

# **Council Meeting Agenda**

## Meeting No. 7 | May 27, 2025 | 1:00 PM | Live streamed

Members of the public have the option to attend either remotely via Zoom or in-person

in the Council Chamber at the Civic Centre

## Members of the public can participate by:

## **1. VIEWING THE ONLINE LIVESTREAM:**

Council meetings are video and audio streamed at: <u>https://pub-markham.escribemeetings.com/</u>

## 2. EMAILING A WRITTEN SUBMISSION:

Members of the public may submit written deputations by email to clerkspublic@markham.ca.

Written submissions must be received by 10:00 a.m. the morning of the meeting.

If the deadline for written submission has passed, you may:

Email your written submission directly to Members of Council; or

Make a deputation at the meeting by completing and submitting an online **<u>Request to Speak Form</u>** 

If the deadline for written submission has passed **and** Council has finished debate on the item at the meeting, you may email your written submission directly to <u>Members of Council</u>.

## **3. REQUEST TO SPEAK / DEPUTATION:**

Members of the public who wish to make a deputation, please register prior to the start of the meeting by: Completing an online <u>Request to Speak Form</u>, or,

E-mail clerkspublic@markham.ca providing full name, contact information and item they wish to speak on. If you do not have access to email, contact the Clerk's office at **905-479-7760** on the day of the meeting. \*If Council or Committee has finished debate at the meeting on the item, you may email your written submission directly to <u>Members of Council</u>.

The list of <u>Members of Council is available online at this link.</u> Alternate formats for this document are available upon request.

Closed captioning during the video stream may be turned on by clicking the [cc] icon located at the lower right corner of the video screen.

Note: As per Section 7.1(h) of the Council Procedural By-Law, Council will take a ten minute recess after two hours have passed since the last break.





## Council Meeting Agenda

Meeting Number: 7 May 27, 2025, 1:00 PM Live streamed

Pages

#### 1. CALL TO ORDER

#### INDIGENOUS LAND ACKNOWLEDGEMENT

We begin today by acknowledging the traditional territories of Indigenous peoples and their commitment to stewardship of the land. We acknowledge the communities in circle. The North, West, South and Eastern directions, and Haudenosaunee, Huron-Wendat, Anishnabeg, Seneca, Chippewa, and the Mississaugas of the Credit peoples. We share the responsibility with the caretakers of this land to ensure the dish is never empty and to restore relationships that are based on peace, friendship, and trust. We are committed to reconciliation, partnership and enhanced understanding.

#### 2. DISCLOSURE OF PECUNIARY INTEREST

#### 3. APPROVAL OF PREVIOUS MINUTES

#### 3.1 COUNCIL MINUTES - APRIL 22, 2025

Note: Attachment to be added when available

#### 3.2 SPECIAL COUNCIL MINUTES - MAY 6, 2025

Note: Attachment to be added when available

#### 4. **PRESENTATIONS**

- 5. **DEPUTATIONS**
- 6. COMMUNICATIONS

#### 6.1 LIQUOR LICENCE APPLICATION - SUNNY UP ALL DAY BREAKFAST RESTAURANT (WARD 7) (3.21)

(New Liquor Licence for indoor area)

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1. That the request for the City of Markham to complete the Municipal Information Form be received for information and be processed accordingly.

#### 6.2 LIQUOR LICENCE APPLICATION - 54 BREWING CORP (WARD 2) (3.21) 25

(New Liquor Licence for indoor area)

1. That the request for the City of Markham to complete the Municipal Information Form be received for information and be processed accordingly.

#### 6.3 LIQUOR LICENCE APPLICATION - AKOYA IZAKAYA RESTAURANT 30 (WARD 2) (3.21)

(New Liquor Licence for indoor area)

1. That the request for the City of Markham to complete the Municipal Information Form be received for information and be processed accordingly.

#### 6.4 LIQUOR LICENCE APPLICATION - ANJU RESTAURANT (WARD 8) (3.21)

(New Liquor Licence for indoor area)

1. That the request for the City of Markham to complete the Municipal Information Form be received for information and be processed accordingly.

#### 6.5 LIQUOR LICENCE - KUROKI IZAKAYA RESTAURANT (WARD 3) (3.21) 56

(New Liquor Licence for indoor area)

1. That the request for the City of Markham to complete the Municipal Information Form be received for information and be processed accordingly.

#### 7. **REPORT OF STANDING COMMITTEE**

#### 7.1 REPORT NO. 12 GENERAL COMMITTEE (MAY 6, 2025)

Please refer to your May 6, 2025 General Committee Agenda for reports.

That the report of the General Committee be received & adopted. (Items 1 to 9):

7.1.1 2025 FIRST QUARTER INVESTMENT PERFORMANCE REVIEW 61 (7.0)

- 1. That the report dated May 6, 2025 entitled "2025 First Quarter Investment Performance Review" be received; and further,
- 2. That staff be authorized and directed to do all things necessary to give effect to these resolutions.

# 7.1.2 TAX WRITE-OFFS IN ACCORDANCE WITH SECTION 354 OF THE MUNICIPAL ACT, 2001 (7.3)

- 1. That the report entitled Tax Write-offs in Accordance with Section 354 of the *Municipal Act, 2001* be received; and,
- 2. That the tax amounts for prior years totaling \$541,581, as set out in this report, be written-off pursuant to Section 354 of the *Municipal Act, 2001*; and,
- 3. That the City of Markham's portion of the write-off of \$114,225 be charged to Account 820-820-7040; and,
- 4. That the Treasurer be directed to remove these amounts from the Collector's Roll; and,
- 5. That the associated interest be cancelled in proportion to the tax adjustments; and further,
- 6. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

#### 7.1.3 2025 UNIONVILLE BUSINESS IMPROVEMENT AREA AND MARKHAM VILLAGE BUSINESS IMPROVEMENT AREA OPERATING BUDGETS (7.4)

- That the report titled "2025 Unionville Business Improvement Area and Markham Village Business Improvement Area Operating Budgets" dated May 6, 2025 be received; and,
- 2. That the 2025 Operating Budget in the amount of \$388,350 for the Unionville Business Improvement Area (UBIA) be approved; and,
- That the 2025 Operating Budget in the amount of \$334,700 for the Markham Village Business Improvement Area (MVBIA) be approved; and further,
- 4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

# CHARGE DECEMBER 31, 2024 RESERVE BALANCES AND ANNUAL ACTIVITY OF THE ACCOUNTS (7.11)

- That the report titled "Development Charge and Community Benefits Charge December 31, 2024 Reserve Balances and Annual Activity of the Accounts" be received by Council as required under Section 43(1) of the *Development Charges Act*, 1997, as amended, and Section 37(48) of the *Planning Act*, and,
- 2. That the term of the existing Development Charge By-laws be amended to extend the expiration date of the by-laws for an additional five years in accordance with Section 9(1) of the *Development Charges Act* which provides that unless it expires or is repealed earlier, a development charge by-law expires 10 years after the day it comes into force; and,
- 3. That By-laws 2022-49 for City Wide Hard Development Charges; 2022-50 for City Wide Soft Development Charges; and 2022-51 to 2022-72 for Area Specific Development Charges be amended to extend the expiration date to June 16, 2032; and further,
- 4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

#### 7.1.5 2025 TAX RATES AND LEVY BY-LAW (7.3)

(By-law 2025-39)

- 1. That the report entitled "2025 Tax Rates and Levy By-law" be received; and,
- 2. That a by-law to provide for the levy and collection of property taxes totaling \$879,122,671 required by the City of Markham, the Regional Municipality of York, Province of Ontario (Education) and Business Improvement Areas, in a form substantially similar to Appendix A (attached), satisfactory to the City Solicitor and provides for the mailing of notices and requesting payment of taxes for the year 2025, as set out as follows, be approved; and,
- That staff be authorized to levy against Markham Stouffville Hospital and Seneca College the annual levy pursuant to Section 323 of the Municipal Act, 2001, as outlined in Section 9 of the attached by-law once the required information is received from the Ministry of Training,

Colleges and Universities; and,

- 4. That the attached by-law be passed to authorize the 2025 Tax Rates and Levy By-law; and further,
- 5. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

# 7.1.6 004-T-25 BUILDING AUTOMATION SYSTEMS EXPANSIONS & UPGRADES FOR SIX MARKHAM FACILITIES (7.0)

- That the report entitled "004-T-25 Building Automation Systems Expansions & Upgrades for Six Markham Facilities" be received; and,
- 2. That the contract for 004-T-25 Building Automation Systems Expansions & Upgrades for Six Markham Facilities be awarded to Viridian Automation Inc. (lowest priced bidder) in the amount of \$1,202,462.30 inclusive of HST; and,
- 3. That a contingency in the amount of \$120,246.23 inclusive of HST, be established to cover any additional construction costs and that authorization to approve expending of the contingency amount up to the specified limit be in accordance with the Expenditure Control Policy; and,
- 4. That the award in the total amount of \$1,322,708.53 (\$1,202,462.30 + \$120,246.23) be funded from the capital project account 056-6150-24091-005 "Building Automation Systems Replacement Program", which has an available budget of \$990,500.00; and,
- 5. The budget shortfall in the amount of \$332,208.53
  (\$990,500.00 \$1,322,708.53) be funded from the Non-DC capital contingency account; and further,
- 6. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

#### 7.1.7 LITTLE NATIVE HOCKEY LEAGUE - 2025 TOURNAMENT REPORT (6.4)

- 1. That the report titled Little Native Hockey League 2025 Tournament Report be received; and,
- 2. That Council recommend to the Destination Markham Board that additional funding in the amount of \$25,000, to support

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the hiring of a Tournament Coordinator, be added to the Destination Markham contribution increasing their annual budget for 2026 and 2027 to \$240,000; and,

- That Council support staff initiating conversation with the Little Native Hockey League to extend the term of the current Memorandum of Understanding (2025 – 2027) for 2 to 3 additional years; and further,
- 4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

#### 7.1.8 AUTOMATED SPEED ENFORCEMENT (ASE) PROGRAM (2.0, 138 5.12)

#### (By-law 2025-41)

- 1. That the report entitled Automated Speed Enforcement (ASE) Program be received; and,
- 2. That Council approve the implementation of an Automated Speed Enforcement (ASE) Program in the City of Markham; and,
- 3. That Council delegate authority to the City Treasurer and City Clerk to execute any agreement or document in a form satisfactory to the City Solicitor, required to implement or administer the ASE program within the City of Markham, including but not limited to agreements with the Town of Newmarket, ASE Camera Vendor, Ministry of Transportation and Ministry of Attorney General; and,
- 4. That Council delegate authority to the Director of Engineering to identify and approve the initial 16 ASE camera locations, including one location in each Ward, with the remaining eight locations to be determined at the discretion of the Director based on safety priorities; and further, that the Director be authorized to identify and approve any future ASE camera locations, subject to the annual budget process, with priority given to areas with significant safety concerns; and,

- 5. That Council enact an amendment to Traffic By-law 106-71, Schedule 24 (Community Safety Zones), identifying all public and privately operated elementary and secondary school locations as Community Safety Zones within the City of Markham as outlined in Attachment 1; and,
- 6. That Council enact the proposed By-law to establish a System of Administrative Monetary Penalties for Violations of Automated Speed Enforcement Systems in the City of Markham as outlined in Attachment 2; and,
- 7. That Council approve the in-year capital addition to Budget 2025 in the amount of \$495,000, with the funding strategy to be identified and implemented by the City Treasurer; and,
- 8. That the City Clerk forward a copy of this report to the Regional Municipality of York (York Region), York Region's local municipalities, York Regional Police, York Region District School Board, York Region Catholic School Board, the Ministry of Transportation Ontario, and the Ministry of the Attorney General; and further,
- 9. That staff be authorized to and directed to do all things necessary to give effect to these resolutions.

