COMMITTEE OF THE WHOLE – MAY 7, 2019

COMMUNICATIONS

Distributed April 26, 2019		**Item No.**
C1.	Ms. Frances Tibollo	Dep. 2
C2.	Mr. Nicholas C. Tibollo, NICHOLAS C. TIBOLLO PROFESSIONAL CORPORATION, Milani Boulevard, Vaughan, dated March 28, 2019.	Dep. 3
Distributed May 1, 2019		
C3.	Memorandum from the Director, By-law & Compliance, Licensing & Permit Services, dated May 1, 2019.	17
Distributed May 6, 2019		
C4.	Memorandum from the Deputy City Manager, Planning and Growth Management, dated May 6, 2019.	12
Distributed May 7, 2019		
C5.	Mr. Gerard C. Borean, PARENTE, BOREAN LLP, Highway 7, Woodbridge, dated May 7, 2019.	Dep. 2 and 3
Distributed May 7, 2019 (at the meeting)		
C6.	Presentation material titled "*Enabling Vaughan's Technology Entrepreneurs, ventureLAb update, 2019*"	16
C7.	Deputation material submitted at the meeting by Mr. Oscar Farinas.	Dep. 1
C8.	Deputation material submitted at the meeting by Ms. Frances Tibollo.	Dep. 2
C9.	Deputation material submitted at the meeting by Mr. Nicholas C. Tibollo	Dep. 3

The purpose of this deputation is to raise concerns for the following issues regarding the Humberplex/ "On the Boulevard" community.

1) Swimming pool safety concern:
    a. There are homes in the community that have swimming pools that do not have the proper fencing required.

2) Phase 2 of the community was assumed with homes that have not been fenced off to the park area, meaning all backyards are exposed.

3) The developer was required to provide wrought iron fencing on all properties in the development. This was imposed on all homeowners in the Wycliffe section, but apparently there is none of that in development on north side of the Boulevard.

4) There is a major safety concern with respect to people driving on the wrong side of he road to avoid going around the boulevard.

5) There is a further safety concern with respect to children and youth have been spotted driving their motorcycles, ATV's and golf carts on the Boulevard and surrounding areas.

The City needs to be aware of the liabilities it is incurring. It is only a matter of time before an incident occurs in this community. The City needs to take immediate action to hold the developer accountable.

NICHOLAS C. TIBOLLO
PROFESSIONAL CORPORATION
LITIGATION LAWYERS

133 Milani Blvd., Suite 100
Vaughan, Ontario L4H 4M4

Telephone: (416) 975-0002
Facsimile: (416) 975-8002

NICHOLAS C. TIBOLLO
Extension: 100
Email: ntibollo@tibollolaw.com

URGENT

28 March 2019

City of Vaughan – City Clerk's Office
2141 Major MacKenzie Drive, 4th Floor
Vaughan, Ontario
L6A 1T1
***Email*: clerks@vaughan.ca**

C 2
COMMUNICATION
CW - MAY 7/19
ITEM - DEP. 3

Dear City Clerk's Office,

RE: Humberplex Developments Inc. - "On the Boulevard Community"

Please find attached a Deputation Request Form.

As you will recall, our office has corresponded with the City numerous times with respect to this matter, and had requested deputation to speak to Council at its last meeting March 19, 2019. We were informed by the Clerks office that members of the public were not permitted to speak at a council meeting.

We request permission to speak at the April 2, 2019 meeting even though the deadline on filing the deputation form has passed as it is patently unreasonable to have to wait two months to speak on a matter that was not subject to input from the regular public. The urgency of this matter cannot be stressed enough as the safety and livability of this community have been neglected for too long.

The purpose and reasons for the deputation are outlined in the form attached. Your prompt response to this matter is requested.

Yours very truly,
NICHOLAS C. TIBOLLO
PROFESSIONAL CORPORATION
Per:

Nicholas C. Tibollo
Nct
Encl.
***Cc**: Tim Simmonds- City Manager tim.simmonds@vaughan.ca*

Addendum:

The purpose of the deputation is to request the City to be more diligent about requiring the developer to complete the Humberplex/ "On the Boulevard" community.

My clients do not understand and want substantive answers to the following questions:

1. Why has it taken over 10 years for phases to be assumed? The entire project has not been completed – no sidewalks in many areas, base asphalt, boulevard landscaping, landscaping of the TCPL corridor? Why is the City allowing the developer to leave the community unfinished for so long? When can we expect completion and assumption of the entire community?

2. Why has the City has assumed phases where there are roads that appear not to meet City standards in terms of road bed depth and composition?

3. Why has it taken so long for the City to build a park, and what compensation did the City get for allowing the developer/builder to have a sales office on the park site that was dedicated to the City upon registration of the plan of subdivision?

4. Why has the City not held the developer/builder responsible for the low water pressure in the community? If it was known / expected by the City that the community would have low water pressure, why were my clients and others in the community not warned this may be an issue?

5. Why has the developer been permitted to renege on landscaping commitments of the TCPL corridor, who approved the changes and what type of community consultation occurred? and,

6. Why has the developer not been required to complete landscaping along Highway 27 in a timely manner?

This community was sold as an elite/exclusive enclave, yet the City and the developer continue to ignore and neglect the tax paying residents of this community. There remains serious problems with respect to the services provided, the quality of workmanship and the level of completion.

There are many examples of larger projects throughout Vaughan that have been completed faster and to higher standards than this community.

VAUGHAN
By-law and Compliance

Memorandum

Office of the Director

DATE: May 1, 2019

TO: Hon. Mayor & Members of Council

CC: Tim Simmonds, Interim City Manager
Mary Reali, Deputy City Manager, Community Services
Todd Coles, City Clerk

FROM: Gus Michaels, Director, By-law & Compliance, Licensing & Permit Services

Re: **Fence By-law Review – Fence Heights**

Purpose

Amend the Committee of the Whole Report on the Fence By-law Review, by revising the existing permissible fence heights. The proposed amendment establishes more permissive height restrictions for fences, under specific circumstances. The proposed heights are in line with those of other surrounding municipalities and address the diverse and changing needs of residents.

Recommendations

1. Amend fence height limits as outlined in the following Table:

No	Description	Fence on single or multiple residential property	Fence on non-residential property	Hedge, shrub or other vegetation that acts as a fence
1	Fence in a front yard and within 2.4 metres (7 ft 10 in) of a lot line abutting a public highway*	1.2 metres (3 ft 11 in)	1.2 metres (3 ft 11 in)	1.2 metres (3 ft 11 in)
2	Fence in a front yard and not within 2.4 metres (7 ft 10 in) of a lot line abutting a public highway*	2.0 metres (6 ft 7 in)	2.0 metres (6 ft 7 in)	No maximum
3	Fence not in a front yard and within 2.4 metres (7 ft 10 in) of a side lot line abutting a public highway* and within 2.4 metres (7 ft 10 in) of a driveway	2.5 m (8 ft 2 in)	2.5 m (8 ft 2 in)	2.5 m (8 ft 2 in)
4	Fence not in a front yard and between 2.4 metres (7 ft 10 in) from a side lot line abutting a public highway* and	2.5 m (8 ft 2 in)	2.5 m (8 ft 2 in)	No maximum

No	Description	Fence on single or multiple residential property	Fence on non-residential property	Hedge, shrub or other vegetation that acts as a fence
	the nearest wall of the main building extended to the rear lot line; and within 2.4 metres (7 ft 10 in) of a driveway			
5	Fence on an unroofed deck and not in a front yard and not within 2.4 metres (7 ft 10 in) of a lot line abutting a public highway*	2.0 metres (6 ft 7 in) above surface of deck	2.0 metres (6 ft 7 in) above surface of deck	No maximum
6	Fence not in a front yard that also is not a fence under Items 3, 4 or 5 of this Table; and abutting a multi- residential property, a non-residential property, a public highway* or a public walkway	2.5 metres (8 ft 2 in)	2.5 metres (8 ft 2 in)	No maximum
7	Fence abutting a rapid transit right of way	2.5 metres (8 ft 2 in)	No maximum	No maximum
8	Fence abutting a tennis court, baseball diamond or other recreational facility	3.0 metres (9 ft 10 in)	No maximum	No maximum
9	Any other fence	2.0 metres (6 ft 7 in)	2.5 metres (8 ft 2 in)	No maximum

* The term "public highway" has the same meaning as in the Highway Traffic Act and includes any street, road, sidewalk, boulevard, or any other portion of a highway, but does not include a public lane.

2. Include a schedule of diagrams to illustrate various fence height limits.

Background

With ongoing development and the intensification of built form in many parts of the city, privacy, noise attenuation and safety are becoming increasingly important for residents. The proposed height standards take these issues into account and does not otherwise have an adverse impact on any other fence height standards, as established through, and in accordance with, the development and planning processes. The proposed fence heights were developed following consultation with relevant staff, including Development Planning.

Respectfully Submitted,

Gus Michaels
Director & Chief Licensing Officer, By-law & Compliance, Licensing & Permit Services

VAUGHAN

memorandum

C 4
COMMUNICATION
CW - MAY 7/19
ITEM - 12

DATE: MAY 6, 2019

TO: HONOURABLE MAYOR BEVILACQUA & MEMBERS OF COUNCIL

FROM: JASON SCHMIDT-SHOUKRI – DEPUTY CITY MANAGER
PLANNING & GROWTH MANAGEMENT

RE: COMMUNICATION – REPORT NO. 17, ITEM NO. 12 COMMITTEE OF THE WHOLE – MAY 7, 2019

METROLINX ACTIVITIES UPDATE

Purpose

To provide supplemental information on Metrolinx activities related to the Bartley Smith Greenway trail system located south of Langstaff Road.

Recommendation

The Deputy City Manager, Planning & Growth Management recommends:

1. That additional Recommendation 7 be added as follows: "That staff continue to work with Metrolinx to secure an agreement for a recreational trail underpass beneath the Barrie rail corridor south of Langstaff Road and report back in Q3 2019."

Background & Analysis

As part of the Barrie rail corridor expansion works being undertaken by Metrolinx a portion of the Bartley Smith Greenway recreational trail remains temporarily closed immediately south of Langstaff Road. Parks Development staff have been working with Metrolinx on options for reinstating the trail as part of their works, including consideration for construction of a trail underpass beneath the rail corridor as an alternative to the previous at-grade crossing at Langstaff Road (see map on Attachment 1).

Metrolinx has prepared design drawings and cost estimates for the trail underpass, however construction has not yet commenced. In addition, a formal agreement is required to allow the recreational trail on Provincial lands beneath the rail corridor. Parks Development and Real Estate staff are currently in discussion with Metrolinx to establish the terms of an agreement for construction, access, maintenance and cost-sharing of the trail underpass for Council's consideration.

Conclusion

The Bartley Smith Greenway trail is a very important component of the city-wide 100km Vaughan Super Trail concept and staff remain committed to reinstating and making trail improvements in this area.

Staff are seeking Council direction to continue working with Metrolinx to secure an agreement for development of a recreational trail underpass beneath the rail corridor south of Langstaff Road and report back in Q3 2019 for Council's consideration.

Respectfully submitted,

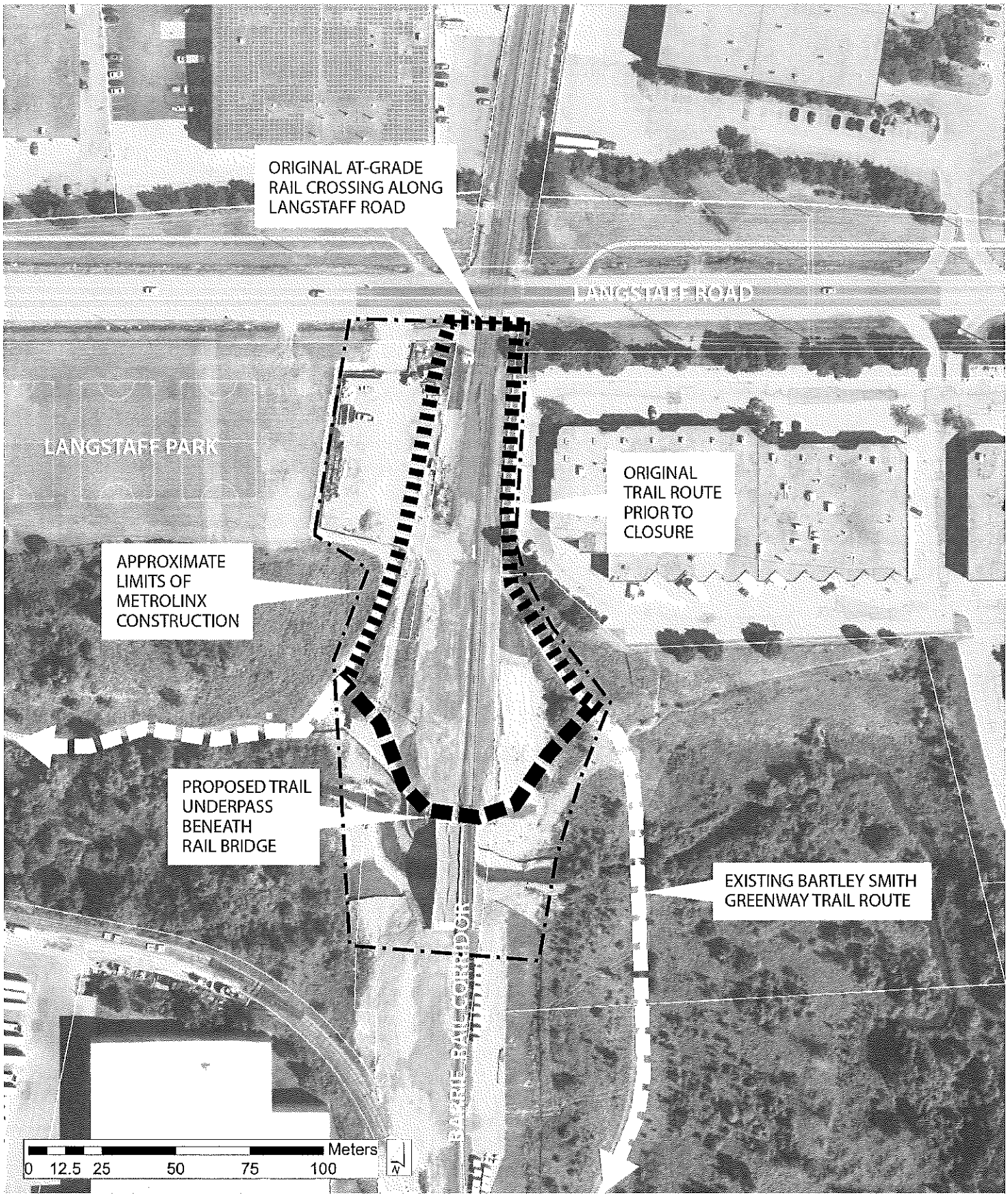
Jason Schmidt-Shoukri
Deputy City Manager Planning & Growth Management

