.3.1.3, 2.3.1.4, 2.3.1.6, 2.4.1.3.a) b), 3.1.1c), 3.6.1?

### Region of York Official Plan

4. Is the Proposed Development in conformity with or otherwise meet the intent and goals of the Region of York Official Plan (2022), including but not limited to Sections 2.3.2, 4.1.1, 4.1.3, 4.2.1, 4.2.2, 4.4.1, 4.4.2, 4.4.9 4.4.10, 4.4.11, 4.4.25, 4.4.35, 4.4.36, 4.4.38, 6.1.3,6.4.3, 7.4.13, and Appendix 2, and Maps 1, 1A, 1B, 9A, 10, and 11?

### City of Vaughan Official Plan 2010

5. Does the Proposed Development conform with or otherwise meet the intent and goals of the policies of the City of Vaughan Official Plan, including but not limited to: Sections 1.5 – Goal 8, 2.1.1.1, 2.1.3.2, 2.2.1.1, 2.2.1.2, 2.2.5, 4.2.1, 4.2.1.32, 4.2.2.13, 4.2.3, 4.2.3.1, 4.2.3.2, 4.2.3.3, 4.3.2.2, 4.3.3, 4.3.3.6, 4.3.3.7, 5.1.1.3b & d, 5.1.2.2, 5.2.2, 5.2.3, 7.2.3.4, 7.3.2, 7.5.1, 7.5.1.1, 7.5.1.4b, 8.1.1.6, 8.1.1.7, 9.1, 9.1.1, 9.1.1.1, 9.1.1.10, 9.1.2, 9.1.2.1, 9.1.2.7, 9.1.2.9, 9.2, 9.2.1.9, 9.2.1.12, 9.2.2.6, 9.2.3.6, 10.1.1, 10.1.1.1, 10.1.1.3, 10.1.1.4, 10.1.1.5, 10.1.1.6, 10.1.1.8, 10.1.1.9, 10.1.1.10, 10.1.1.11 10.1.1.12, 10.1.1.13, 10.1.1.14, 10.1.1.25 10.1.2.5, 10.1.2.6, 10.1.2.8, and 10.1.2.20, 10.1.2.28, 10.1.2.29, 10.1.2.30, 10.1.2.31, 10.1.2.32 10.1.3.4, 10.1.3.6, 10.2.1.1, 10.2.1.5, 10.2.1.8, and Figure 6; and Schedules 1, 1A, 1C, 9, 10, 13, and 14A?

## Prematurity

6. Is the Proposed Development premature in the absence of an in-effect Weston 7 Secondary Plan?

## Vaughan Official Plan 2025 & Weston 7 Secondary Plan

7. Does the Proposed Development have regard for the adopted Vaughan Official Plan 2025 and the adopted Weston 7 Secondary Plan?

## Good Planning

8. Does the Proposed Development represent good planning and is it in the public interest?

## Land Use Compatibility and Built Form

9. Is the proposed building height, building form, massing, scale, and siting, stepbacks, intensification and density appropriate, considering the Subject Site, the policy context, and the character of the surrounding lands?

10. Does the Proposed Development provide sufficient space for landscaping and open space on the site?

11. Does the Proposed Development establish an appropriate relationship to the public realm, its abutting properties and lands within its vicinity including the low-rise community to the north?

12. Would the Proposed Development result in adverse impacts on surrounding lands due to the existing and/or planned land uses in the vicinity of the Subject Site as it relatea to traffic, vehicular access and shadow impacts? Does the proposed development preclude the appropriate development of adjacent lands?

13. Are the shadow impacts of the proposed development appropriate? Have the shadow impacts of the Proposed Development been adequately limited?

14. Does the Proposed Development propose a sufficient amount of commercial space? Does the Proposed Development reflect the objective of implementing mixed use development?

15. Does the Proposed Development have regard to the Design Priorities set in the City-Wide Urban Design Guidelines (2018), in particular 4.3.1, 5.2 including 5.2.2, 5.2.4b, 5.2.6a, 5.2.6g, 5.2.7 and 5.2.11, 5.3.6, 5.3.7 and 5.3.8?

16. Does the Proposed Development have regard to the City-Wide Urban Design Guidelines (2018) including but not limited to Performance Standard No. 5.2.1, 5.2.2, 5.2.2 (continued), 5.2.5, 5.2.6, 5.2.8, 5.3.2, 5.3.7, 6.2.1, 6.2.3, 6.2.5, 6.2.8, 7.2.1?

## Transportation and Parking

17. Are the proposed accesses for the Proposed Development appropriate?

18. Does the Proposed Development allow for an appropriate multi-modal transportation network and improvements that are aligned with the adopted Weston 7 Secondary Plan

and Weston 7 Transportation Master Plan?

19. Are the Proposed Development's modifications to the transportation network appropriate given: (a) the recommendations of the Weston 7 Transportation Master Plan, (b) the adopted Weston 7 Secondary Plan; and (c) its impact on surrounding lands?