# 7.1.9 APPROVAL FOR COMMUNITY BBQ - COUNCILLOR RITCH LAU - JULY 20, 2025

- 1. That in accordance with, and for the purposes of compliance with 10.1 (j) of the Council Code of Conduct, Council approve the July 20, 2025 Community Barbeque being organized and hosted by Ward 2 Councillor Ritch Lau; and,
- 2. That staff be authorized to provide accounting and financial transaction services in support of Councillor Lau's 2025 Community Barbeque; and,
- 3. That all revenue and expense transactions comply with the financial controllership processes as required by the Treasurer; and further,
- 4. That Staff be directed and authorized to do all things

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# 7.2 REPORT NO. 13 DEVELOPMENT SERVICES COMMITTEE (MAY 13, 2025)

<u>Please refer to your May 13, 2025 Development Services Committee Agenda for reports.</u>

That the report of the Development Services Committee be received & adopted. (Items 1 to 6):

#### 7.2.1 RECOMMENDATION REPORT – DESIGNATION OF PRIORITY PROPERTIES – PHASE XVII (16.11.3)

- That the Staff report, dated May 13, 2025, titled, "RECOMMENDATION REPORT, Designation of Priority Properties – Phase XVII", be received; and,
- 2. That the June 14, 2023, recommendation from the Heritage Markham Committee, in support of the designation of the following properties under Part IV, Section 29 of the Ontario Heritage Act (in accordance with Appendix 'B'), be received as information:
  - 10982 McCowan Road (Ward 6): "Pipher-Lewis House"
  - 11276 Kennedy Road (Ward 6): "John and Adeline Miller House"
  - 4180 Nineteenth Avenue (Ward 6): "Robson and Amanda Jewitt House"
  - 7635 Highway 7 East (Ward 5): "Justus and Mary Reynolds House"
  - 10484 Ninth Line (Ward 5): "Henry and Susan Wideman House"

• 10760 Victoria Square Blvd (Ward 2): "Williams House"; and,

- That Council state its intention to designate 10982 McCowan Road (Ward 6): under Part IV, Section 29 of the Ontario Heritage Act in recognition of its cultural heritage significance; and,
- That Council state its intention to designate 11276 Kennedy Road (Ward 6): under Part IV, Section 29 of the Ontario Heritage Act in recognition of its cultural heritage significance; and,

- That Council state its intention to designate 4180 Nineteenth Avenue (Ward 6): under Part IV, Section 29 of the Ontario Heritage Act in recognition of its cultural heritage significance; and,
- That Council state its intention to designate 7635 Highway 7 East (Ward 5): under Part IV, Section 29 of the Ontario Heritage Act in recognition of its cultural heritage significance; and,
- That Council state its intention to designate 10484 Ninth Line (Ward 5): under Part IV, Section 29 of the Ontario Heritage Act in recognition of its cultural heritage significance; and,
- 8. That Council state its intention to designate 10760 Victoria Square Blvd (Ward 2): under Part IV, Section 29 of the Ontario Heritage Act in recognition of its cultural heritage significance; and,
- 9. That if there are no objections to the designation in accordance with the provisions of the Ontario Heritage Act, the Clerk's Department be authorized to place a designation by-law before Council for adoption; and,
- 10. That if there are any objections in accordance with the provisions of the Ontario Heritage Act, the matter return to Council for further consideration; and further,
- 11. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

#### 7.2.2 RECOMMENDATION REPORT- SCARDRED 7 COMPANY LTD., APPLICATION FOR REDLINE REVISION TO A DRAFT PLAN OF SUBDIVISION

(19TM-18011) AND EXTENSION OF DRAFT PLAN APPROVAL TO FACILITATE THE CREATION OF A TOWNHOUSE BLOCK ON THE NORTHERN PORTION OF 4038 AND 4052 HIGHWAY 7 (WARD 3), FILE PLAN 24 180309 (10.7)

 That the May 13, 2025, report titled, "RECOMMENDATION REPORT, Scardred 7 Company Ltd., Application for Redline Revision to a Draft Plan of Subdivision (19TM-18011) and Extension of Draft Plan Approval to facilitate the creation of a townhouse block on the northern portion of 4038 and 4052 Highway 7 (Ward 3), File PLAN 24 180309", be received; and,

- 2. That the Redline Revision to Draft Plan of Subdivision 19TM-18011 be approved in principle, subject to the conditions set out in Appendix 'A' of this report; and,
- That the Director of Planning and Urban Design, or designate, be delegated authority to issue the Revised Draft Plan Approval, subject to the conditions set out in Appendix 'A', as may be amended by the Director of Planning and Urban Design, or designate; and,
- 4. That the Revised Draft Plan Approval for Draft Plan of Subdivision 19TM-18011 will lapse after a period of three (3) years from the date of Council approval if a Subdivision Agreement is not executed within that period; and,
- 5. That Council assign servicing allocation for a maximum of 619 residential units; and,
- 6. That the City reserves the right to revoke or reallocate the servicing allocation should the development not proceed within a period of three (3) years from the date that Council assigned servicing allocation; and,
- 7. That York Region be advised that servicing allocation for 619 residential units has been granted; and further,
- 8. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

#### 7.2.3 RECOMMENDATION REPORT- REGENCY PROPERTY INC., APPLICATION FOR DRAFT PLAN OF SUBDIVISION TO FACILITATE THE CREATION OF A TOWNHOUSE BLOCK,

#### A PORTION OF A PUBLIC ROAD, AND A PUBLIC PARK AT 7810, 7822, 7834, AND 7846 MCCOWAN ROAD (WARD 8), FILE PLAN 21 129900 (10.7)

- That the May 13, 2025, report titled, "RECOMMENDATION REPORT, Regency Property Inc., Application for Draft Plan of Subdivision to facilitate the creation of a townhouse block, a portion of a public road, and a public park at 7810, 7822, 7834, and 7846 McCowan Road (Ward 8), File PLAN 21 129900", be received; and,
- 2. That Draft Plan of Subdivision 19TM-21011 be approved in principle, subject to the conditions set out in Appendix 'A' of this report; and,

- That the Director of Planning and Urban Design, or designate, be delegated authority to issue Draft Plan Approval, subject to the conditions set out in Appendix 'A', as may be amended by the Director of Planning and Urban Design, or designate; and,
- 4. That Draft Plan Approval for Draft Plan of Subdivision 19TM-21011 will lapse after a period of three (3) years from the date of Council approval in the event that a Subdivision Agreement is not executed within that period; and further,
- 5. That Staff be authorized and directed to do all things necessary to give effect to this resolution.
- 7.2.4 RECOMMENDATION REPORT- HOUSING ACCELERATOR FUND INITIATIVE 3 (MAJOR TRANSIT STATION AREAS POLICY UPDATE) – CITY INITIATED OFFICIAL PLAN AND ZONING BY-LAW AMENDMENTS, FILE: PR 24 196907 (10.3, 10.5)
  - That the staff report entitled "RECOMMENDATION REPORT: Housing Accelerator Fund Initiative 3 (Major Transit Station Areas Policy Update) – City Initiated Official Plan and Zoning By-law Amendments" be received; and,
  - 2. That the area on the south side of Highway 7, and the east side of McCowan Avenue save and except for the 7-Star Plaza be excluded from the City Initiated Official Plan and Zoning By-Law Amendments for the Housing Accelerator Fund Initiative 3; and,
  - 3. That the homes on the north side of Highway 7, on Montgomery Court on be excluded from the City Initiated Official Plan and Zoning By-Law Amendments for the Housing Accelerator Fund Initiative 3; and,
  - 4. That the City Initiated Official Plan and Zoning By-Law Amendments for the Housing Accelerator Fund Initiative 3 (Major Transit Station Areas Policy Update), **as amended, in the updated attachments** as Appendix "1" and "2" be brought forward to a future Council meeting to be enacted without further notice; and further,
  - 5. That staff be authorized and directed to do all things necessary to give effect to this resolution.
- 7.2.5 RECOMMENDATION REPORT ADDITIONAL FUNDING FOR MARKHAM VILLAGE HERITAGE CONSERVATION DISTRICT

#### PLAN UPDATE PROJECT (16.11)

- That the Staff report, dated May 13, 2025, titled, "RECOMMENDATION REPORT, Additional Funding for Markham Village Heritage Conservation District Plan Update Project", be received; and,
- That Council allocates up to \$37,800 from the Heritage Reserve Fund (Acct. No. 087 2800 115) to provide additional funding for the Markham Village Heritage Conservation District Plan Update Project to fund consulting services (\$34,800) and the City's community engagement costs (\$3,000); and,
- That any funds not used at the completion of this Project be returned to the Heritage Reserve Fund (Account No. 087 2800 115); and further,
- 4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

#### 7.2.6 VANCOUVER PLANNING AND TRANSIT ORIENTED DEVELOPMENT LEARNING SESSION, JULY 2-5, 2025 (10.0)

- That the report entitled "Vancouver Planning and Transit Oriented Development Learning Session, July 2 - 5, 2025" be received; and,
- 2. That a Markham delegation, to conduct site visits and learn about development and urban transit in Vancouver, consisting of the Mayor, the Chair of Development Services Committee, and 3 Staff be approved; and,
- 3. That the total estimated cost of the delegation to Vancouver does not exceed \$44,000 (inclusive of HST impact) and be expensed from capital project Consultant (620-101-5699-21009) to cover all expenses including retaining a consultant to prepare and lead the tour and all aspects of the operating budget to conduct the learning tour for the members of Council and Staff attending; and further,
- 4. That City Staff be authorized and directed to do all things necessary to give effect to his resolution.