Attachments: 1. Trail Map – Bartley Smith Greenway south of Langstaff Road

Prepared by: Jamie Bronsema, Director of Parks Development

Copy to: Zoran Postic, Interim Deputy City Manager of Public Works
Vince Musacchio, Director, Infrastructure Planning & Corporate Asset Management
Todd Coles, City Clerk

ATTACHMENT 1: TRAIL MAP



PARENTE • BOREAN LLP
BARRISTERS AND SOLICITORS

C 5
COMMUNICATION
CW - MAY 7/19
ITEM - DEP. 2 AND 3

Lawyer Direct Dial: (905) 850 -6068
E-mail: gborean@parenteborean.com
Law Clerk: (905) 850 -6066 ext 237
Email: mmuccilli@parenteborean.com

May 7, 2019

DELIVERED BY EMAIL: clerks@vaughan.ca and Todd.Coles@vaughan.ca

City of Vaughan – City Clerk's Office
2141 Major MacKenzie Drive, 4th Floor
Vaughan, Ontario L6A 1T1

Attention: Mr. Todd Coles – City Clerk

RE: Tibollo Deputations on May 7, 2019 (the "Tibollo Deputations") regarding Humberplex Developments Inc. ("Humberplex") - "On the Boulevard Community" (the "Humberplex Development")

Please be advised that I am the lawyer for Humberplex.

My client has become aware of the Tibollo Deputations with respect to the Humberplex Development that are scheduled to be heard before the Committee of the Whole on Tuesday, May 7, 2019. I would respectfully request that this correspondence be put before the Committee of the Whole. Kindly confirm same.

Humberplex makes the following brief submissions with respect to the concerns raised and is prepared to answer further questions that the City and/or Ms. Tibollo's/Mr. Tibollo's clients may have:

A. <u>Deputation Submission – Original Issues</u>

1. Swimming pool safety concern:
    a. There are homes in the community that have swimming pools that do not have the proper fencing required.

Reply: This is not a developer's issue. The fencing of a swimming pool is a requirement of the City and is part of the swimming pool construction permit process.

2. Phase 2 of the community was assumed with homes that have not been fenced off to the park area, meaning all backyards are exposed.

Reply: Humberplex has worked diligently with the City with respect to all matters of development and the minor fencing issues have been addressed and a fencing contractor has been retained.

3. The developer was required to provide wrought iron fencing on all properties in the development. This was imposed on all homeowners in the Wycliffe section, but apparently there is none of that in development on north side of the Boulevard.

Reply: Humberplex has, at no material time, entered into an agreement with the City, be it through a subdivision agreement or otherwise, to erect wrought iron fencing.

4. There is a major safety concern with respect to people driving on the wrong side of the road to avoid going around the boulevard.

Reply: This is not a developer's issue. Humberplex shares the same safety concern.

5. There is a further safety concern with respect to children and youth have been spotted driving their motorcycles, ATV's and golf carts on the Boulevard and surrounding areas.

Reply: This is not a developer's issue. Humberplex shares the same safety concern.

B. <u>Deputation Submission – Addendum Issues</u>

1. Why has it taken over 10 years for phases to be assumed? The entire project has not been completed - no sidewalks in many areas, base asphalt, boulevard landscaping, landscaping of the TCPL corridor? Why is the City allowing the developer to leave the community unfinished for so long? When can we expect completion and assumption of the entire community?

Reply: Humberplex has worked diligently with the City. This was a major undertaking, including having to deal with a number of governmental authorities. The City continues to hold significant security with respect to agreed to works. All works are proceeding as required.

2. Why has the City has assumed phases where there are roads that appear not to meet City standards in terms of road bed depth and composition?

Reply: All work has been completed as per City requirements/standards.

3. Why has it taken so long for the City to build a park, and what compensation did the City get for allowing the developer/builder to have a sales office on the park site that was dedicated to the City upon registration of the plan of subdivision?

Reply: The City and Humberplex agreed that Humberplex could maintain its sales office pending the substantial completion of the subdivision and that the park and the TCPL corridor would be completed at the same time through a comprehensive plan. This work has commenced.

4. Why has the City not held the developer/builder responsible for the low water pressure in the community? If it was known / expected by the City that the community would have low water pressure, why were my clients and others in the community not warned this may be an issue?

Reply: Humberplex is not responsible for the low water pressure in the community. As Ms. Tibollo/Mr. Tibollo are well aware, this is a matter outside the developer's control and Humberplex is not aware that the City was aware of this issue.

5. Why has the developer been permitted to renege on landscaping commitments of the TCPL corridor, who approved the changes and what type of community consultation occurred?

Reply: Humberplex has, at no material time, reneged on its obligations with respect to landscaping commitments of the TCPL corridor. Fulsome consultation took place with all stakeholders, including the community. Landscaping work is proceeding as required and agreed.

6. Why has the developer not been required to complete landscaping along Highway 27 in a timely manner?

Reply: Humberplex has, at all material times, met its obligations as required pursuant to any and all agreements with governmental authorities including, but not limited to, the Region, the City and TransCanada. All landscaping is being completed as part of a

comprehensive landscaping plan. Landscaping work is proceeding as required and agreed.

It is perplexing that Ms. Tibollo/Mr. Tibollo fail to identify their clients. Please have Ms. Tibollo/Mr. Tibollo identify their "clients" as it is highly inappropriate for counsel not to do so. It is unknown if Ms. Tibollo's/Mr. Tibollo's "clients" have any interest in the Humberplex Development.

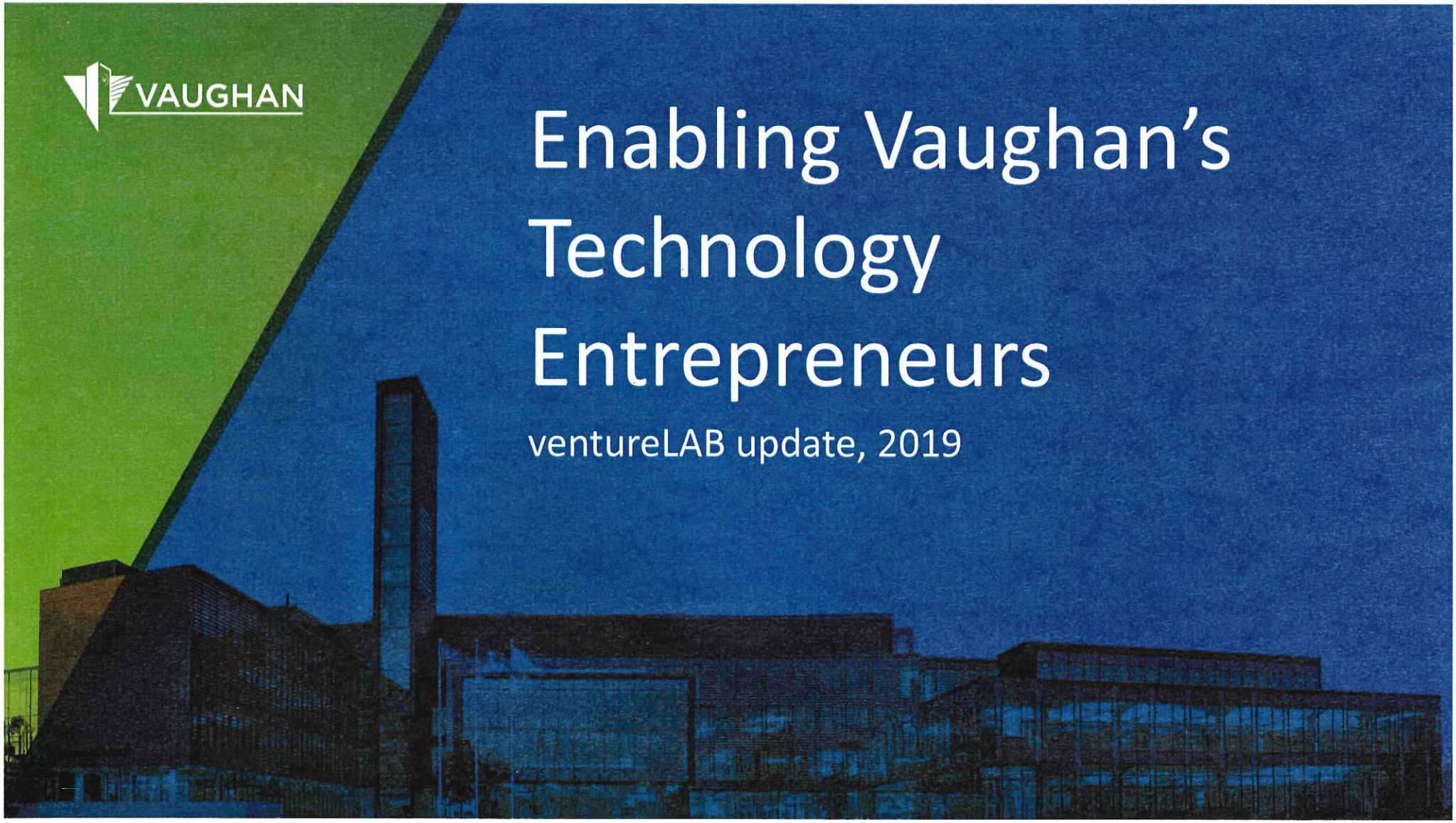
Humberplex has always had the community's best interest in mind and shall continue to cooperate with the City and all governmental authorities to complete the project as intended.

After review of the Tibollo Deputations, and the concerns set out therein, Humberplex reiterates that it shall take any and all necessary steps to rectify any proper deficiencies/concerns raised by the City. In any event, Humberplex is prepared to meet with Ms. Tibollo's clients directly and/or with City staff to further discuss Ms. Tibollo's/Mr. Tibollo's clients' concerns.

In summary, it is disingenuous for Ms. Tibollo/Mr. Tibollo to suggest that the City must take "immediate action" to hold Humberplex accountable. Ms. Tibollo/Mr. Tibollo are well aware that the City continues to hold significant security with respect to any developers' works pursuant to an executed subdivision agreement. Further, it is offensive and an afront, to Humberplex's directors, officers and shareholders to suggest that Humberplex has ignored and neglected the concerns of its community. Humberplex has, at all material time, provided services and workmanship of the highest quality. The issues raised in the Tibollo Deputations have all previously been addressed and/or are being addressed as required.

If you have any questions, please do not hesitate to contact me.

Yours truly,
PARENTE, BOREAN LLP
Per:
Gerard C. Borean *
*Executed pursuant to the *Electronic Commerce Act*
GCB/mmu



Investing in Small Business and Entrepreneurship

1041 one-on-one consultations delivered;

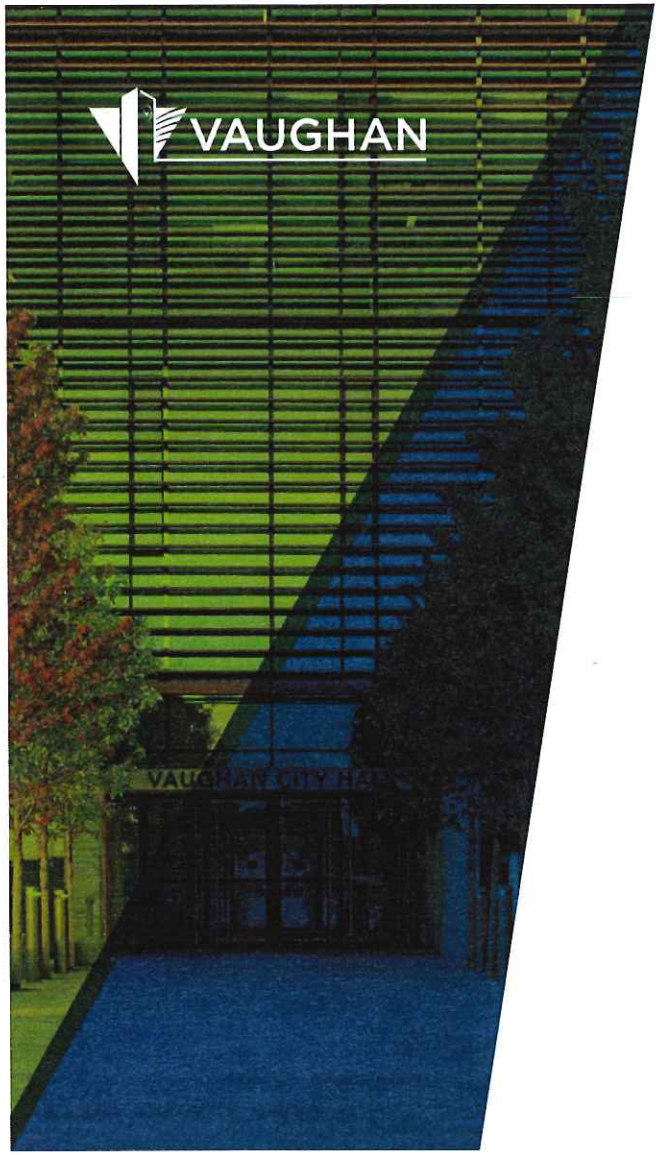
OVER 50% were to repeat clients

4658 walk-in, phone, or email inquiries answered

VBEC delivered **59 seminars** in business planning, marketing, finances, sales, and operation to **1,115 participants**

STAFF ASSISTED 245 BUSINESSES start or grow in Vaughan

SMALL BUSINESS IS AN IMPORTANT SEGMENT OF VAUGHAN'S ECONOMY } **2/3** of Vaughan businesses employed fewer than **10 people** in 2018.