20. If the Proposed Development's modifications to the transportation network and connections are an interim condition prior to the development of neighbouring lands, does the Proposed Development consider an ultimate transportation network and connections that will fulfill the recommended transportation network of the Weston 7 Transportation Master Plan once neighbouring lands redevelop?

21. Does the Proposed Development adequately consider coordinating the delivery of external multi-modal transportation network improvements and ensuring their viability recognizing neighbouring properties and existing property limits? Should the Proposed Development amalgamate with neighbouring properties to the north from a transportation perspective?

22. Can the existing transportation infrastructure support the density of the Proposed Development without major external (beyond the site boundaries) transportation improvements? Is there an appropriate phasing plan which considers infrastructure capacity limits?

23. Is the Transportation Impact Study (TIS) submitted in support of the Proposed Development appropriate and follow an acceptable methodology? Is the TIS consistent with the relevant City of Vaughan and York Region TIS Guidelines and standards? Are an appropriate number of vehicular trips estimated to be generated by the Proposed Development? Are the mode split assumptions which influence this number of trips appropriate and are they supported by Transportation Demand Management (TDM) measures?

24. Are the traffic impacts anticipated to be generated by the Proposed Development appropriate?

25. Does the Proposed Development propose and protect for sufficient mitigation measures, including external improvements, to address its impact on the transportation network?

26. Is the Proposed Development's supply of vehicular parking appropriate and encourage the use of sustainable transportation options?

## Servicing

27. Is it appropriate that the Owner front-end finance and construct or contribute its proportionate share of the cost(s) associated with implementing the recommended municipal servicing infrastructure improvements identified in the Weston Road and Highway 7 Secondary Plan Area Functional Servicing Strategy Report to accommodate ultimate build-out of the Weston Road and Highway 7 Secondary Plan Area, including specifically as it relates to wastewater servicing, per the conclusions and recommendations of the City's Integrated Urban Water Master Plan Class Environmental Assessment, to the satisfaction of the City?

28. Having regard to the current and emerging planning context, including the Council adopted Weston and 7 Secondary Plan, is the Proposed Development appropriate from an area-wide servicing perspective?

29. Is there sufficient existing municipal infrastructure capacity to service the Proposed

Development with water, sewer and stormwater management facilities? If not, are appropriate improvements proposed by the Owner?

30. Has a satisfactory Functional Servicing and Storm Water Management Report been provided to address the storm and sanitary sewer servicing needs of the Proposed Development?

## Noise

31. Does the Proposed Development appropriately address land use compatibility issues related to Noise in accordance with the D-6 Land Use Compatibility Guidelines?

32. Does the Proposed Development have regard to the Ministry of the Environment, Conservation and Parks, Environmental Noise Guideline Publication NPC-300 Guidelines?

## Parks

33. Does the Proposed Development provide public parkland for the proposed community?

34. Will the Proposed Development impede any future recommendations or plans for the parks system in the Weston 7 Secondary Plan area that are outlined in the adopted Weston 7 Secondary Plan?

35. Does the Proposed Privately-Owned Public Space comply with Section 7.3 of VOP 2010 and the City's applicable parkland dedication by-law (currently By-law 168-2022)?

36. Has a satisfactory Facility Fit Plan been submitted for the Privately-Owned Public Space which accommodates active and passive park facilities to support the needs of future residents?

## Implementation

37. In the event that the Tribunal allows the appeals in whole or in part, what are the appropriate subdivision conditions from the City that should be imposed on any draft plan approval of the plan of subdivision?

38. In the event that the Tribunal allows the appeals in whole or in part, should the Proposed Development be subject to Holding Provisions ("H") to require, among other things, the recommended conditions set out in Attachment 12 of the City staff report dated September 30, 2025?

## Form & Content of Amendments

39. Is the form and content of the draft Official Plan Amendment and the draft Zoning By-law Amendment to By-law 001-2021 appropriate? If not, should the Tribunal's Final Order be withheld pending the City's satisfaction regarding the form and content of the draft instruments?

40. In the event that the Tribunal allows the appeals in whole or in part, should the OLT's Order on the draft plan of subdivision be withheld pending finalization of the draft plan of subdivision conditions from the City and all commenting agencies?

41. Should the OLT direct that final approval of the subdivision plan be delegated back to the City pursuant to subsection 51 (56.1) of the *Planning Act*?

**Issues List of Canadian Tire Properties Inc. and Canadian Tire Real Estate Limited**

42. Has the proposed development been designed, sited, and/or oriented to minimize and mitigate against potential noise and vibration issues that may arise from the Canadian Tire lands?

43. Does the proposal to designate the subject property as a Class 4 Area adequately minimize and mitigate against potential noise and vibration issues that may arise from the Canadian Tire lands?

**Issues List of PEM (Weston) Limited Partnership and PEM (Weston) GP Inc.**

44. What relevance, if any, should the adopted Vaughan Official Plan 2025 and the adopted Weston 7 Secondary Plan have in this proceeding?

45. If the draft plan of subdivision is to be approved, what are the appropriate conditions of approval?