# 7.2.7 COMMENTS ON THE PROTECT ONTARIO BY UNLEASHING OUR ECONOMY ACT, 2025 (BILL 5) (10.0)

1.

That the report dated May 13, 2025, entitled "Comments on

the Protect Ontario by Unleashing Our Economy Act (Bill 5)", be received; and,

2. That this report be forwarded to the Ministers of Economic Development, Job Creation and Trades; Citizenship and Multiculturalism; and Environment, Conservation and Parks as the City of Markham's comments on Bill 5; and,

#### Special Economic Zones Act

- 3. That Council support the recommendation that the concept of special economic zones for critical mineral projects and major infrastructure of provincial significance be tentatively supported in principle and that broader application of the concept to facilitate the general approval of development applications where the province already has significant tools available not be supported; and,
- 4. That Council support the recommendation that the province consult and/or collaborate with municipalities when developing criteria for designating zones and projects to ensure that implementation of the Act does not conflict with local municipal authority and decision-making; and,

#### Ontario Heritage Act

- 5. That Council support the recommendation that the proposed new authority in Section 66.1(1) enabling the province to provide exemptions from archaeological requirements not be supported due to the potential risk and impact this could have on unknown buried archaeological resources, especially those that are identified as possessing 'archaeological potential'; and,
- 6. That Council support the recommendation that Sections 69.1 and 69.2, which provide positive improvements to prosecutions for all offences pursuant to the Ontario Heritage Act, be supported; and,

#### Species Conservation Act

- 7. That Council support the recommendation that the definition of habitat and enabling provisions to define critical habitat areas for listed species by regulation currently provided in the Endangered Species Act be maintained in the Species Conservation Act that includes areas needed for reproduction, rearing, hibernation, migration or feeding; and,
- 8. That Council support the recommendation that new regulations and rules specifying conditions for project registrations impacting endangered and threatened species habitat include rigorous standards with requirements to demonstrate how impacts have been avoided, minimized and mitigated to the greatest extent possible; and,
- 9. That Council support the recommendation that the province

undertake further consultation with municipalities and other conservation organizations when developing supporting regulations to enable more municipal infrastructure projects to proceed with conditional exemptions through project registration; and,

- 10. That Council support the recommendation that the Species Conservation Act provide the option to issue conditional permits or specify registration rules requiring an overall benefit mitigation standard in specific circumstances when impacts to species at risk or their habitat are unavoidable and offsetting impacts either on or off-site is needed to support species survival; and,
- 11. That Council support the recommendation that the province update internal guidance using best available science to ensure overall benefit permits and/or registration rules result in successful outcomes for species at risk and their habitats; and,
- 12. That Council support the recommendation that provisions in the Species Conservation Act continue to require mandatory preparation of recovery strategies when new species are listed; and,
- 13. That Council support the recommendation that the Species Conservation Act require the Species Conservation Program to track habitat removals authorized under the Act and ensure that implementing actions under the Program are tailored to provide habitat restoration and enhancement that provides offsetting for species impacted by authorizations; and further,
- 14. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

### 8. MOTIONS

#### 9. NOTICE OF MOTION TO RECONSIDER

#### 10. NEW/OTHER BUSINESS

As per Section 2 of the Council Procedural By-Law, "New/Other Business would generally apply to an item that is to be added to the **Agenda** due to an urgent statutory time requirement, or an emergency, or time sensitivity".

#### 10.1 VACANCY ON MARKHAM CITY COUNCIL (14.0)

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Note: Staff will provide a presentation on this matter.

1. That the presentation entitled "Vacancy on Markham City Council Arising From 2025 Federal Election" be received; and,

- 2. That, in accordance with the Municipal Act, Markham City Council declare the Ward 7 local Councillor seat vacant; and,
- 3. That Council provide direction on the appointment process to fill the vacancy of the Ward 7 Councillor seat; and further,
- 4. That staff be authorized and directed to do all things necessary to give effect to these resolutions.

#### 11. ANNOUNCEMENTS

#### 12. BY-LAWS - THREE READINGS

That By-laws 2025-37 to 2025-42 be given three readings and enacted.

#### Three Readings

# 12.1BY-LAW 2025-37, A BY-LAW TO DESIGNATE A PROPERTY AS BEING437OF CULTURAL HERITAGE VALUE OR INTEREST "GEORGE AND<br/>ELIZA BRODIE HOUSE" 11288 KENNEDY ROAD437

Being a By-law to designate "George and Eliza Brodie House", 11288 Kennedy Road, under Part IV, Section 29 of the Ontario Heritage Act as a property of cultural heritage value or interest. (Development Services Report No. 45, December 4, 2024 Council, Item 7.1.1)

#### 12.2 BY-LAW 2025-38, A BY-LAW TO DESIGNATE PART OF A CERTAIN PLAN OF SUBDIVISION NOT SUBJECT TO PART LOT CONTROL (MINTO COMMUNITIES PTLT 25 12146)

Being a By-law to designate part of a certain plan of subdivision not subject to Part Lot Control. Located along Anna Russell Way, west of Eureka Street and south of Fred Varley Drive. The development consists of 13 blocks of townhouses, 4 blocks of back-to-back townhouses (2.84 ha) and a municipal park (0.61 ha). (Minto Communities Inc., PTLT 25 12146 Blocks B, Registered Plan 2886)

12.3 BY-LAW 2025-39, BY-LAW TO PROVIDE FOR THE LEVY AND COLLECTION OF SUMS REQUIRED BY THE CORPORATION OF THE CITY OF MARKHAM FOR THE YEAR 2025 AND TO PROVIDE FOR THE MAILING OF NOTICES REQUIRING PAYMENT OF TAXES FOR THE YEAR 2025.

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Being a By-law to provide for the levy and collection of sums required by the corporation of the city of Markham for the year 2025 and to provide for the mailing of notices requiring payment of taxes for the year 2025. (Item 7.1.5)

#### 12.4 BY-LAW 2025-40, A BY-LAW TO AMEND BY-LAW NO. 2024-137, BEING A BY-LAW TO ESTABLISH AN ADMINISTRATIVE MONETARY PENALTY SYSTEM (AMPS) FOR CONTRAVENTIONS OF DESIGNATED BY-LAWS IN THE CITY OF MARKHAM

Being a By-law to amend the Administrative Monetary Penalty System (AMPS) By-law 2024-137, to add a section 3.2(c) to the By-law in order to set a timeframe for persons to provide required documentation as part of the Screening Review Process.

#### 12.5 BY-LAW 2025-41, A BY-LAW TO ESTABLISH A SYSTEM OF ADMINISTRATIVE MONETARY PENALTIES FOR VIOLATIONS OF AUTOMATED ENFORCEMENT SYSTEMS IN THE CITY OF MARKHAM

Being a By-Law to establish a system of Administrative Monetary Penalties for violations of Automated Enforcement Systems in the City of Markham. (Item 7.1.8)

#### 12.6 BY-LAW 2025-42, A BY-LAW TO AMEND SCHEDULE 24 OF BY-LAW NO. 106-71, BEING THE CITY OF MARKHAM TRAFFIC BY-LAW

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Being a By-law to amend Schedule 24 of By-law 106-71, to add new "Community Safety Zones" in the City of Markham.

#### 13. CONFIDENTIAL ITEMS

That, in accordance with Section 239 (2) of the *Municipal Act*, Council resolve into a private session to discuss the following confidential matters:

#### 13.1 COUNCIL

#### 13.1.1 CONFIDENTIAL COUNCIL MINUTES - APRIL 22, 2025

Note: Attachment to be added when available

#### 13.2 DEVELOPMENT SERVICES COMMITTEE - MAY 13, 2025

13.2.1 CONFIDENTIAL VERBAL UPDATE - OLT APPEAL BY TERRABONA 7115 YONGE LTD. OF THE OFFICIAL PLAN AND ZONING BY-LAW AMENDMENT APPLICATIONS AT 7115 YONGE STREET AND 8 TO 14 GRANDVIEW AVENUE (WARD 1) (10.3, 10.5)

(LITIGATION OR POTENTIAL LITIGATION, INCLUDING MATTERS BEFORE ADMINISTRATIVE TRIBUNALS, AFFECTING THE MUNICIPALITY OR LOCAL BOARD;) [MUNICIPAL ACT, 2001, SECTION 239 (2) (e)] (10.3, 10.5)

13.2.2 CONFIDENTIAL VERBAL UPDATE - REQUEST FOR LEGAL ADVICE - 8180 - 8220 BAYVIEW LIMITED PARTNERSHIP, APPLICATIONS FOR OFFICIAL PLAN AMENDMENT AND ZONING BY-LAW AMENDMENT (WARD 1)(10.5)

> (LITIGATION OR POTENTIAL LITIGATION, INCLUDING MATTERS BEFORE ADMINISTRATIVE TRIBUNALS, AFFECTING THE MUNICIPALITY OR LOCAL BOARD; A POSITION, PLAN, PROCEDURE, CRITERIA OR INSTRUCTION TO BE APPLIED TO ANY NEGOTIATIONS CARRIED ON OR TO BE CARRIED ON BY OR ON BEHALF OF THE MUNICIPALITY OR LOCAL BOARD. 2001) [MUNICIPAL ACT, 2001, Section 239 (2)(f),(k)]

#### 14. CONFIRMATORY BY-LAW - THREE READINGS

That By-law 2025-36 be given three readings and enacted.

Three Readings

BY-LAW 2025-36 A BY-LAW TO CONFIRM THE PROCEEDINGS OF THE COUNCIL MEETING OF MAY 27, 2025.

#### 15. ADJOURNMENT

I was the alunda



Alcohol and Gaming Commission of Ontario 90 Sheppard Avenue East, Suite 200 Toronto ON M2N 0A4 Tel.: 416-326-8700 • Fax: 416-326-8711 Toll free in Ontario: 1-800-522-2876 Inquiries: www.agco.ca/iagco Website: www.agco.ca

## Municipal Information for Liquor Sales Licences (including Tied House)

The information requested below is required in support of all applications for a new Liquor Sales Licence (including Tied House) or areas being added to an existing Liquor Sales Licence.

## Section 1 – Application Details

Premises Name	area code)				
sunny Up All Day Breakfast	905 201 9660				
Premises Address	City/Town		Province	Postal Code	
105 - 72 Copper Creek Drive	Markham		ON	L6B 0P2	
Contact Name		Contac	Ka Dhana N	umbor (include	
Saroja			Contact's Phone Number (include area code and extension)		
Contact's Email Address	905 201	9660			
sunnyupbreakfast@gmail.com					

Does the application for a Liquor Sales Licence (including Tied House) include indoor areas and/or outdoor areas?

🗹 Indoor Areas 🗌 Outdoor Areas

# Section 2 – Municipal Clerk's Official Notice of Application for a Liquor Sales Licence (including Tied House) in your Municipality.