Collaboration

Opportunities to work together

ventureLAB™ Mentoring | Partnering | Connecting

VAUGHAN

Seneca HELIX

ysbec York Small Business Enterprise Centre

Vaughan chamber of commerce

Vaughan Business Enterprise Centre

York U LaunchYU

Richmond Hill SBEC Small Business Enterprise Centre

TechConnex

Y2 Entrepreneurship Labs

YorkAngel Investors

Markham Small Business Centre Helping Small Business Grow

futurpreneur canada

York Region Arts

COSTI Immigrant Services Embracing Diversity

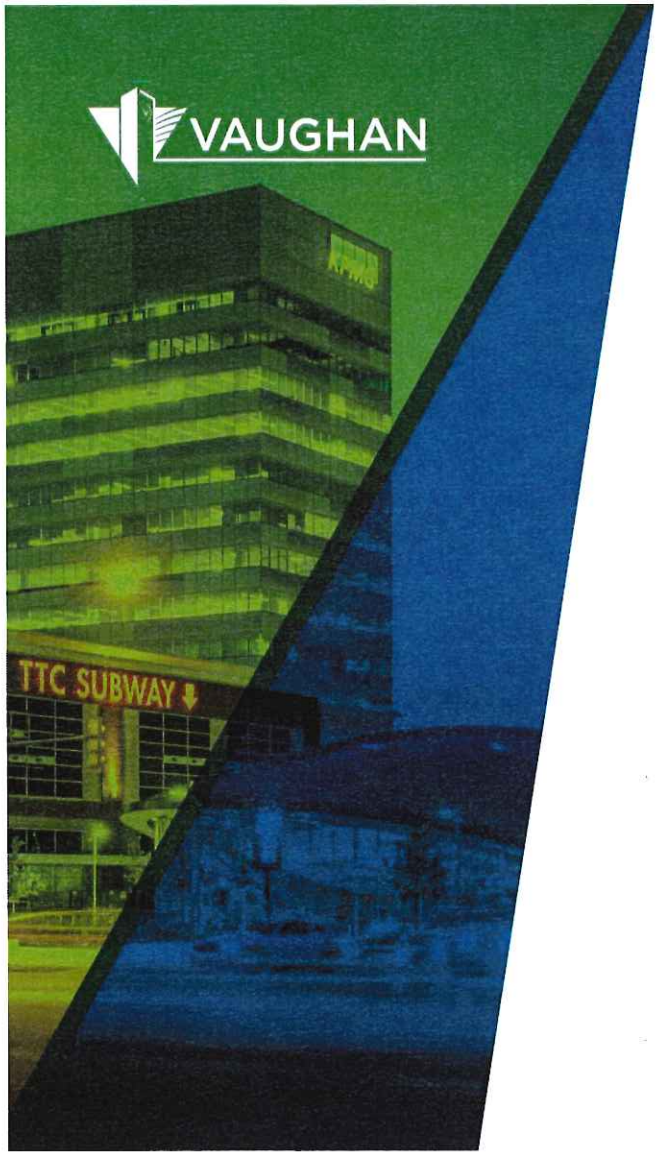
NRC·IRAP

Start Up York

Ontario Centres of Excellence Where Next Happens

Vaughan Public Library Board

York Mastermind



Melissa Chee

President and CEO, ventureLAB

ventureLAB™
Mentoring | Partnering | Connecting


ventureLAB™
Presentation to City of Vaughan
Council – May 7, 2019

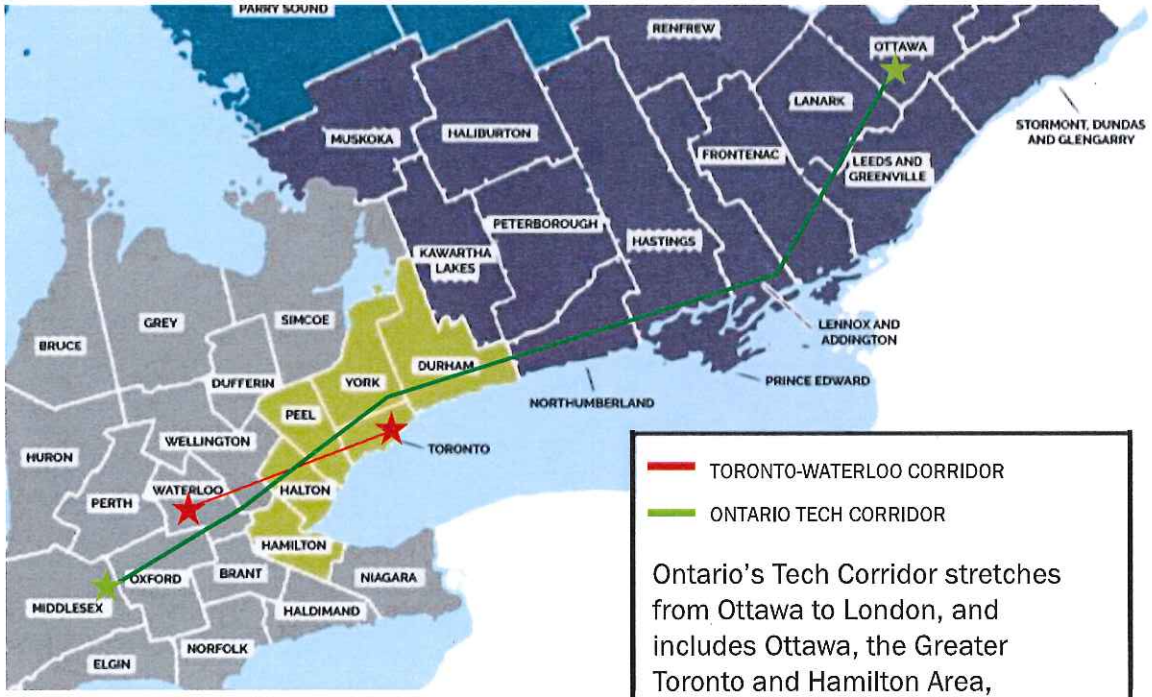
WE GROW GLOBALLY COMPETITIVE TECH TITANS THAT BUILD-TO-SCALE IN CANADA.

ventureLAB

OUR PURPOSE

ventureLAB will establish the region as a Destination of Choice for technology firms to create globally competitive companies, building and scaling in Canada.

ONTARIO'S TECH CORRIDOR



Ontario's Tech Corridor stretches from Ottawa to London, and includes Ottawa, the Greater Toronto and Hamilton Area, Kitchener-Waterloo, and London.

ventureLAB™

ONTARIO TECH CORRIDOR STATS

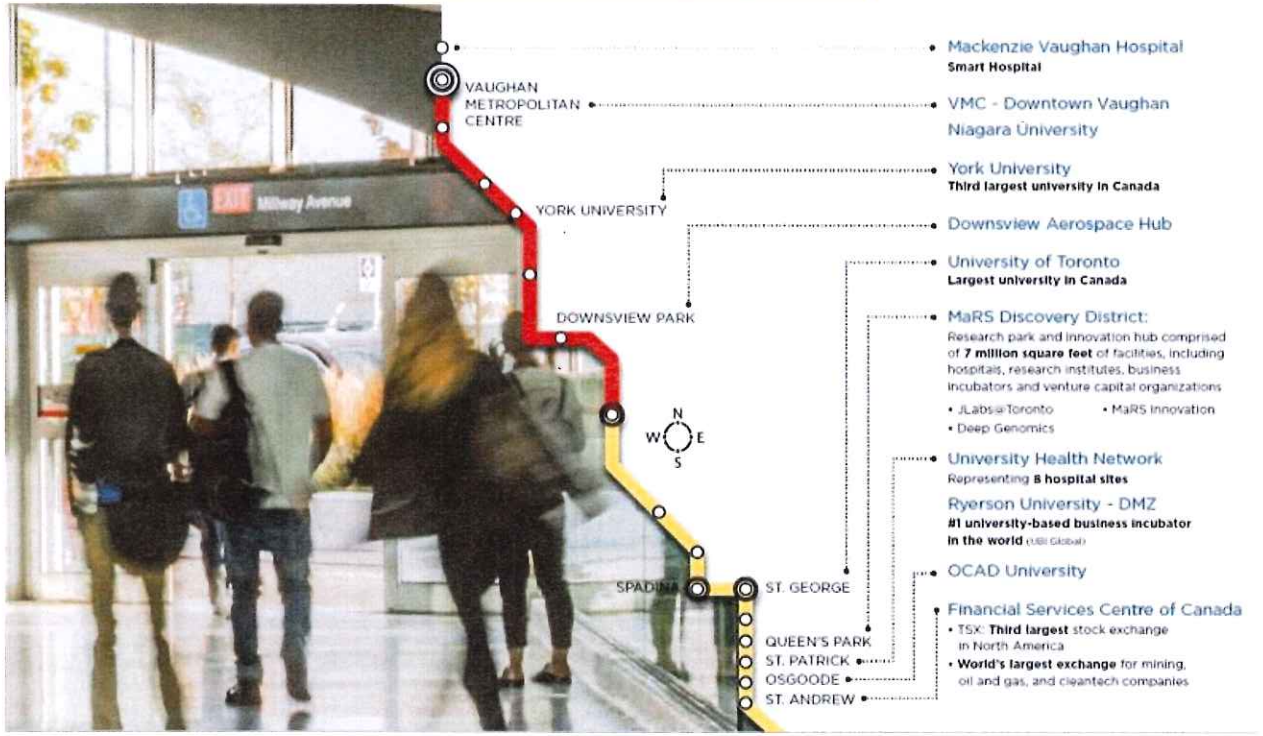
- 20,000+ tech firms
- 400,000+ tech workers
- 8.6M Ontarians

Ontario's Tech Corridor builds the technologies to deliver products and services for priority sectors in Ontario and Canada, including advanced manufacturing, financial services, and health.

CORRIDOR STRENGTHS

HARDWARE SOFTWARE APPS TELECOM

TECH IN THE GTA



ventureLAB

YORK REGION

1.2 MILLION RESIDENTS

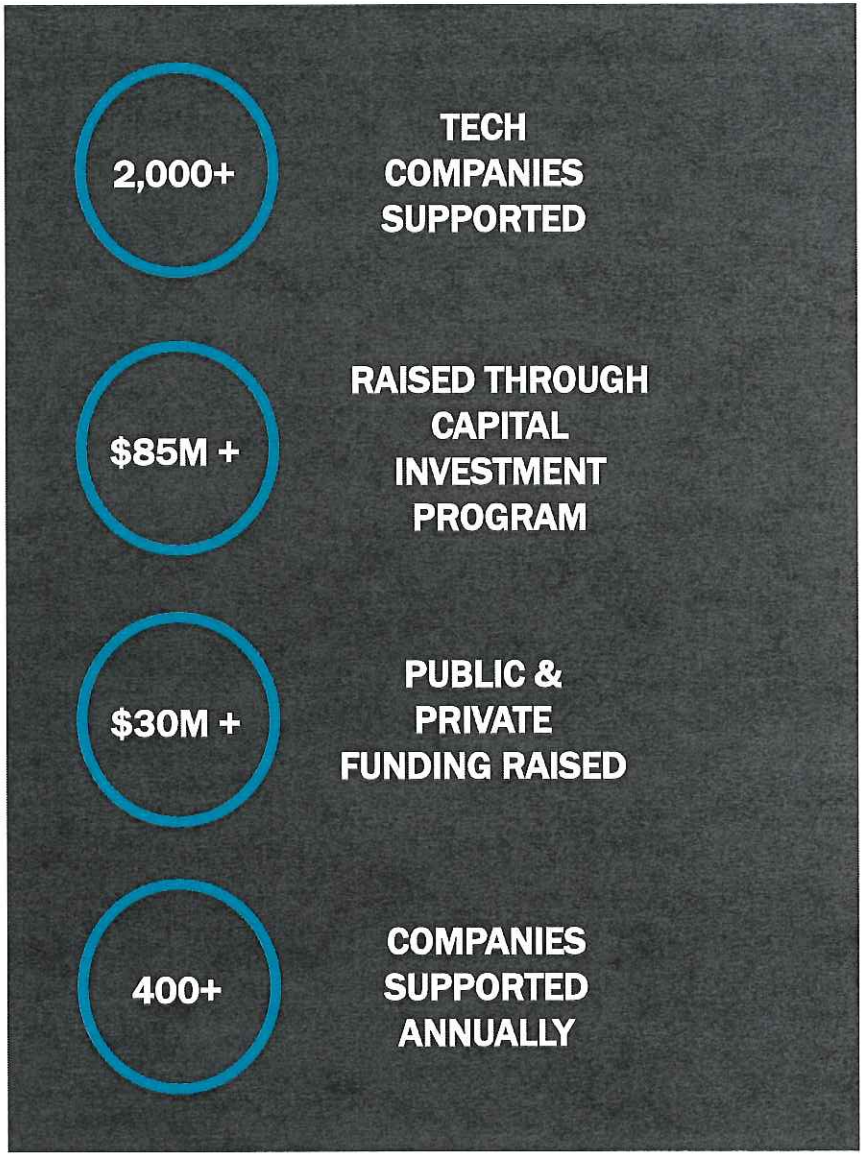
4,300	TECH COMPANIES
65,000+	TECH JOBS
500+	GLOBAL MULTINATIONALS
9	MUNICIPALITIES
4	URBAN GROWTH CENTRES

CANADA'S HIGHEST CONCENTRATION OF TECH COMPANIES

ventureLAB

WHO WE ARE

ventureLAB is a leading technology hub located in York Region, Canada's densest tech cluster, that supports tech entrepreneurs.



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WHO WE HELP

ventureLAB supports growth ventures in key sectors:

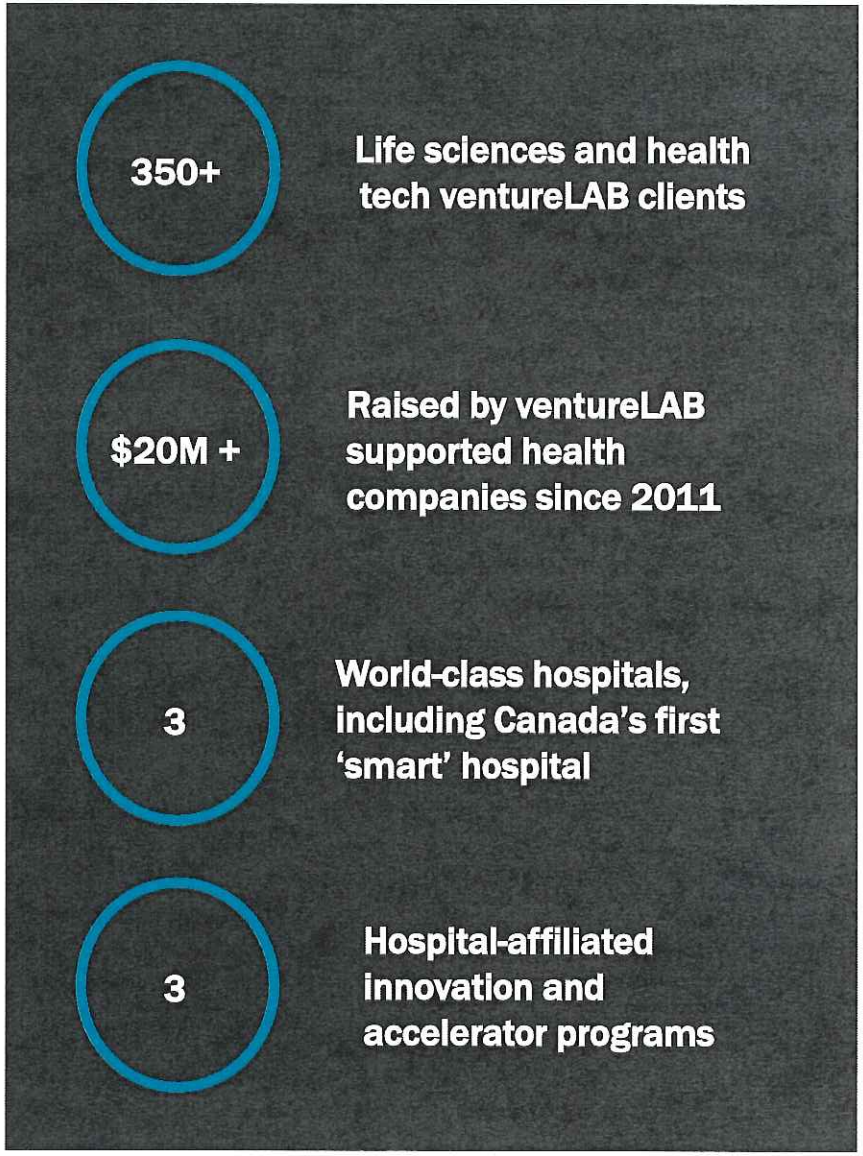
- Digital Media & ICT
- Digital Health & Devices
- FinTech
- Advanced Manufacturing

ventureLAB

YORK REGION'S HEALTH TECH CLUSTER

York Region has a thriving, connected health tech cluster, attracting start-ups and scale-ups from across Ontario. ventureLAB drives innovation, commercialization and thought leadership, working together with hospitals, health care organizations, and strategic partners to improve health care and experiences for Canadians.

ventureLAB



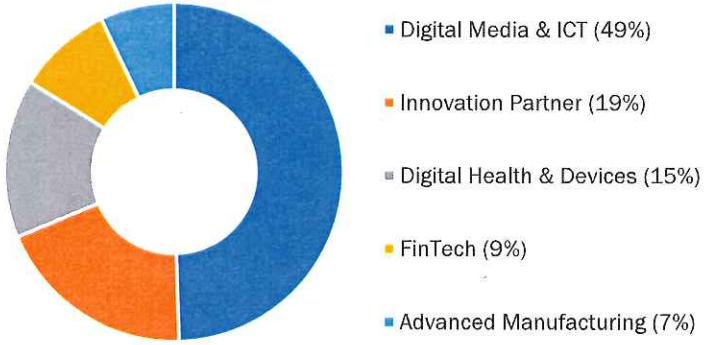
ventureLAB'S INNOVATION HUB

50,000
SQUARE FEET OF INNOVATION SPACE

45+
TECH COMPANIES + INNOVATION PARTNERS

300+
PEOPLE EMPLOYED

Industry Breakdown



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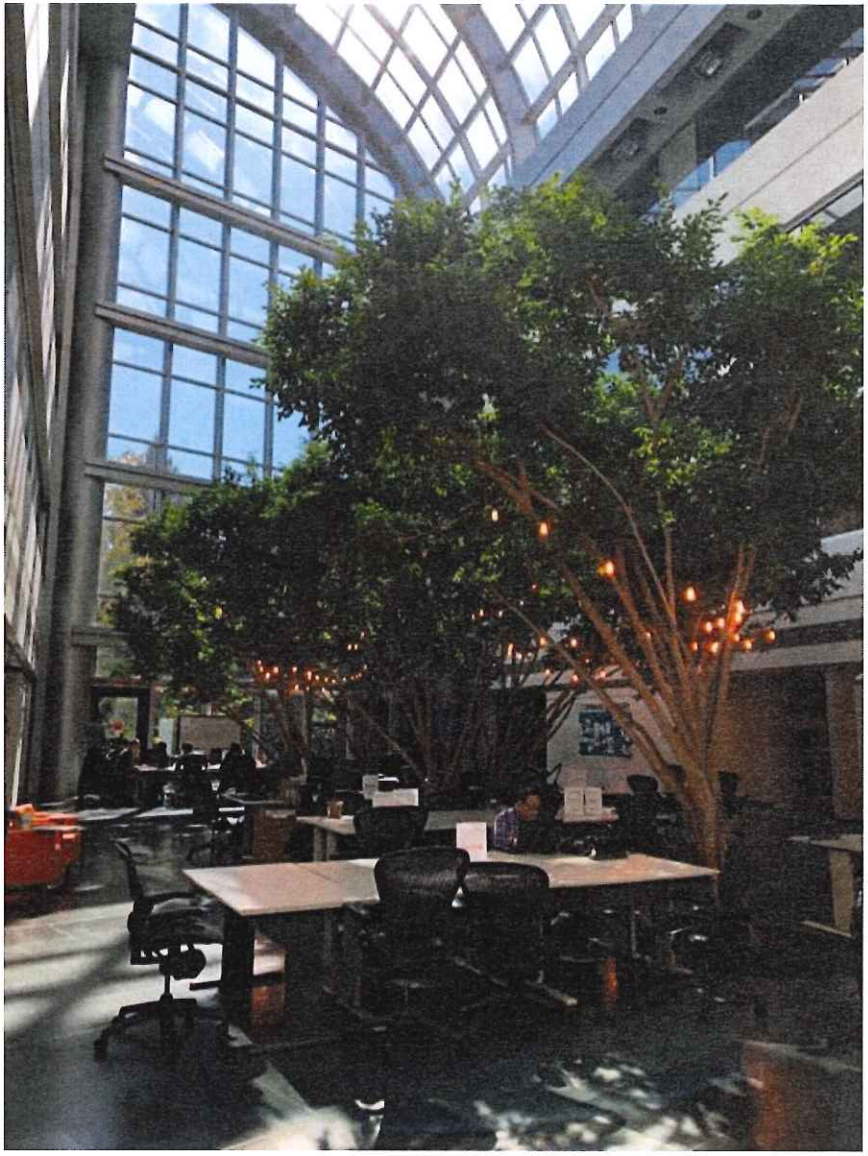
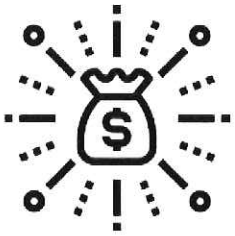


OUR PARTNERS

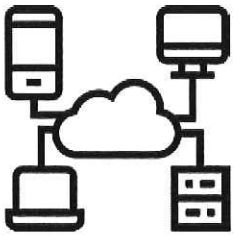
OUR PILLARS

CAPITAL



TALENT

TECHNOLOGY



CUSTOMERS

ventureLAB™

CAPITAL INVESTMENT PROGRAM

15	$22.8M	111	$110M
Companies Supported in 2018	Raised in 2018	Companies Supported Since 2011	Raised Since 2011

ventureLAB's Capital Investment Program is for companies who are ready to scale. Companies accepted into ventureLAB's Capital Investment Program work with an advisor to develop a capital strategy roadmap to help prepare them for private investment.

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VAUGHAN + ventureLAB PROGRAMMING

Joint programming ran January-March 2019 to support tech entrepreneurs in Vaughan

6

Programs + Workshops

50+

Registrants

Since 2011

150+

ventureLAB-supported companies based in Vaughan*

$4.3M

raised by ventureLAB-supported companies based in Vaughan*

ventureLAB™

THANK YOU

www.venturelab.ca

ventureLAB™

PHILIPPINE HERITAGE BAND

Founded 1980

C 7
COMMUNICATION
CW - MAY 7/19
ITEM - DEP. 1

A few good men just migrated from the Philippines responded to Oscar Farinas' invitation in 1980 to start a band to showcase Filipino culture and talents through music. With 0 budget, PHB started as an orchestra in November that year. It was provincially incorporated as a corporation without share capital the following month, and received its status as a charitable organization from Revenue Canada in 1988.

In 1990, PHB transitioned to a full Canadian marching band consisting of predominantly youth. Parents joined in droves and held management or support positions. Some joined the performing group as color guard or musician.

Parades became the core activity which brought PHB respect and admiration from parade circuits in both Canada and the United States.

Meanwhile, a broadened management base undertook monumental projects that brought stability to the organization. These included regular fund raising events, outreach to the community at large, grant applications, and many more.

Today, PHB is made up of multi-generation members, proudly representing not only the Filipino community but also its home City of Vaughan. It boasts of hundreds of youths that have gone through the PHB experience which have immensely contributed to their successes in life.

With its award winning and vibrant performances, PHB has truly gained recognition in many communities. Typical appearances include Toronto Santa Claus Parade, Maple Santa fest parade, Kitchener-Waterloo Oktoberfest Parade, Toronto St. Patrick's Day parade, Canada Day parades, Filipino community events of all kinds, and July 4th parades in many communities in Massachusetts, New York, Maryland, Washington DC, Illinois, and New Jersey. PHB also travelled to the Philippines to receive the "Dawn of the Filipino" award in 1998. There. It performed in several communities including Vaughan's sister city, Baguio.

Support from outside sources and the continued commitment of management, performers and parents make PHB a success story that we can all be proud of.

PHB is based in the City of Vaughan, in a home that was made available by the City with the help of the Ontario government. In fact, PHB's parade banner shows the City of Vaughan as its home base.