### Municipal Clerk: Please confirm the "wet/damp/dry" status below.

Name of village, town, township or city where taxes are paid.
(If the area where the establishment is located was annexed or amalgamated, provide the name that
the village, town, township or city was known as.)

Is the area where the establishment is located "wet", "damp" or "dry"? Please select one.					
Wet (for spirits, beer, wine)	Damp (for beer and wine only)	Dry			

# Note: Specific concerns regarding zoning or non-compliance with by-laws must be clearly outlined in a separate submission or letter within 30 days of this notification.

Address of Municipal Office		
Name of Municipal Official	Title	Date (dd/mm/yyyy)
Telephone number	Email Address	
	Signat	ture of Municipal Official

TRADITIONAL				EGGS BENEDICT
ALL SERVED WITH TEXAS TOAST &	WOME D	nes		ALL SERVED AS A SET OF 2
3 EGGS	a nume n	acs.	8.50	
Your choice of style			0.50	CLASSIC Poached eggs served over toasted english
THE "SUNNY UP" BREAKFA			13	muffins with peameal bacon or ham. Topped w hollandaise sauce
Eggs your style, served with your choice of 4pcs bacon, 3pcs sausage or 3pcs han				FLORENTINE
3PCS PEAMEAL BACON &			14	Poached eggs served over toasted english mult with sauteed spinach & swiss cheese. Topped
BACON & SAUSAGE			15.50	hollandaise sauce
Eggs served with 3pcs bacon & 2pcs saus	age			THE SUNNY UP Poached eggs served over toasted english mult
TURKEY BACON & EGGS			14	with smoked salmon & capers. Topped with hollandaise sauce
GRILLED CHICKEN BREAST EGGS	&		19	CRAB CAKE
3 EGGS WITH TURKEY			14	Poached eggs served over crab cakes, topped with Swiss cheese & hollandaise sauce
SAUSAGE			14	WAFFLES BENEDICT
3 EGGS WITH CORNED BEI	EF		16	3 eggs & 3 strips of bacon
HASH				VEGGIE BENEDICT Fresh spinach & tomatoes
NEW YORK STEAK & EGGS			24	602 STEAK BENEDICT
DELUXE BREAKFAS	т	SMALL SIDES		PORTOBELLO BENEDICT
INCLUDES 3 EGGS, 3 BACON STRIPS	-			Portobello mushroom & Swiss cheese
2 SAUSAGES WITH A CLASSIC SIDE				CALIFORNIA BENEDICT Ham, tomato, spinach & cheddar cheese
WAFFLE SPECIAL	17	FRUIT BOWL	10	BREAKFAST SKILLET
FRENCH TOAST SPECIAL	16	SALAD (SMALL)	8	Ham, tomato & cheddar cheese
PANCAKE SPECIAL	16	POUTINE	13	BREAKFAST SANDWIG
				ALL SERVED WITH HOME FRIES
OMELETTES (4 EGGS) ALL SERVED WITH TEXAS TOAST &	LIONE FR	150		
	HOME FK	IES .		GRILLED CHEESE SANDWICH Add bacon for \$2.99
Filled with bacon, ham & sausage			15	FRIED EGG & BACON
WESTERN OMELETTE Filled with ham, onions & bell peppers			14	FRIED EGG & CHEESE
VEGETARIAN OMELETTE			15	B.E.L.T
Filled with grilled seasonal vegetables	-		15	Bacon, egg, lettuce, tomato & mayonnaise. Served on your choice of toast
MEDITERRANIAN OMELETT Stuffed with spinach, feta cheese and black olives	E		15	WESTERN SANDWICH
BACON & CHEDDAR OMEL	ETTE		15	Ham, green pepper, onion Add choese for \$1.99
Bacon, tomato & cheddar cheese omelette			15	PEAMEAL ON BUN
SWISS CHEESE & MUSHRO Filled with swiss cheese & sauteed button mushrooms	MO		15	Peameal bacon, tomato, lettuce & mayonnaise
			15	
Eggplant, zucchini, green peppers, onions marinara sauce	â			FRENCH TOAST, PAN BELGIUM WAFFLES
THREE CHEESE OMELETTE A mix of cheddar, mozzarella & feta			15	BELGIUW WAFFLES
			19	PANCAKES SERVED WITH
SALMON OMELETTE Filled with smoked salmon, capers & onior with cream cheese	15,			Add a topping for \$2 each
GREEK OMELETTE			16	Blueberry Chocolate Chip Strawberry Walnut
Onions, tomatoes & spinach, topped with fe INDIAN STYLE OMELETTE	eta		15	FRENCH TOAST
Onions, chilli, cilantro, tumeric and masala spices			10	Served with 2 strips of bacon
*Substitute Egg Whites - \$2.00	*Add Cl	neese - \$3		WAFFLES & BUTTER CHOCOLATE CHIP WAFFLES
A FRUITY BREAKFAST				THE SUNNY UP WAFFLES

SUPER FRENCH TOAST 1 Egg. 3 strips of bacon & a mountain of fruits on 2 slices of french toast

HEALTHY LITE BREAKFAST 2 Eggs with yogurt, toast & fresh fruits

#### LITE BREAKFAST 1 Egg with toast & fresh fruits

#### EARLY BIRD SPECIAL: \$8.99

EGGS BENEDICT	
ALL SERVED AS A SET OF 2	16
CLASSIC	
Poached eggs served over toasted english mulfins with peameal bacon or ham. Topped with hollandaise sauce	17
FLORENTINE	
Poached eggs served over toasted english mulfins with sauteed spinach & swiss cheese. Topped with hollandaise sauce	10
THE SUNNY UP	19
Poached eggs served over toasted english mulfins with smoked salmon & capers. Topped with hollandaice sauce	
	19
CRAB CAKE Poached eggs served over crab cakes, topped	
with Swiss cheese & hollandaise sauce	18
WAFFLES BENEDICT	10
3 eggs & 3 strips of bacon	16
VEGGIE BENEDICT	
Fresh spinach & tomatoes	22
6oz STEAK BENEDICT	
PORTOBELLO BENEDICT	15
Portobello mushroom & Swiss cheese	15
CALIFORNIA BENEDICT	
Ham, tomato, spinach & cheddar cheese	17
BREAKFAST SKILLET Ham, tomato & cheddar cheese	
BREAKFAST SANDWICHES	
ALL SERVED WITH HOME FRIES	
	g
GRILLED CHEESE SANDWICH Add bacon for \$2.99	-
FRIED EGG & BACON	ę
FRIED EGG & CHEESE	8
B.E.L.T	10

Topped with fresh fruits

EARLY BIRD SPECIAL

17

13

11

FRENCH TOAST, PANCAKES &

\$8.99 FOR 3 EGGS, 3 BACON STRIPS OR 2 SAUSAGE. COMES WITH TOAST & HOME FRIES FROM 7AM TO 10AM MONDAY TO FRIDAY (DOES NOT INCLUDE HOLIDAYS)

\*NO SUBSTITUTIONS ON MENU ITEMS

SUNNY UP BREAKFAST

#### **FRESH FRUIT & YOGURT**

SUNNY UP YOGURT WITH GRANOLA & FRUIT		1
CHA PUDDING WITH COCONUT GRANCLA & BERRIES SMALL YOGURT WITH HONEY & GRANCLA		
PERRIER WATER		3
FRESH BREWED COFFEE		3
FRESH BREWED COFFEE		3
(DECAF)		
HOT CHOCOLATE		3
HOT CHOCOLATE WITH WHIPPED CREAM		4
TEA		3
SPECIALTY TEA		4
MILK 2% OR CHOCOLATE	(S) <b>3</b>	(L) 5
FRESH ORANGEJUICE	(S) <b>4</b>	(L) 6
APPLE / CRANBERRY	(S) <b>3</b>	(L) 5

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2.5

#### SIDE ORDERS

BOTTLED WATER

Coke / Nestea / Pepsi / Canada Dry / C Plus /

SOFT DRINK

SMOOTHIES Strawberry & Banana Blueberry & Banana Mango & Banana

Diet Coke

9

12

12

11

12

14

15

1	ANY EXTRA DRESSING
i	EXTRA EGG
1	ANY EXTRA INGREDIENT
	SIDE GRAVY
ł	BACON OR SAUSAGE OR HAM
ł	SIDE TOAST
Ì	SIDE PANCAKE
	BAGEL WITH BUTTER
	HOLLANDAISE SAUCE
ł	SUB SALAD
	SIDE FRENCH FRIES
ļ	SIDE HOME FRIES
l	FRENCH TOAST (2PCS)
Í	BAGEL WITH CREAM CHEESE
ł	TURKEY BACON (4PCS)
ĺ	PEAMEAL BACON (3PCS)
ļ	GRILLED CHICKEN BREAST
ĺ	SIDE STEAK
	GRILLED TOMATOES
	SAUTEED BUTTON
	MUSHROOMS

\*No substitutions on menu items \*Items & prices subject to change without notice \*Please inform your server of any allergies \*The 'Today's Special' does not receive any discount \*Taxes not included in menu pricing

ALLERGY ALERT: Our Menu items may come into contact with some allergens. Please inform us of any allergies or dietary restrictions

#### Page 20 of 475



BREAKFAST | LUNCH | DINNER

#### **OPEN 7AM DAILY** SUNNYUPBREAKFAST@ GMAIL.COM

72 COPPER CREEK DRIVE. UNIT 105 MARKHAM - ON

#### 905-201-9660

@@sunnyup\_breakfast Sunnyup all Day Breakfast



#### **APPETIZERS**

SOUP OF THE DAY Ask your server for today's selection

BAKED BRUSCHETTA Fresh crostini topped with diced tomatoes, herbs, feta, garlic & basil. Drizzled balsamic glaze

7

10

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18

OUESADILLA Flour tortilla loaded with our threecheese blend, fresh peppers & onionsserved with our sour cream & freshsalsa Add chicken \$5.99 Add steak \$6.99

**SPANAKOPITA** A flaky greek spinach pie

LEMON PEPPER CALAMARI Calamari & fried jalapeno served withtzatziki

**MOZZARELLA STICKS/JALAPENO POPPERS** Served with ranch dip GARLIC BUTTER SHRIMP

Shrimp tossed with garlic butter sauce. Served with garlic bread

NACHOS Covered with melted cheese, guacamole, jalapenos & lettuce. tomatoes & olives. Served with sourcream & salsa Add chicken for \$3.00 Add chilli for \$3.00

GARLIC BREAD Add cheese \$3.00

#### BURGERS

ALL SERVED WITH FRIES Toppings for all burgers include lettuce, onion, tomato, pickles & burger sauce SUNNY UP ORIGINAL BURGER Home made 8oz beef patty, served on a toasted bun. HAWAIIAN BURGER Pineapples, banana pepper & cheddar cheese **BBO BURGER** Bacon & melted cheese, with BBQ sauce MUSHROOM SWISS CHEESE BURGER Sauteed mushroom BEYOND BURGER BANOUET BURGER Topped with double bacon & cheddar cheese