Philippine Heritage Band
Mailing address: 1 Promenade Circle, P.O. Box 912 Vaughan, Ontario, CANADA L4J 4P8
Phone 905-762-9350 www.phband.com email info@phband.com


88SCOTT.CON
TORONTO TO THE CORE
PHILIPPINE HERITAGE BAND
CITY OF VAUGHAN
ONTARIO
CANADA
11/21/2016 03:44


11/21/2016 02:39

VAUGHAN LOBSTER FESTIVAL

FESTIVAL INFORMATION

WHEN

Sunday
~~Saturday~~, June 16, 2019
11:00 am to 8:00 PM

WHERE

PHB Centre Baker Homestead Park
91 Thornhill Woods Drive Vaughan, Ontario

TICKETS

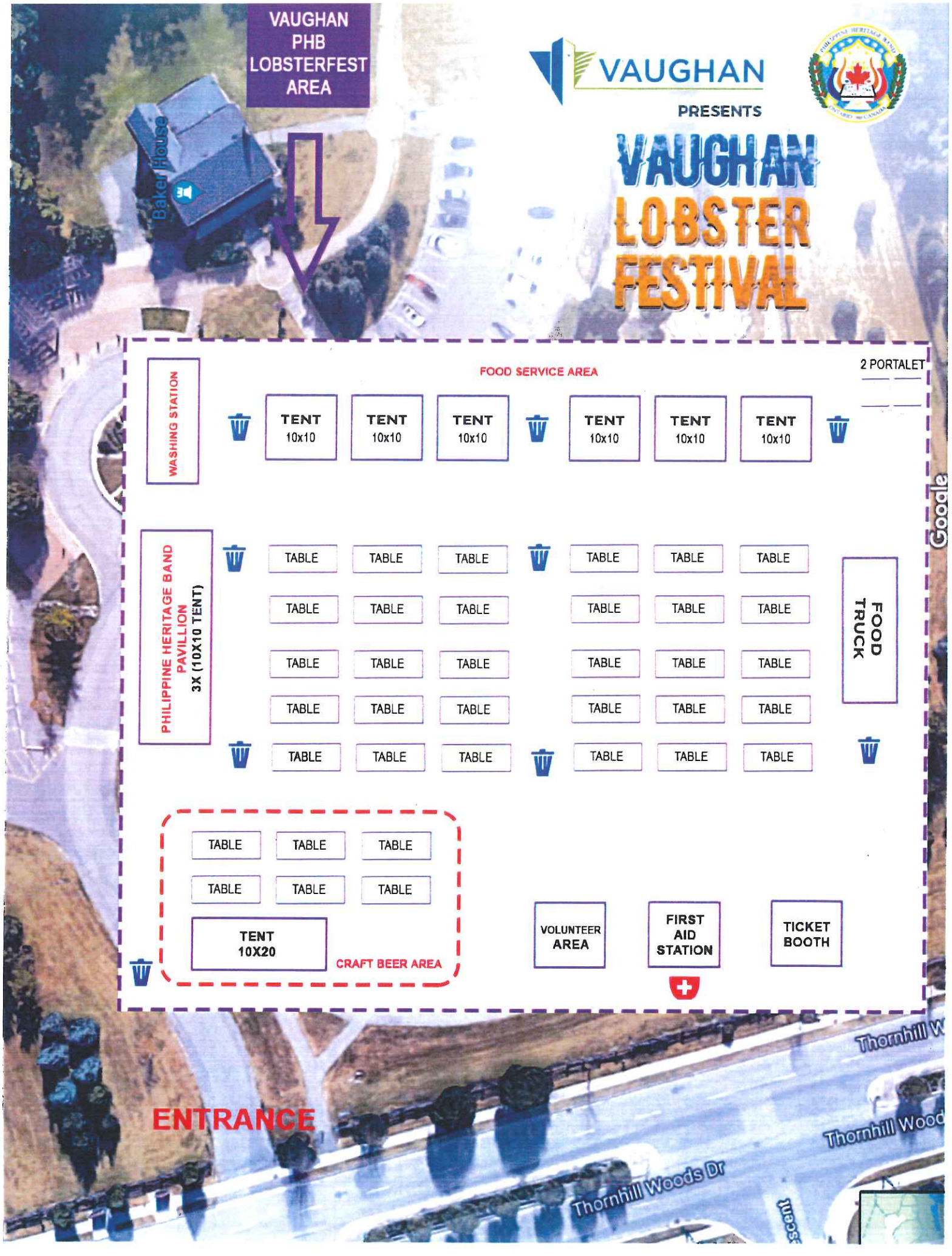
$28 per person in advance
$30 at the door
$160 for table of 6

RESERVED SEATING

Seating is limited, so please make your reservation in advance by contacting Carol at 416.453.9348 or info@phband.com

PRESENTED BY

VAUGHAN


VAUGHAN PHB LOBSTERFEST AREA
Baker House
VAUGHAN
PRESENTS
VAUGHAN LOBSTER FESTIVAL
FOOD SERVICE AREA
2 PORTALET
WASHING STATION
TENT 10x10
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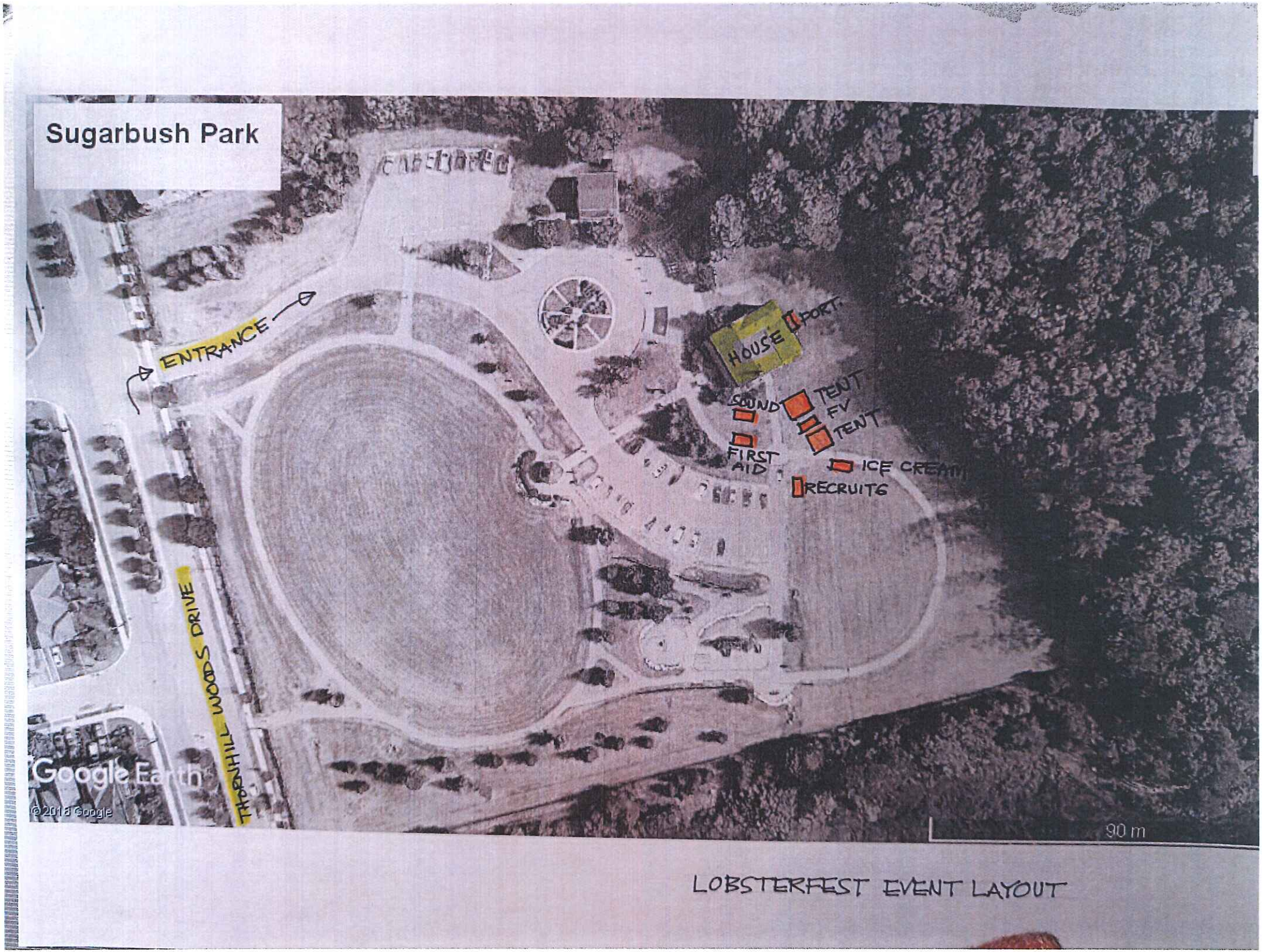
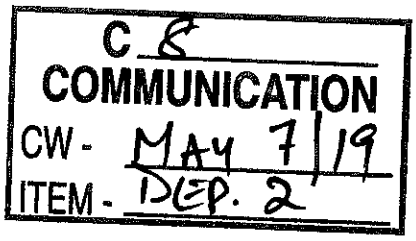
TENT 10x10
PHILIPPINE HERITAGE BAND PAVILLION
3X (10X10 TENT)
TABLE
FOOD TRUCK
TENT 10X20
CRAFT BEER AREA
VOLUNTEER AREA
FIRST AID STATION
TICKET BOOTH
ENTRANCE
Thornhill Woods Dr
Google



LOBSTERFEST EVENT LAYOUT

City of Vaughan - Committee of the Whole



Humberplex – "On the Boulevard"

Outstanding Landscaping and Fencing Issues

Presentation Brief

May 7, 2019

Nicholas C. Tibollo
Professional Corporation
Barristers
133 Milani Blvd. Suite 100
Vaughan, ON L4H 4M4

Frances Tibollo
T: 416-975-0002 x227
F: 416-975-8002
E: ftibollo@tibollolaw.com

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1	Presentation Deck
2	Resident Petition
3	Questions