> \*Upgrade with soup or house salad for \$3 \*Greek or Caesar salad for \$4 \*Onion Rings or Sweet Potatoes for \$4

\*ADD \$4 EACH FOR: Swiss cheese, bacon, cheddar, goat cheese, sauteed mushroom, caramelized onions

#### SMALL PLATES & SNACKS

CRISPY CRAB BITES	
Bite sized crab, served with mustard	
sauce	
ONION RINGS	
SWEET POTATO FRIES	
FRIES	
SANDWICHES & WRAPS	
ALL SERVED WITH HOME CUT FRIES OR FRENCH FRIES	
CHICKEN PARMESAN	
Breaded chicken topped with marinara sauce & melled mozzarella cheese. Served on a bun	
CHICKEN CLUB SANDWICH	
Marinated grilled chicken breast with smoked bacon, lettuce, tomatoes & mayo	
SMOKED SALMON	
Smoked Atlantic Salmon with onion, tomato, cream cheese & capers on a classic Italian bun	
CRISPY CHICKEN SANDWICH	
Crispy chicken breast with melled cheese & your choice of spicy buffalo sauce or chipolle mayo. Served on a bun	
PHILLY CHEESESTEAK	
Roast beef, topped with sauteed onions, mushroom, mixed cheeses & BBQ sauce. Served on an Italian bun	
NEW YORK STEAK SANDWICH	

VEGETARIAN WRAP Lettuce, tomatoes, cucumber, onion, spinach with ranch sauce & mixed cheese

GREEK WRAP Chicken, tomatoes, cucumber, onion & spinach with Tzatziki sauce & Feta cheese

CHICKEN CAESAR WRAP Grilled chicken, bacon & mixed cheeses

BUFFALO CHICKEN WRAP Breaded chicken, buffalo sauce, lettuce, tomato & mixed cheeses

MEDITERRANEAN WRAP Grilled chicken, lettuce, tomato, onions, olives feta cheese & Tzatziki sauce

> \*Gravy \$2 \*Upgrade with soup or house salad for \$3 \*Upgrade with Caesar salad for \$4 \*Upgrade sweet potatoes or onion rings \$4



(1pc) 15

(2pc) 22

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10 (S) (L) 12

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FISH & CHIPS Homemade battered haddock fillet served with lartar sauce, coleslaw and fries

CHICKEN SOUVLAKI Two skewers of chicken souvlaki served over a bed of rice and Greek salad

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18

NY STRIPLOIN STEAK 10oz striploin steak grilled to perfection, served with seasoned vegetables and mashed potatoes. served with creamy peppercorn sauce

LIVER, ONION & BACON Seared beef liver, topped with carametized onions. bacon and smothered in rich gravy. Served with mashed potatoes & vegetables

CHICKEN TENDERS Breaded chicken fingers and french fries. Served with plum sauce & coleslaw

RISOTTO PRIMAVERA Sayoury rice, seasoned vegetables, tomato sauce & Parmesan cheese. Comes with garlic bread

CHICKEN PARMIGIANA Chicken topped with homemade marinara sauce and melted mixed cheese, served with linguine nasta

FAJITAS Smoking hot skillet with an array of sizzling onions & neopers, Served with warm tortillas, salsa, sour cream, cheese & guacamole Chicken \$15.99 / Steak \$17.99 / Shrimp \$20.99

HOMEMADE MEATLOAF Served with gravy, mashed potatoes & steams veggies

POACHED/GRILLED ATLANTIC SALMON Cooked to perfective with diff cream. Served with rice & greek salad Add chicken to any dish \$7

#### SALAT HOUSE es & red onions with you Fresh mixed choice of day GREEK S. ceburg lette mber, olives, onions & feta cheeso CEASAR Fresh romaine nesan & ceasar dressing TUNA SALAL cocumber, olives, onions & Iceburg lettuce tomato-

leta cheese with bomen due ordek dressing SUNNY UP CHICKEN SALAD

ceburg lettuce, tomatoes, cocumber, onions. Topped with grilled seasoned chicken breast



22

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Linguine with grilled chicken, mushroom, spinach & mixed peppers in a goat cheese Rose sauce

SPICY PENNE Italian spicy sausage, mushroom & onions in a spicy homemade sauce

18 PESTO PASTA Chicken, assorted mushrooms, white wine, olive oil in a basil pesto cream sauce

CHICKEN PENNE Mixed peppers, onions, mushrooms in a cajun cream sauce

SEAFOOD LINGUNE Shrimp, mussels & Calamari tossed with peppers & onions in a Rose sauce

LINGUINE ALEREDO Mushrooms, broccoli, spinach with creamy parmesan sauce.

LINGUINE CARBONARA Chicken & bacon Mushrooms, onions & spinach in an egg volk cream sauce

PENNE PRIMAVERA Mixed peppers, onions, spinach & broccoli in a tornato sauce

LINGUINE ALFREDO SHRIMP Shrimp, tossed in a rich parmesan cream sauce

SUNNY UP LINGUINE PASTA Shrimp, mushrooms, onions, mixed pepper in a Pesto-Tomato sauce

MEDITERRANEAN Fusilli, chicken, peppers, onions & olives in a white wine tomato sauce. Topped with Feta

#### POUTINE

CLASSIC POUTINE Cheese curds & gravy	16
BUFFALO CHICKEN POUTINE Breaded chicken, buffalo & ranch sauce	18
BURGER POUTINE Cheese curds, gravy & burger patty bits	18
CHILLI ONION POUTINE Cheese curds, gravy & ranch sauce	16
*No substitutions on menu items thems & prices subject to change *Please inform your server of any allergies "The Today's Special' does nor n *Taxes not included in menu pricing	without notice receive any discount
HISTORY HISTOR CHARLES IN A	

ALLERGY ALERT: Our Menu items may come into contact with some allergens. Please inform us of any allergies or dietary restrictions



# **Liquor Licence Questionnaire**

The Corporation of the City of Markham

To evaluate your Liquor Licence Application, you are required to complete this Questionnaire.

Submit the all required documentation to the Clerk's Office by mail or in-person to the address below.

City of Markham Clerk's Office Legislative Services Department 101 Town Centre Boulevard Markham, Ontario L3R 9W3

Attention: Public Services Assistant

If you have any questions about this Questionnaire, please call 905-477-7000 ext. 2366.

#### Liquor Licence Questionnaire Checklist

The following items <u>must</u> be submitted with this completed Questionnaire to the Clerk's Office:

- ✓ Applicable fee;
- ✓ A sample menu; and,
- ✓ Copy of the floor plan showing the layout, areas that require licensing, seating arrangements, washrooms (show fixtures) and exits.

#### Applicant Contact Information

First Name Saroja			₋ast Name Elayathamby	
Street Number 122	Street Name Goldenwood Cr			Suite/Unit Number
<sup>City</sup> Markham		Postal Co L6E1L9		Province Ontario
Telephone Number 905 201 9660	Mobile Number 416 893 0042	1	<sup>Email</sup> sunnyupbreakfast@	)gmail.com

#### **Restaurant Information**

Name of Restaurant Sunny Up All Dar Breakfast							
Street NumberStreet NameSuite/Unit Number72Copper Creek Dr105							
<sup>City</sup> Markham		Postal Code L6B 0P2		Province Ontario			

#### Page 1 of 2

Rev. Jan/17

Information on this form is collected under the authority of Section 11 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended and Section 12 of the Liquor Licence Act, R.S.O. 1990, Chapter L.19, as amended. The information you have provided will be used to contact you and process your Liquor Licence Application. If you have questions about this collection contact the Access & Privacy Manager, Legislative Services Development, 101 Town Centre Boulevard, Markham, Ontario, L3R 9W3, 905-477-5530.

What is the closest major intersection to the restaurant? 9th line and 14th Avenue	What is the distance between the restaurant and the closest residential area? (in kilometres) 1 Km
Does the restaurant have a valid Business Licence issued by the City of Markham?	Does the restaurant have a working Fire Alarm System?
Yes No Business Licence Number: 72406 5610	💽 Yes 🔿 No
If no, please note that a Business Licence is required.	
Type of restaurant (select one)	
	e Dining Take Out Cafe
What, if any, entertainment or amusements will be provided i	n the restaurant? (select all that apply)
Karaoke Live Entertainment Casino	Off-Track Betting Arcade
Is the liquor licence application for an expansion of the exist	ing operations?
• Yes	
○ No	
If yes, please provide the <u>current</u> existing maximum seating capa	aity 80 seates
if yes, please provide the <u>current</u> existing maximum seating capa	City:
If no, please provide the planned existing maximum seating capa	icity:
Location History	
Has a Building Permit been applied for or obtained for this lo	ocation?
24 162418 00	
Yes Building Permit Number: 24 102410 00	
Νο	
Was the location previously used as a restaurant?	Yes 🔘 No
If no, a Building Permit is required. Contact Building Services at	
If the location was previously used as a restaurant, has con	struction or alteration been proposed?
🔿 Yes 💿 No	
If yes, please provide Alteration Permit Number:	

E. Savon Applicant's Signature

April, 24, 2025

Date

Page 2 of 2

Rev. Jan/17

Information on this form is collected under the authority of Section 11 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended and Section 12 of the Liquor Licence Act, R.S.O. 1990, Chapter L.19, as amended. The information you have provided will be used to contact you and process your Liquor Licence Application. If you have questions about this collection contact the Access & Privacy Manager, Legislative Services Development, 101 Town Centre Boulevard, Markham, Ontario, L3R 9W3, 905-477-5530.



 $1 \frac{\text{GROUND FLOOR PLAN}}{3/8" = 1'-0"}$ 

Project Name Enter address here Address Line 2

## GROUND FLOOR PLAN

Project Number: Project Number Drawing Scale: As indicated Date: File Name: Drawn By: Author

03/31/22

Reviewed By: Checker







Alcohol and Gaming Commission of Ontario 90 Sheppard Avenue East, Suite 200 Toronto ON M2N 0A4 Tel.: 416-326-8700 • Fax: 416-326-8711 Toll free in Ontario: 1-800-522-2876 Inquiries: www.agco.ca/iagco Website: www.agco.ca

## Municipal Information for a Retail Store

The information requested below is required in support of all applications for new or relocation of a Retail Store.

## Section 1 – Application Details (to be completed by Applicant)

Retail Store Name	Phone Number (include area code)
54 Brewing Corp.	6472056125
Exact location of retail store (physical address) 10950 Woodbine Ave Unit 1, Markham, ON L6C	3L4
Type of Retail Store	
Brewery     Distillery     Winer	y Brewers Retail Inc.
Contact Information	
Contact Name Baoying Sun	Phone Number (include area code and extension)
	6472056125
Alternate Phone Number (include area code)	Email Address
6475561888	prcsun018@yahoo.ca

# Section 2 – Municipal Clerk's Official Notice of Application for a Manufacturer's Retail Store in your Municipality

#### Municipal Clerk: Please confirm the "wet/damp/dry" status below.

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Name of village, town, township or city where taxes are paid. (If the area where the retail store is located was annexed or amalgamated, provide the name that the village, town, township or city was known as.)

Is the area where the retail store is located "wet", "damp" or "dry"? Please select one.

Wet (for spirits, beer, wine) X Damp (for beer and wine only)

a M



## **Liquor Licence Questionnaire**

The Corporation of the City of Markham

To evaluate your Liquor Licence Application, you are required to complete this Questionnaire.

Submit the all required documentation to the Clerk's Office by mail or in-person to the address below.

City of Markham Clerk's Office Legislative Services Department 101 Town Centre Boulevard Markham, Ontario L3R 9W3

Attention: Public Services Assistant

If you have any questions about this Questionnaire, please call 905-477-7000 ext. 2366.

#### Liquor Licence Questionnaire Checklist

The following items <u>must</u> be submitted with this completed Questionnaire to the Clerk's Office:

✓ Applicable fee;

A sample menu; and,

Copy of the floor plan showing the layout, areas that require licensing, seating arrangements, washrooms (show fixtures) and exits.

#### **Applicant Contact Information**

First Name			Last Name	······································	
Oliver			Sun	-	
Street Number	Street Name			Suite/Unit Number	
10950	Woodbine Ave		14	1	
City		Postal Co	de	Province	
Markham		L6C 3L	.4	ON	• * ·
Telephone Number	Mobile Number	<b>.</b>	Email	<b>L</b>	
647-205-6125	647-556-1888	3	prcsun018@y	/ahoo.ca	

#### **Restaurant Information**

Name of Restaurant 54 Brewing Co.	-		
Street Number	Street Name		Suite/Unit Number
10950	Woodbine Ave		1
City		Postal Code	Province
Markham		L6C 3L4	ON

#### Page 1 of 2

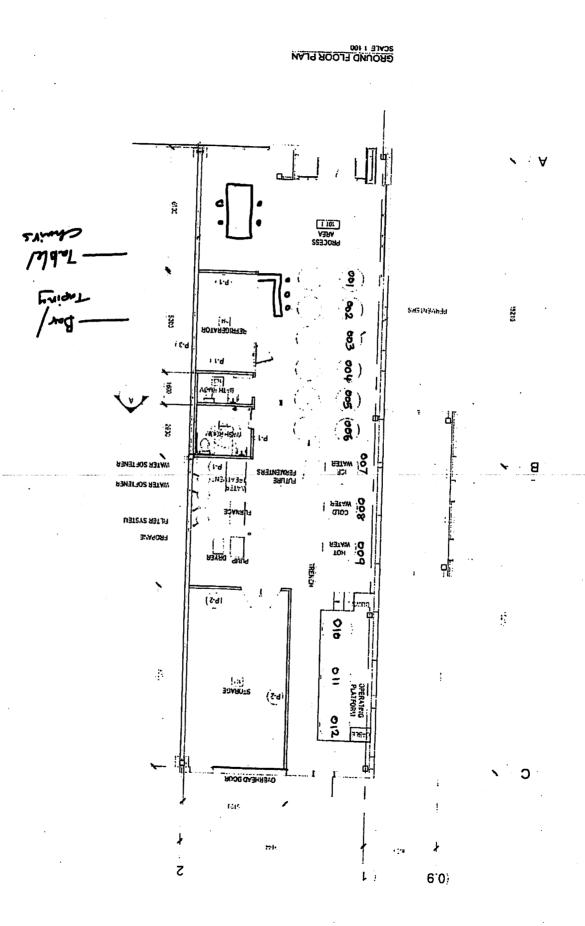
Rev. Jan/17

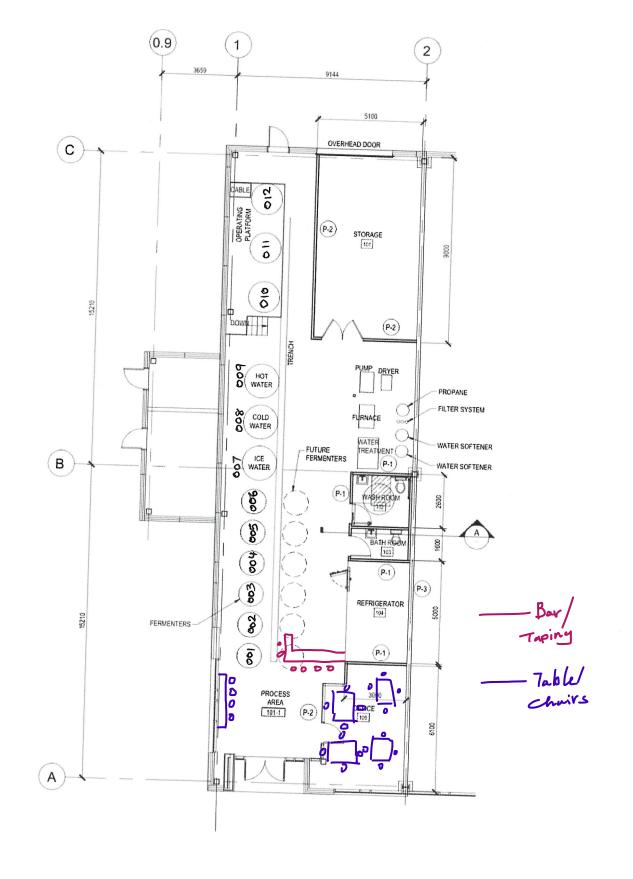
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What is the closest major intersection to the resta	urant? What is the distance between the
	restaurant and the closest residential
Eglin Mills/Woodbine	area? (in kilometres)
	0.5
Does the restaurant have a valid Business Licenc	
by the City of Markham?	Alarm System?
Yes No	Yes No
Business Licence Number: 25 113841 EE	
If no, please note that a Business Licence is required	Martin 7
Type of restaurant (select one) Just a Br	ewang with a sampling area. I
Family Roadhouse Sports B	ar Fine Dining Take Out Cafe
What, if any, entertainment or amusements will be	
Karaoke Live Entertainment	Casino Off-Track Betting Arcade
is the liquor licence application for an expansion	
Yes	
Ö	
No C	
If yes, please provide the <u>current</u> existing maximum s	eating capacity:
If no, please provide the <u>planned</u> existing maximum s	eating capacity:
Location History	
Has a Building Permit been applied for or obtained	for this location?
• Yes Building Permit Number: 22 2615	21 000 00 AL
∩ No	
	а.
Was the location previously used as a restaurant?	Yes ( No
If no, a Building Permit is required. Contact Building	Services at 905-477-7000 ext. 4870 for more information.
If the location was previously used as a restauran	t, has construction or alteration been proposed?
Yes  No	
If yes, please provide Alteration Permit Number:	
e451386d-201e-4457-8f2 Digitally signed by	ADD 10 0005
2-3aba4bf19fc2 e451386d-201e-4457-8f22-3aba4bf19fc2 Date: 2025.04.16 20:48:12 -04100	APR 16, 2025
Applicant's Signature	Date
	Page 2 of 2
a a a a a a a a	Page 2 of 2 Rev. Jan/17

Information on this form is collected under the authority of Section 11 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended and Section 12 of the Liquor Licence Act, R.S.O. 1990, Chapter L.19, as amended. The information you have provided will be used to contact you and process your Liquor Licence Application. If you have questions about this collection contact the Access & Privacy Manager, Legislative Services Development, 101 Town Centre Boulevard, Markham, Ontario, L3R 9W3, 905–477-5530.

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GROUND FLOOR PLAN



Alcohol and Gaming Commission of Ontario 90 Sheppard Avenue East, Suite 200 Toronto ON M2N 0A4 Tel.: 416-326-8700 • Fax: 416-326-8711 Toll free in Ontario: 1-800-522-2876 Inquiries: www.agco.ca/iagco Website: www.agco.ca

## Municipal Information for Liquor Sales Licences (including Tied House)

The information requested below is required in support of all applications for a new Liquor Sales Licence (including Tied House) or areas being added to an existing Liquor Sales Licence.

## Section 1 – Application Details

Premises Name	Premises Phone Number (include			
Akoya Izakaya (1000870446 Ontario Inc	area code)			
		905-917-1615		
Premises Address	City/Town	Province	Postal Code	
8601 Warden Avenue, Unit 13	Unionville,	ON	L3R0B5	
Contact Name				
Arthur Wong		Contact's Phone N area code and ext		
Contact's Email Address		416-471-9955		

Does the application for a Liquor Sales Licence (including Tied House) include indoor areas and/or outdoor areas?

🗹 Indoor Areas 🗌 Outdoor Areas

# Section 2 – Municipal Clerk's Official Notice of Application for a Liquor Sales Licence (including Tied House) in your Municipality.

### Municipal Clerk: Please confirm the "wet/damp/dry" status below.

Name of village, town, township or city where taxes are paid.

(If the area	a where	the esta	lblishm	ient is	located	was	annexed	or	amalgamated,	provide	the r	name	that
the village	, town, t	ownship	or city	/ was	known a	s.)							