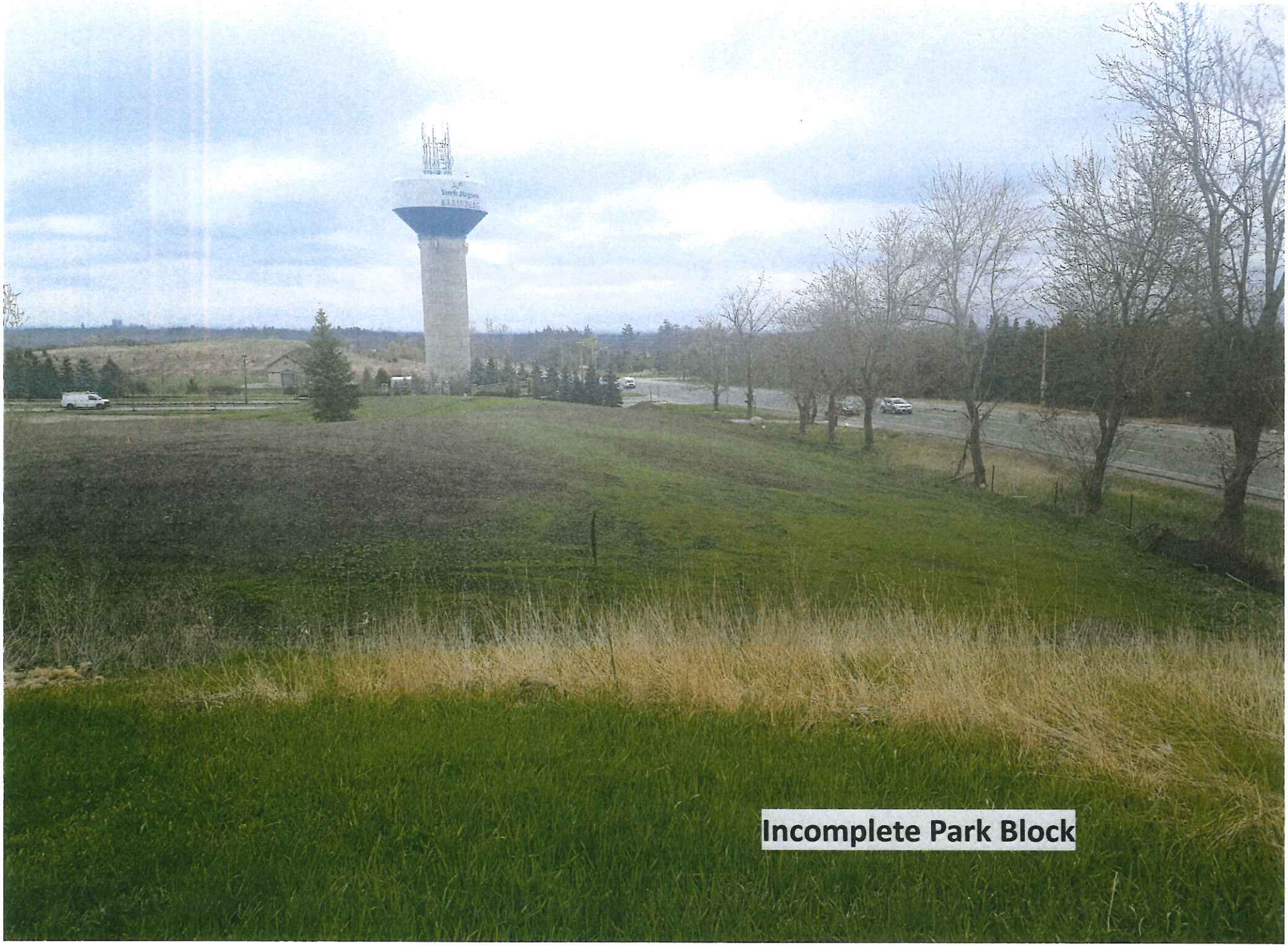
Humberplex

OUTSTANDING LANDSCAPING AND FENCING ISSUES

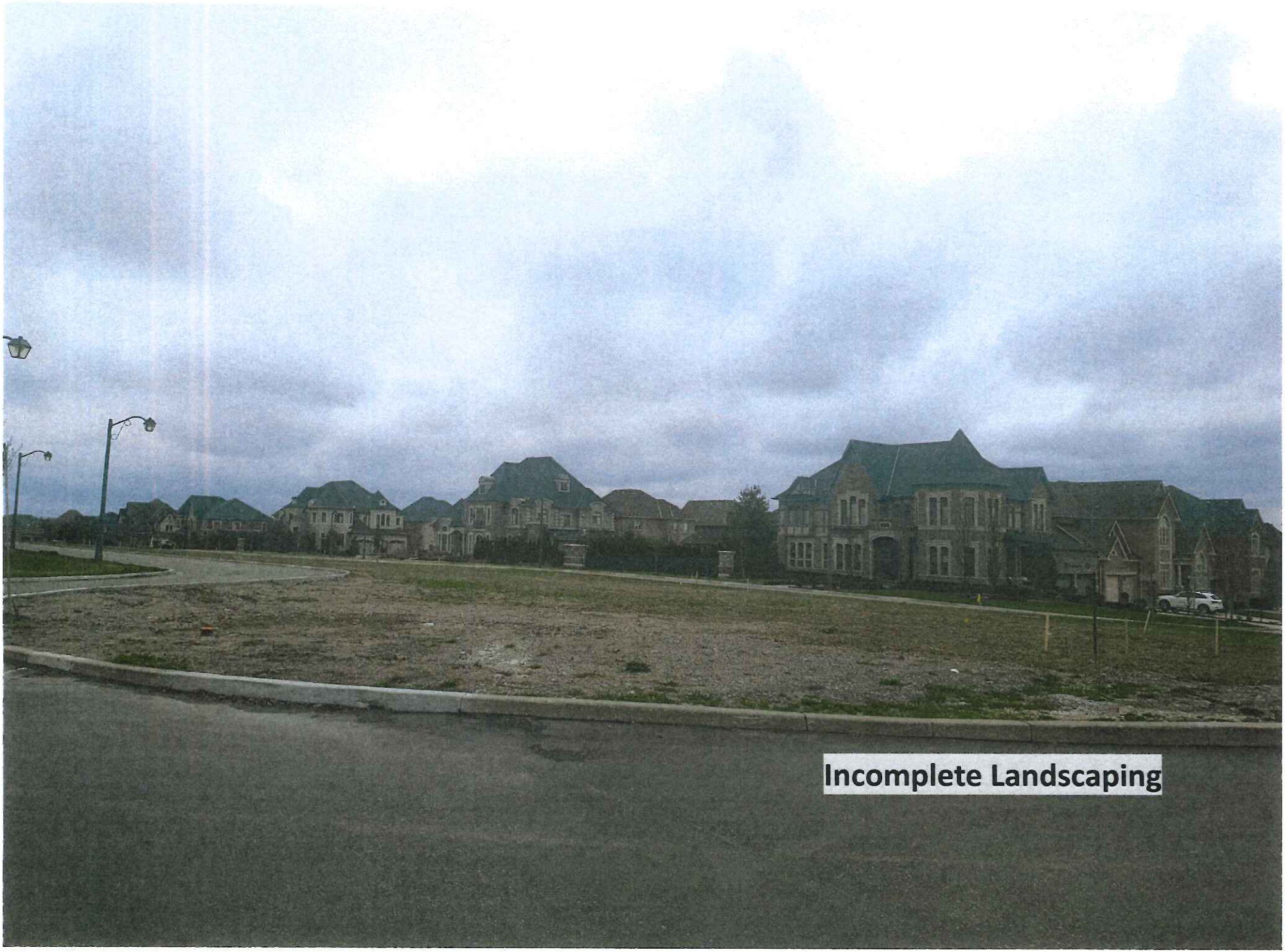
May 7, 2019


No Chain Link Fence at proposed
Park Block


No Chain Link Fence at TCPL


Incomplete Park Block


Unattractive silt fence


Incomplete Landscaping

VAUGHAN

COMMUNICATION C 8
COMMITTEE OF THE WHOLE
MAY 7, 2019

RE: Item DEPUTATION 2, Report No. 17

ON THE BOULEVARD COMMUNITY

The City Clerk's Office has received a petition from area residents regarding the above noted Deputation with the summary wording below.

The total number of signatures on the petition are: 55.

Wording:

"We the residents of The Boulevard Community request that:

1. *The Developer finish the community;*
2. *The City of Vaughan not assume or allow any other phases to go on maintenance;*
3. *The City of Vaughan undertake a comprehensive review of water pressure within the community; and*
4. *Request a community meeting."*

A copy of the entire petition document containing a total of 5 pages is on file in the Office of the City Clerk.

QUESTIONS

FENCING

(1) The residents of the community would like to know whether the City has retained sufficient funds to pay for the required fence?

(2) Now that the homeowners' lots are landscaped, does the City have sufficient funds to reinstate and repair any damages done to the resident's lots due to the installation of the required fence? and,

(3) The residents of the community would like to know when the developer will install the required fences?

(4) The residents of the community would like to know why the developer was allowed to transfer the abutting properties without the fences being installed as required by the Subdivision Agreement?

PARKLAND

(5) The residents of the community would like to know when they can expect work to start and when will it be completed?

(6) Is the delay in the park being constructed due to the developer using the park for a sales office for a number of years?

(7) Is the City in the habit of allowing 3rd parties to use public lands? Was the City compensated for the use of the lands? Was there a lease? If so, how much was it compensated? If not, why not? Is the city in the habit of permitting commercial enterprises to operate on public lands to the detriment of tax payers?

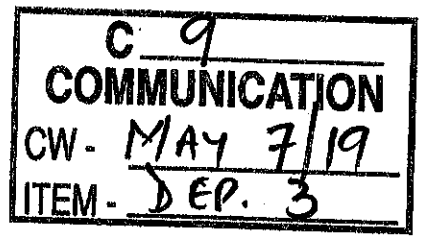
(8) The residents of the community would like to know when they can expect the final landscaping of the TCPL lands to be completed and what level of amenity it will provide? Has the City retained sufficient funds to do this work if required?

(9) When will sidewalks be installed?

LANDSCAPING ALONG HWY 27

(10) The residents of the community would like to know what the City can do to have the developer finish landscaping the berm?

City of Vaughan - Committee of the Whole



Humberplex – "On the Boulevard"

Deterioration of Assumed Roads

Presentation Brief

May 7, 2019

Nicholas C. Tibollo
Professional Corporation
Barristers
133 Milani Blvd. Suite 100
Vaughan, ON L4H 4M4

Nicholas C. Tibollo
T: 416-975-0002 x100
F: 416-975-8002
E: ntibollo@tibollolaw.com

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to this development that have not been undertaken and/or completed by the Developer in a good and workmanlike manner or at all.

On behalf of the Residents, I am requesting that the Mayor and Council, and consequently the City of Vaughan, not assume any other phases or parts of this development and refrain from releasing any letters of credit concerning this development, in whole or in part, until all outstanding issues, some of which I will summarize below, are investigated and addressed in a complete and timely manner by the Developer to the satisfaction of the City of Vaughan, and the Residents. A failure to do so will continue to cause the Residents irreparable harm, permit the Developer's intransigence to continue unchecked and may expose the City of Vaughan to a claim for, *inter alia*, injunctive relief and damages.

The TransCanada/Enbridge Issue

As you are aware, TransCanada Pipelines Limited (hereinafter ***TransCanada***) has a right-of-way through the development and has installed a three-foot pipeline, as well as a two-foot pipeline that is leased by it to Enbridge Gas Distribution Inc. (hereinafter ***Enbridge***).

As you are aware, the Subdivision Agreement between the City of Vaughan and the Developer requires the Developer to, *inter alia*, undertake and complete landscaping works for, *inter alia*, the Grand Boulevard, a major and central community amenity space, as well as the Lookout Walkway space, within the development. As you are also aware, these spaces are located adjacent to and over the TransCanada/Enbridge pipeline. These spaces have not been developed despite the Developer's representation to the Residents, at the time they purchased their properties, and City of Vaughan.

Given the interests of TransCanada, the Developer is required to obtain the approval of TransCanada for these landscaping works and is obligated to undertake the landscaping works in a manner and form that meets TransCanada's requirements, including public safety and protection of the environment. I understand that this includes requiring developers to, *inter alia*, install concrete capping at and around gas pipelines as a safety measure.

I understand that an Application was made by the Developer to the National Energy Board (hereinafter ***NEB***) pursuant to subsection 112(1) of the ***National Energy Board Act***, R.S.C., 1985 seeking leave of the NEB to conduct grading and landscaping works around the gas pipelines without the approval of TransCanada and Enbridge. On any such Application, the focus of the NEB is on the safety of the pipelines during construction and throughout the pipelines' lifecycles. Consequently, the NEB's primary priorities are public safety and protection of the environment. Any risk or damage to the pipeline would cause irreparable harm and could be catastrophic.

On February 1, 2017, the NEB rightfully denied the Developer's Application. As such, the Developer remains obligated to undertake in a timely manner the landscaping works in accordance with the requirements and conditions imposed upon it by TransCanada and Enbridge. This requires the Developer to install protective concrete capping. There is no exception for this. These conditions and requirements are consistent with the public safety and environmental protection policies that must be adhered to without compromise. As you are aware, these

conditions and requirements are routinely imposed upon developers and complied with without issue. So why is Developer taking issue with TransCanada's requirements?

Since the decision of the NEB in 2017, the state and condition of the landscaping works at the development remains as they were, namely not done.

I understand that in 2017, the City of Vaughan staff apparently met with the Developer to create a "revised landscape plan" that relocated landscaping outside of the TransCanada pipeline easement in order to circumvent the TransCanada requirements. I also understand that a request was made by the Developer of TransCanada to proceed with grading works only, located inside the easement, and the request was refused by TransCanada. The Developer's unwillingness to comply with the standardized TransCanada requirements, which all developers have and continue to be subject to is unjustified and concerning to the Residents. As Mayor and Council you ought to be equally concerned.

The City of Vaughan is required to ensure that developers, with whom the City of Vaughan has entered into subdivision agreements, comply with and adhere to the terms and conditions of agreements and fully comply with laws, regulations and orders in a timely manner. Respectfully, it is not up to the City of Vaughan to entertain and encourage ideas that circumvent the requirements of TransCanada or of a subdivision agreement as it concerns public safety and the environment. It is not incumbent upon the residents of a development to supervise, monitor and demand compliance with subdivision agreements, master plans and urban design guidelines. The NEB has confirmed, by its decision, that there exists no justifiable reason to permit the Developer to undertake landscaping works at or around the pipeline without the approval of TransCanada and Enbridge. As a result of the NEB's decision, is it not incumbent upon the City of Vaughan to now compel the Developer to comply fully with the requirements of the Subdivision Agreement, including proceeding expeditiously to undertake and complete the landscaping works in accordance with the requirements of TransCanada and Enbridge? If TransCanada/Enbridge requires the gas pipelines to be capped, as part of it granting approval to Developer, they must be capped. Public and environmental safety is paramount and is non-negotiable. The City of Vaughan must insist and take immediate steps to have the Developer comply with its contractual obligations. A failure to act on the party of the City of Vaughan continues to adversely effect the Residents' quiet use and enjoyment of the community space, and it jeopardizes public safety and the environment. The City of Vaughan has the authority to investigate this issue, and compel the Developer to comply with its contractual obligations. If the Developer refuses to comply, is the City of Vaughan not at liberty to call upon the letters of credit posted by the Developer and retain a contractor to undertake the works the Developer has thus far refused to carry out? The Residents would like to know when this work will be undertaken and completed and why the City of Vaughan has countenanced the Developer's intransigence for such an inordinate length of time.

The Undeveloped Parklands and Non-Adherence to Master Plan and Urban Design Guidelines

As you are aware, the Developer was required to create and complete designated parklands and walkways. The Grand Boulevard and the Lookout walkway spaces have not been developed.

To date, the Developer and City of Vaughan have failed or omitted to take any steps to create and complete the designated parklands. Up until recently, the Developer had its sales pavilion and office situated on lands designated for a park. The Residents, through their realty taxes and development charges on their lots, have paid for these parkland spaces, but have been deprived of their use and enjoyment. It has taken almost twelve years since the project was registered, and yet the parkland and community spaces remain undeveloped. It is concerning to the Residents that the City of Vaughan and Developer have not taken any steps to develop theses parkland spaces. The Residents would like to know why the Developer was permitted to use the undeveloped parklands for a sales office and under what terms. They would like to know why this parkland remains undeveloped after twelve years. They would like to know why the City of Vaughan has not acted on this for the last 12 years. The Residents would like to know what steps the City of Vaughan has undertaken to compel the Developer to undertake and complete the landscaping works, the Grand Boulevard and Lookout spaces and when these works are scheduled to commence and be completed. The Residents would like to know whether the City has possession of sufficient security posted by the Developer to ensure that the works are undertaken and completed. Further, the Residents would like to know whether the landscaping works proposed and approved by the City of Vaughan are in accord with the Master Landscape Plans and the Urban Design Guidelines. If the Developer is proposing any changes to the approved Master Landscaper Plans or landscaping drawings, the Residents would like a meeting with the City of Vaughan and the Developer to review and discuss the Developer's proposal as well as timelines for which all work will be undertaken and completed. The Residents also require confirmation that none of the Developer's security ought to be released in whole or in part and the City of Vaughan not assume any of the works until such time as the Developer has fully complied with is contractual obligations concerning this development. Any steps taken by the City of Vaughan in releasing security or assuming any further works until the above issues are satisfactorily resolved may indeed expose the City of Vaughan to a claim by the Residents for damages.

The Residents understand that the Developer was required to install fencing in designated areas throughout the development as well as install earth berms along Highway 27 and other landscaping features. It would appear that partial fencing was installed and appears incomplete and dilapidated. I am also advised that the earth berms are nothing more than mounds of earth covered in years of unmanaged weed growth without any landscaping features. Residents would like to know why the Developer has not completed the fence installation in a complete, good and workmanlike manner and why the earth berms have not been landscaped in accordance with the Subdivision Agreement and Landscaping Plans. Is the City of Vaughan prepared to have the Developer address these issues? As taxpayers of the On the Boulevard Community, surely the Residents are entitled to have their community completed as contemplated by the Subdivision Agreement and Master Landscape Plan. I would ask that City of Vaughan review the Master Landscape Plans and ascertain whether it has been complied with, including whether the Urban Design Guidelines have been followed. A failure on the part of the City of Vaughan may expose it to liability.

As you all know, the City of Vaughan is in a position to require the Developer to comply with its contractual obligations. A failure to do so, entitles the City of Vaughan to retain a qualified contractors to undertake the outstanding, deficient and incomplete works. Has the City of Vaughan had any communications with Developer in this regard? If so, please advise me as to when these communications took place, what was said and by whom, and what was the outcome

of these communications. If they have not occurred, I would like to know the reasons why. If they did not occur, I would like to know whether the City intends to put the Developer on notice that unless the outstanding works are undertaken and completed within a reasonable time in 2019, which assurance must be received in short order, the City of Vaughan intends to draw upon the letters of credit and solicit bids and retain contractors to undertake these works.

Needless to say, the Residents are frustrated with the Developer's inactions and willful neglect of the concerns of the Residents. They are equally concerned as to why the City of Vaughan has taken no steps to compel the Developer to act in a timely manner or at all and why it has permitted this development to proceed in such a fragmented and disorganized manner. The Residents require that the City of Vaughan address the Residents' concerns and have them resolved without any further delay.

Until the above issues are satisfactorily addressed and completed by the Developer, under no circumstance should the City of Vaughan consider any more assumptions regarding this development and entertain any request for a release of any letters of credit, in whole or in part until the Developer's contractual obligations are satisfactorily fulfilled and the warranty and maintenance periods have expired. If it does so, then there is a real risk that there will be insufficient funds on hand to permit the City of Vaughan to undertake the works described above in the event that Developer continues to delay. The Residents would like the City of Vaughan's written assurance that this complaint will be placed on the agenda at the next Council meeting and a motion passed to investigate and report on the issues raised herein, including satisfactory completion of the works in a reasonable timeframe and that pending such investigation and completion of works that no further assumptions of the development occur and that no security be released. A refusal to act in the best interests of the Residents, will continue to cause the Residents damages and will be actionable.

I understand that the agenda list has not yet been prepared for the March 19, 2019 Council meeting, and it will be prepared next week. As such, I do not have the matter number as it relates to the City of Vaughan's contemplated and pending assumption of part of this development. Please acknowledge receipt of this complainant and confirm with me that this matter will be placed on the agenda at your next Council meeting. This must occur before the City of Vaughan considers proceeding with assumption, which I previously indicated is scheduled for March 19, 2019, and the release of any further security to the Developer. I reiterate that under no circumstance should any assumption and release of any security occur until such time as the Residents' concerns are completely investigated, addressed and resolved to the satisfaction of the Residents. The costs to undertake and complete the works described above are significant. Any release by the City of Vaughan, of letters of credit may cause there to be insufficient funds on hand to undertake and complete the works if the Developer does not. If the City of Vaughan decides to act contrary to expressed concerns of the Residents, they will avail themselves of all legal options, including injunctive relief and a claim for damages.

Yours very truly,

NICHOLAS C. TIBOLLO
PROFESSIONAL CORPORATION
Per:

Nicholas C. Tibollo
Nct

Mayor Maurizio Bevilacqua ***maurizio.bevilacqua@vaughan.ca***
Mario Ferri ***Mario.ferri@vaughan.ca***
Gino Rosati ***gino.rosati@vaughan.ca***
Linda Jackson ***Linda.jackson@vaughan.ca***
Marilyn Iafrate ***marilyn.iafrate@vaughan.ca***
Tony Carella ***tony.carella@vaughan.ca***
Rosanna DeFrancesca ***rosanna.defrancesca@vaughan.ca***
Sandra Yeung Racco ***Sandra.racco@vaughan.ca***
Alan Shefman ***alan.shefman@vaughan.ca***
Tim Simmonds- City Manager ***tim.simmonds@vaughan.ca***
Jason Schmidt-Skoukri, Deputy City Manager, Planning and Growth management **Jason.Schmidt-Shoukri@vaughan.ca**
rose.magnifico@vaughan.ca

NICHOLAS C. TIBOLLO
PROFESSIONAL CORPORATION
LITIGATION LAWYERS

133 Milani Blvd., Suite 100
Vaughan, Ontario L4H 4M4

Telephone: (416) 975-0002
Facsimile: (416) 975-8002

NICHOLAS C. TIBOLLO
Extension: 100
Email: ntibollo@tibollolaw.com

9 March 2019

URGENT

Mayor and Council
City of Vaughan
2141 Major MacKenzie Drive, 4th Floor
Vaughan, Ontario
L6A 1T1

Honorable Mayor Bevilacqua and Members of Council:

RE: Humberplex Developments Inc. -"On the Boulevard Community"

Further to my email correspondence of March 6, 2019, respectfully, I would like the issues raised in my correspondence to be placed before the next Council meeting and addressed. I do not wish this to be deferred until such time as the by-law assumption is placed before Council. Any further delay on this matter will only cause further damages to the Residents.

I enclose a number of photographs taken on March 8, 2019. They depict the road works in the above referenced development. They do not require any explanation. They speak for themselves. The City of Vaughan has or is intending to take assumption of these roads?

Yours very truly,

NICHOLAS C. TIBOLLO
PROFESSIONAL CORPORATION
Per:

Nicholas C. Tibollo
Nct
Encl.
Mayor Maurizio Bevilacqua maurizio.bevilacqua@vaughan.ca
Mario Ferri Mario.ferri@vaughan.ca
Gino Rosati gino.rosati@vaughan.ca
Linda Jackson Linda.jackson@vaughan.ca
Marilyn Iafrate marilyn.iafrate@vaughan.ca
Tony Carella tony.carella@vaughan.ca
Rosanna DeFrancesca rosanna.defrancesca@vaughan.ca
Sandra Yeung Racco Sandra.racco@vaughan.ca
Alan Shefman alan.shefman@vaughan.ca
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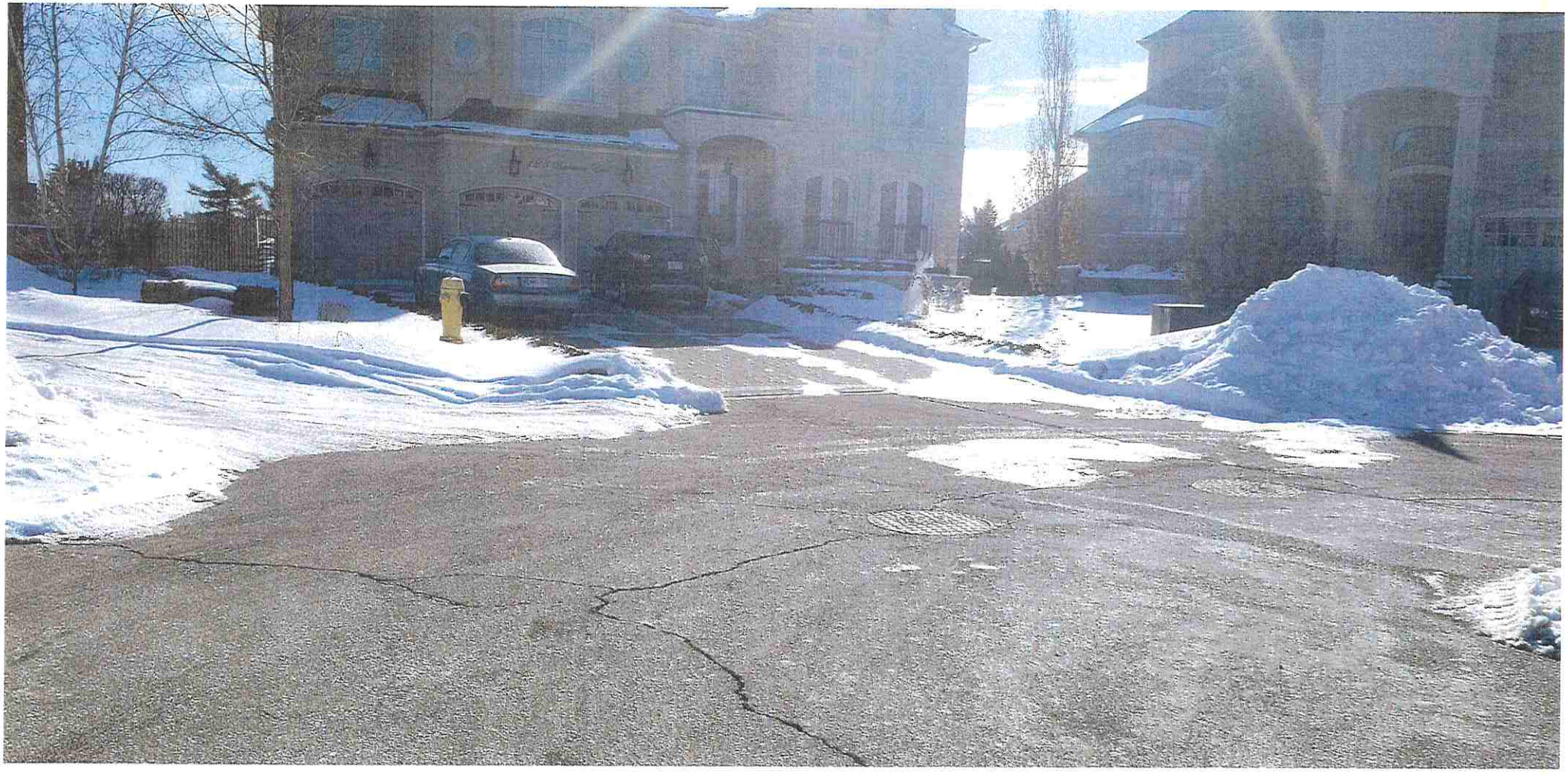

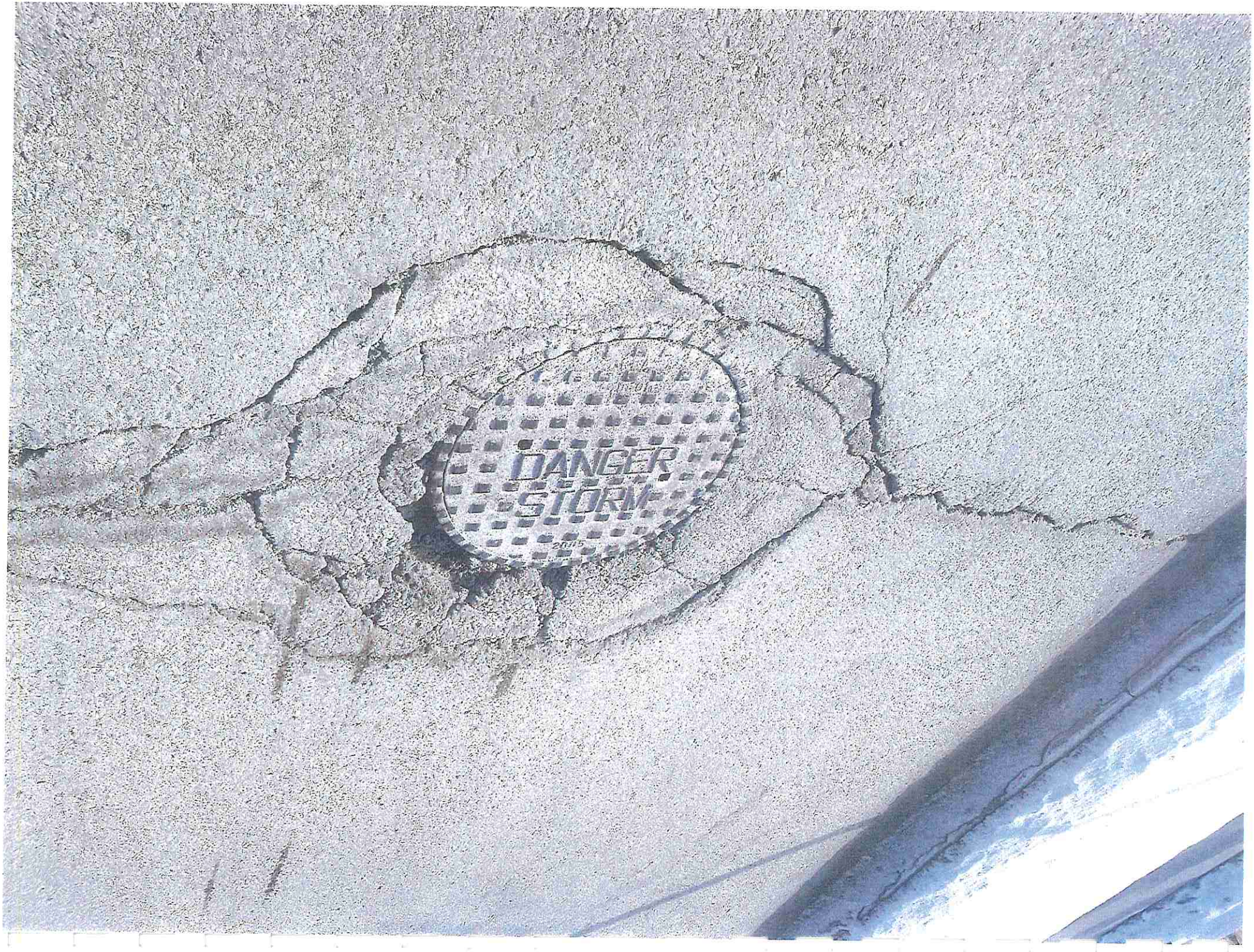
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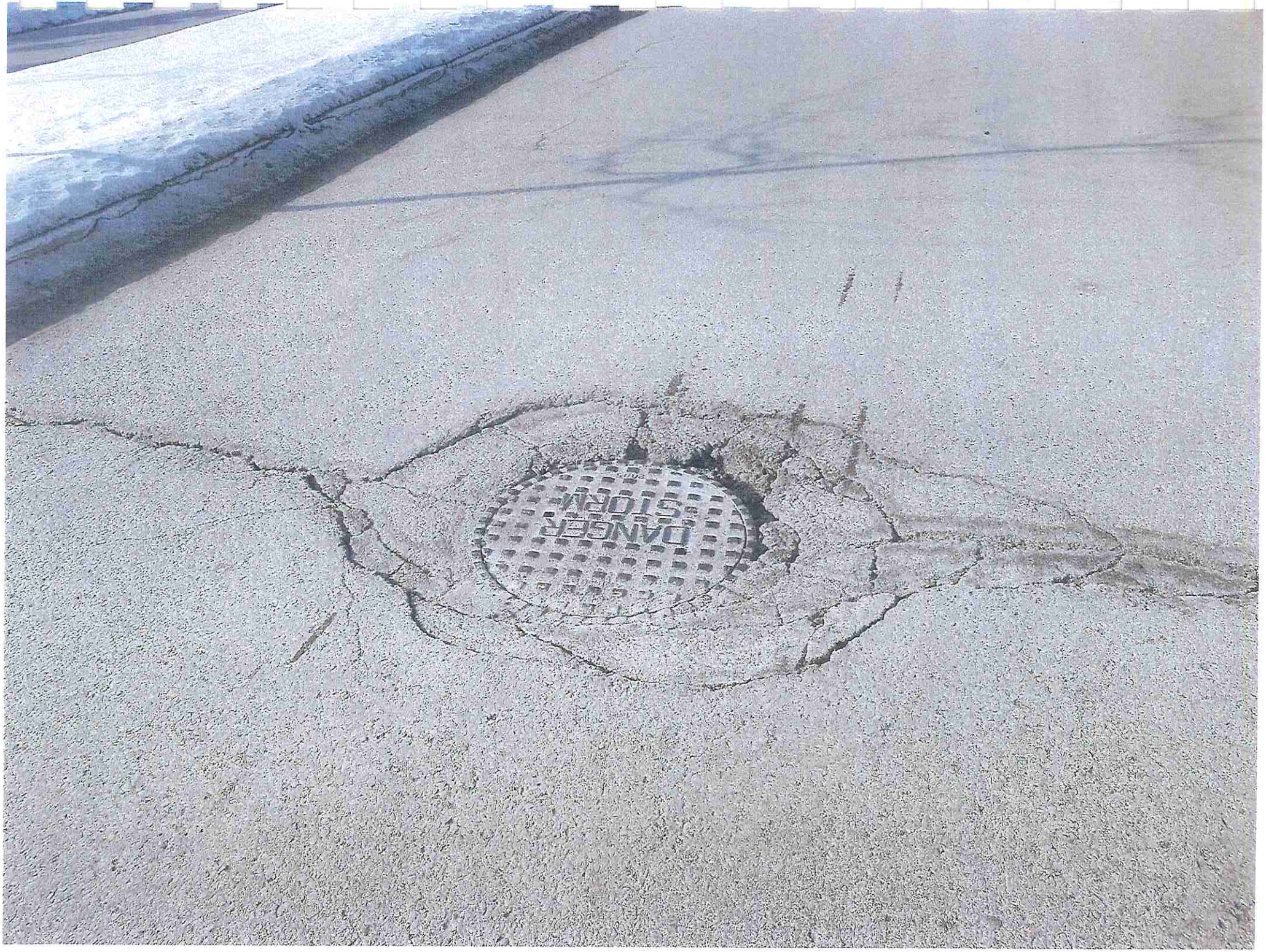
STORM