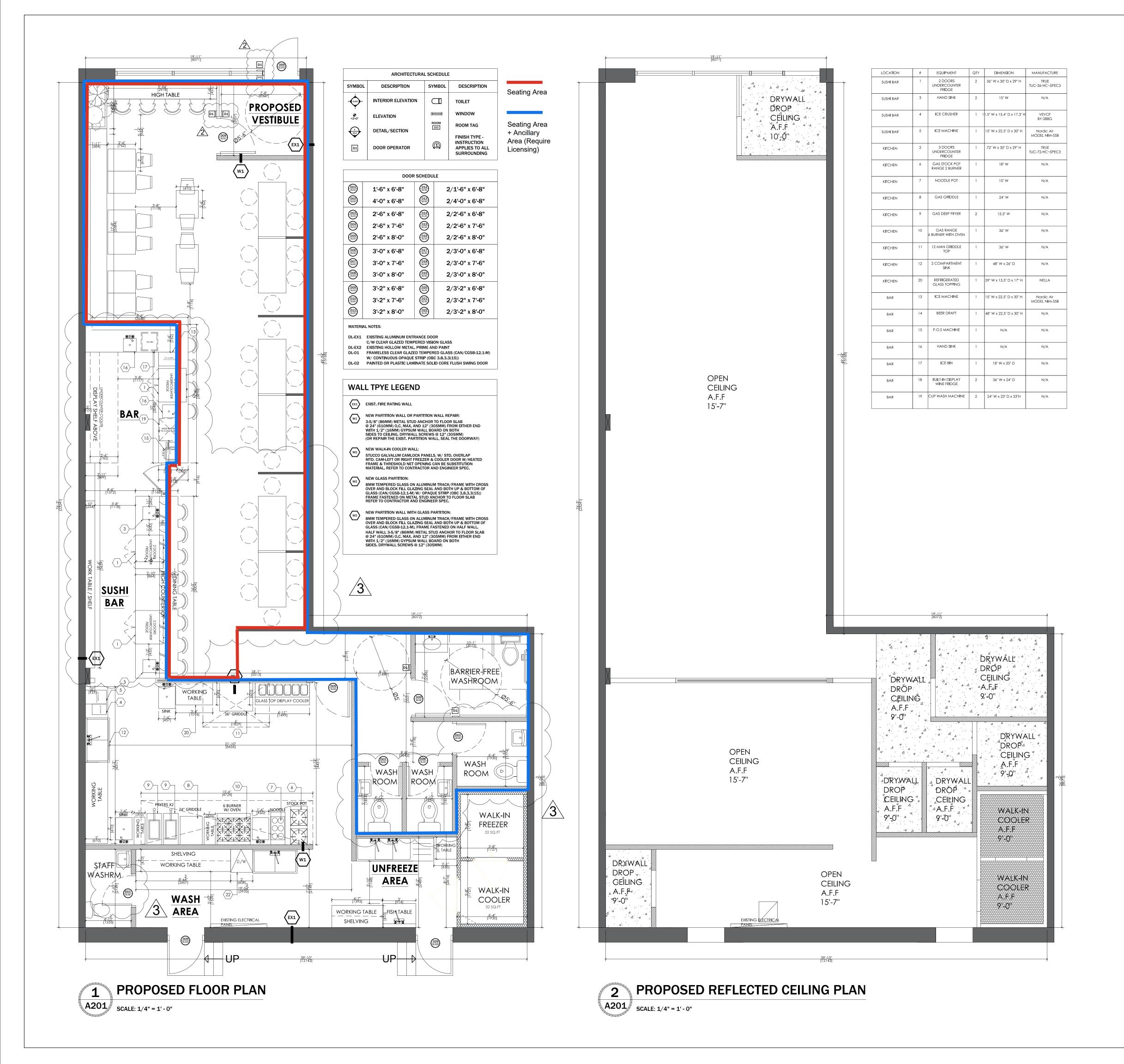
Markham

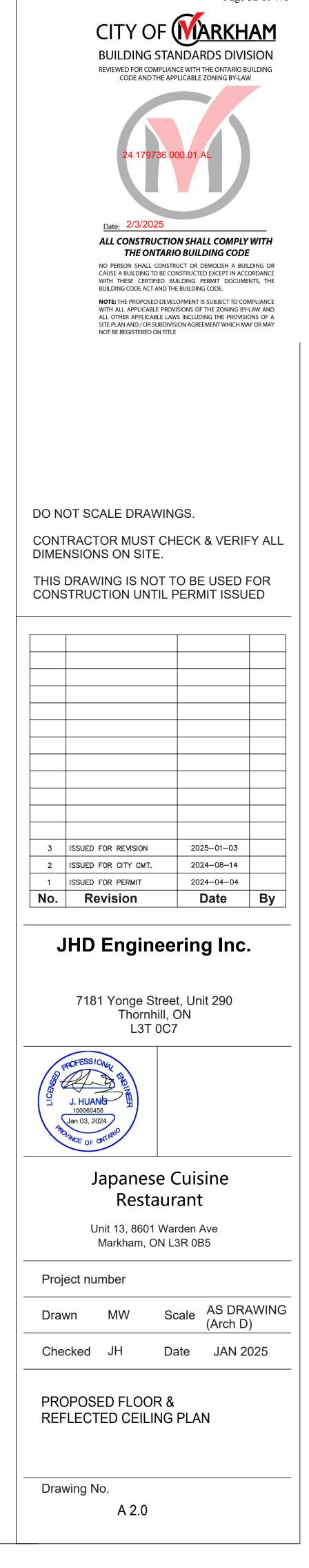
ls	the	area \	where	the	establi	shment	is	located	"wet",	"damp"	or	"dry"	? Please	select	t one.

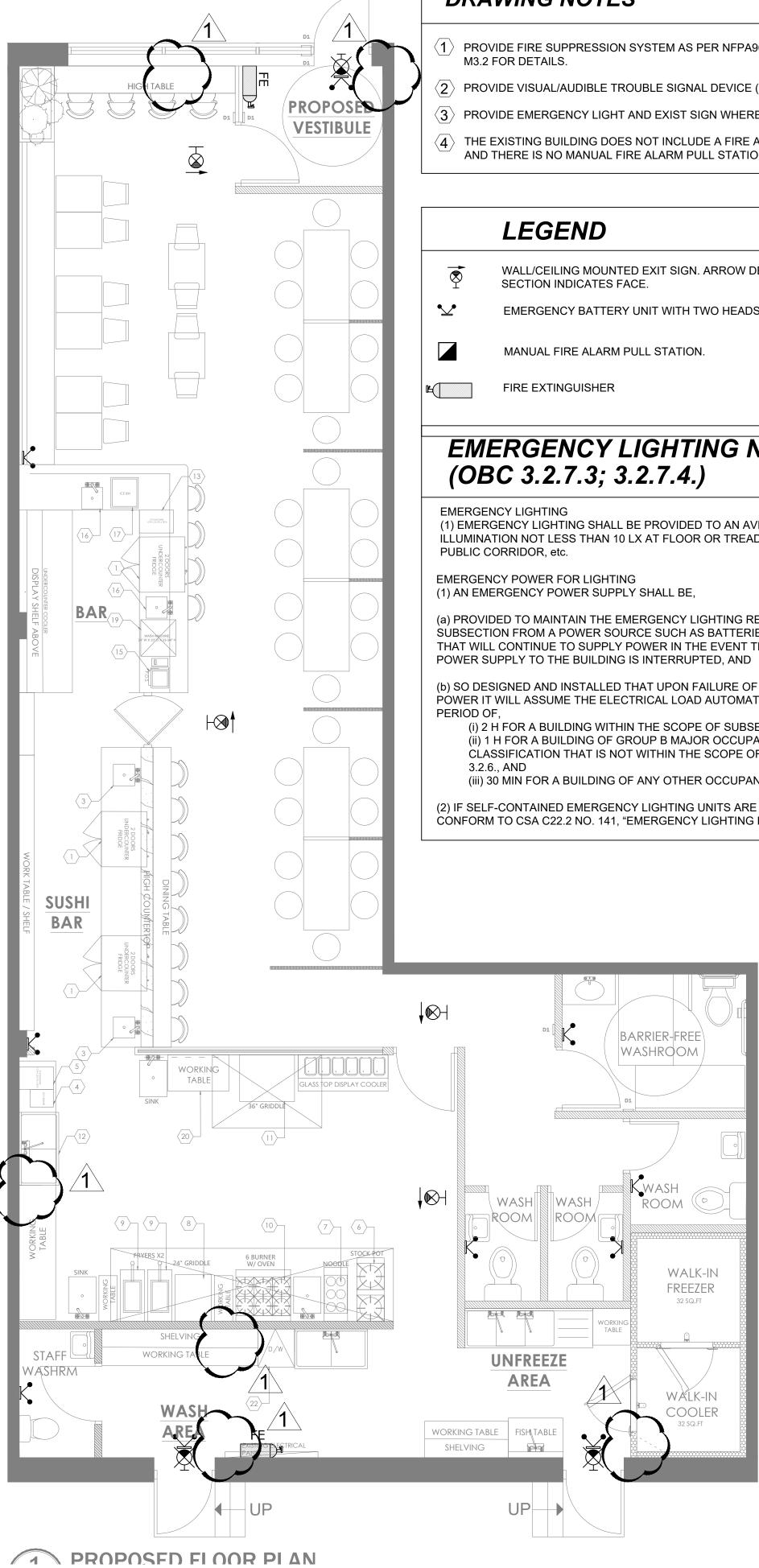
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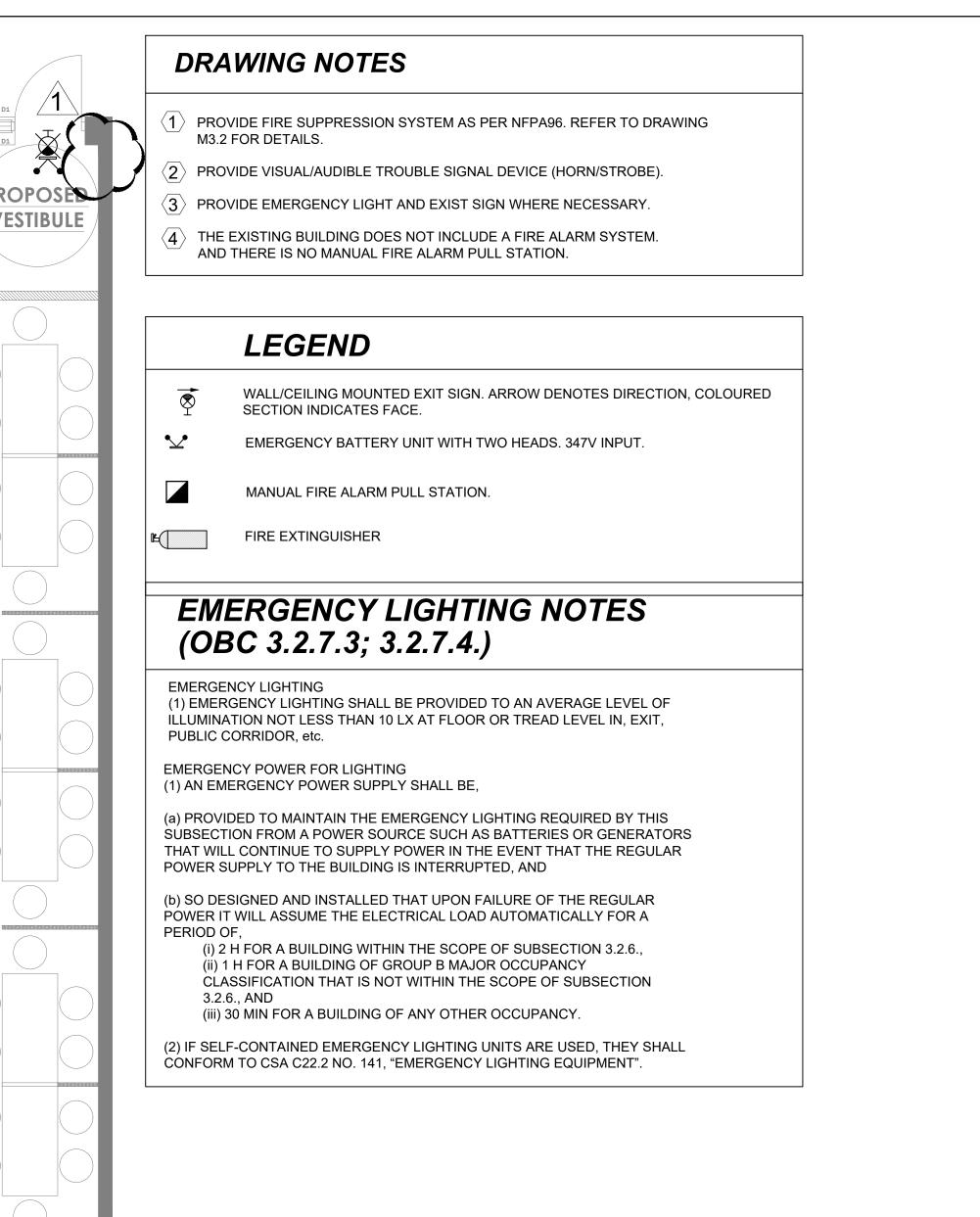
Note: Specific concerns regarding zoning or non-compliance with by-laws must be clearly outlined in a separate submission or letter within 30 days of this notification.