DANGER
STORM


DANGER
STORM

Humberplex

DETERIORATION OF ASSUMED ROADS

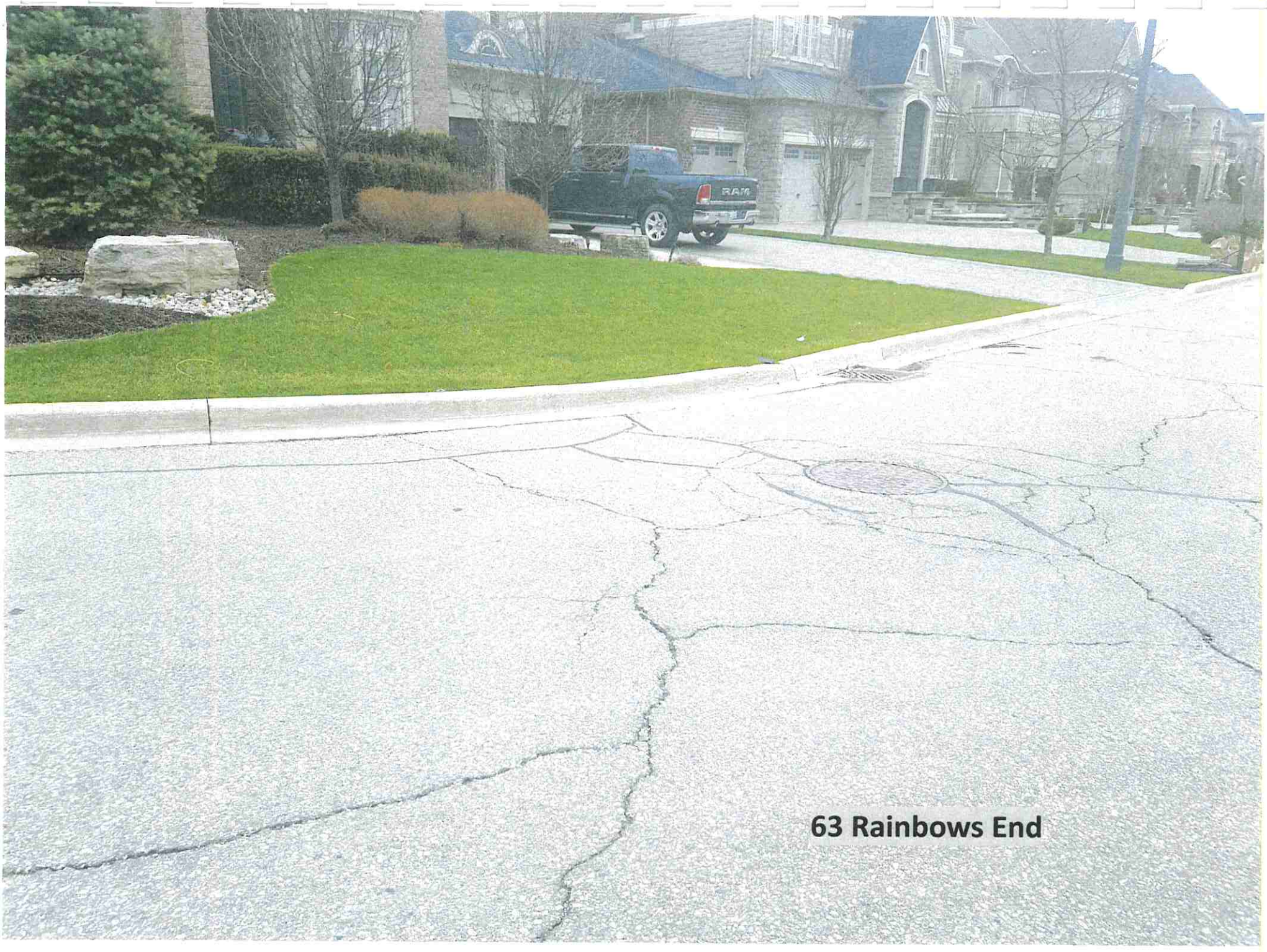
May 7, 2019

5 of 9 test holes show insufficient road makeup

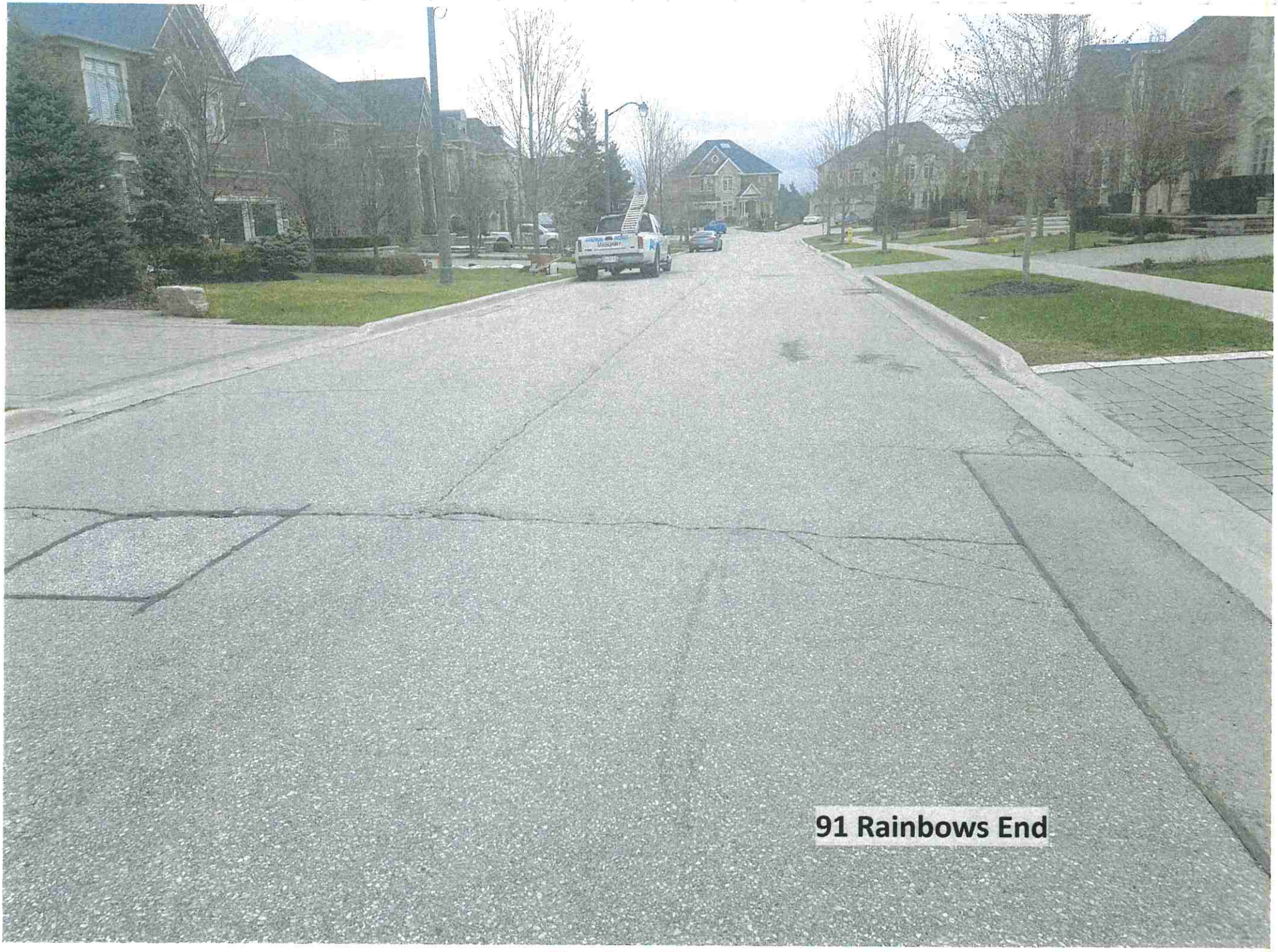
Report by Condeland Engineering – November 2008

2 Summerbreeze Court


46 Rainbows End



63 Rainbows End


91 Rainbows End


112 Rainbows End


121-125 Rainbows End

VAUGHAN

COMMUNICATION C 9
COMMITTEE OF THE WHOLE
MAY 7, 2019

RE: Item DEPUTATION 3, Report No. 17

ON THE BOULEVARD COMMUNITY

The City Clerk's Office has received a petition from area residents regarding the above noted Deputation with the summary wording below.

The total number of signatures on the petition are: 55.

Wording:

"We the residents of The Boulevard Community request that:

1. *The Developer finish the community;*
2. *The City of Vaughan not assume or allow any other phases to go on maintenance;*
3. *The City of Vaughan undertake a comprehensive review of water pressure within the community; and*
4. *Request a community meeting."*

A copy of the entire petition document containing a total of 5 pages is on file in the Office of the City Clerk.

QUESTIONS

1. The Residents of the Community would like to know whether the Roadway deficiencies of 2008 were disclosed to the City by the Developer prior to the City assuming them in 2013?

2. If theses deficiencies were in fact disclosed by the Developer prior to assumption in 2013, Did the City request the Developer to undertake further bore hole testing on the balance of the roadways that the City was being requested to assume?

3. If not, why not?

4. Was the City provided, before assumption in 2013 and again in 2019, with any Engineering Reports to certify

that the Roadways were constructed in accordance with the City Standards?

5. If not, then why were they assumed by the City in 2013 and 2019?

6. If the City was unaware of the deficiencies, the Residents would like to know what steps the City is prepared to take to compel the Developer to investigate and certify that all roadways, as assumed, were constructed in accordance with City Standards and that they comply with the implied warranties that survive assumption?

7. If the City is of the view that the roadways were constructed in a good and workmanlike manner, free of defects and deficiencies, and that they meet the City's specifications and standards, then the Residents would like to know how and when the City made this

determination and why the roadways appear as they do in the photographs?

8. The Residents of the Community would like to know whether the City has retained sufficient funds from the Developer to investigate whether all the roadways were built to City Standards and remedy the roadway issue?

9. The Residents of the Community would like to know why the Developer is not being compelled to investigate and resolve the water pressure issue and why the Taxpayers are funding this exercise?

10. If the investigation discloses a deficiency in the water infrastructure caused by the Developer, has the City retained sufficient funds to undertake the remedial work? If not, why not?