Address of Municipal Office		
Name of Municipal Official	Title	Date (dd/mm/yyyy)
Telephone number	Email Address	
	Signat	ture of Municipal Official









# CITY OF (MARKHAM **BUILDING STANDARDS DIVISION**

REVIEWED FOR COMPLIANCE WITH THE ONTARIO BUILDING CODE AND THE APPLICABLE ZONING BY-LAW

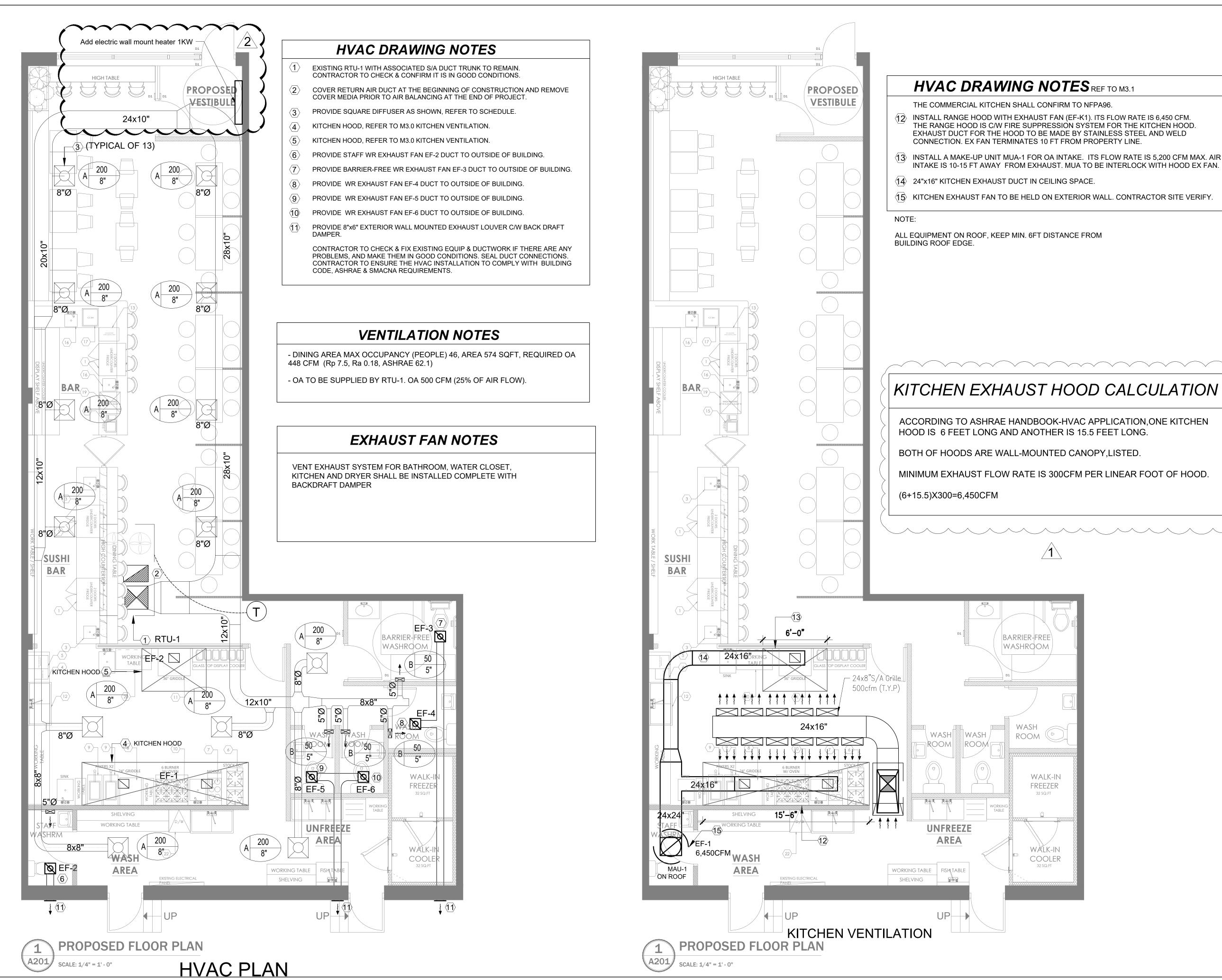


## Date: 2/3/2025

ALL CONSTRUCTION SHALL COMPLY WITH THE ONTARIO BUILDING CODE NO PERSON SHALL CONSTRUCT OR DEMOLISH A BUILDING OR CAUSE A BUILDING TO BE CONSTRUCTED EXCEPT IN ACCORDANCE WITH THESE CERTIFIED BUILDING PERMIT DOCUMENTS, THE BUILDING CODE ACT AND THE BUILDING CODE.

NOTE: THE PROPOSED DEVELOPMENT IS SUBJECT TO COMPLIANCE WITH ALL APPLICABLE PROVISIONS OF THE ZONING BY-LAW AND ALL OTHER APPLICABLE LAWS INCLUDING THE PROVISIONS OF A SITE PLAN AND / OR SUBDIVISION AGREEMENT WHICH MAY OR MAY NOT BE REGISTERED ON TITLE

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Page 34 of 475

## CITY OF (MARKHAM **BUILDING STANDARDS DIVISION**

REVIEWED FOR COMPLIANCE WITH THE ONTARIO BUILDING CODE AND THE APPLICABLE ZONING BY-LAW

## Date: 2/3/2025

ALL CONSTRUCTION SHALL COMPLY WITH THE ONTARIO BUILDING CODE NO PERSON SHALL CONSTRUCT OR DEMOLISH A BUILDING OF CAUSE A BUILDING TO BE CONSTRUCTED EXCEPT IN ACCORDANCE WITH THESE CERTIFIED BUILDING PERMIT DOCUMENTS, THE BUILDING CODE ACT AND THE BUILDING CODE.

NOTE: THE PROPOSED DEVELOPMENT IS SUBJECT TO COMPLIANC WITH ALL APPLICABLE PROVISIONS OF THE ZONING BY-LAW AND ALL OTHER APPLICABLE LAWS INCLUDING THE PROVISIONS OF A SITE PLAN AND / OR SUBDIVISION AGREEMENT WHICH MAY OR MAY NOT BE REGISTERED ON TITLE

3	ISSUED FOR REVISION	2025-01-05	
2	REVISED PER CITY	2024-07-24	
1	ISSUED FOR PERMIT	2024-04-04	
No.	Revision	Date	By

## JHD Engineering Inc.

7181 Yonge Street, Unit 290 Thornhill, ON L3T 0C7

SUSHI

Unit 13, 8601 Warden Ave Unionville, ON

Project number

Drawn	KK	Scale	1/4" =1' -0" (Arch D)
Checked	JH	Date	APR 2024

## **HVAC Plan & KITCHEN VENTILATION**

Drawing No.

M 2.0



## **Liquor Licence Questionnaire**

The Corporation of the City of Markham

To evaluate your Liquor Licence Application, you are required to complete this Questionnaire.

Submit the all required documentation to the Clerk's Office by mail or in-person to the address below.

City of Markham Clerk's Office Legislative Services Department 101 Town Centre Boulevard Markham, Ontario L3R 9W3

Attention: Public Services Assistant

If you have any questions about this Questionnaire, please call 905-477-7000 ext. 2366.

### **Liquor Licence Questionnaire Checklist**

The following items <u>must</u> be submitted with this completed Questionnaire to the Clerk's Office:

- ✓ Applicable fee;
- $\checkmark$  A sample menu; and,
- ✓ Copy of the floor plan showing the layout, areas that require licensing, seating arrangements, washrooms (show fixtures) and exits.

## **Applicant Contact Information**

First Name			Last Name	
Arthur			Wong	
Street Number	Street Name			Suite/Unit Number
28	Quinton Drive			
City		Postal Co	ode	Province
Markham		L6C 0I	N8	Ontario
Telephone Number	Mobile Number	•	Email	
416-471-9955	416-471-9955		aywong75@yahoo.com	

#### **Restaurant Information**

Name of Restaurant Akoya Izakaya			
Street Number	Street Name		Suite/Unit Number
8601	Warden Ave		13
<sub>City</sub>		Postal Code	Province
Unionville		L3R 0B5	Ontario

#### Page 1 of 2

Rev. Jan/17

Information on this form is collected under the authority of Section 11 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended and Section 12 of the Liquor Licence Act, R.S.O. 1990, Chapter L.19, as amended. The information you have provided will be used to contact you and process your Liquor Licence Application. If you have questions about this collection contact the Access & Privacy Manager, Legislative Services Development, 101 Town Centre Boulevard, Markham, Ontario, L3R 9W3, 905-477-5530.

What is the closest major intersection to the restaurant? Highway 7 and Warden Ave	What is the distance between the restaurant and the closest residential area? (in kilometres) 1 km			
Does the restaurant have a valid Business Licence issued by the City of Markham?	Does the restaurant have a working Fire Alarm System?			
• Yes • No	• Yes • No			
Business Licence Number: <sup>25</sup> 118304 EE				
If no, please note that a Business Licence is required. Type of restaurant (select one)				
	e Dining Take Out Cafe			
What, if any, entertainment or amusements will be provided i	n the restaurant? (select all that apply)			
Karaoke Live Entertainment Casino	Off-Track Betting Arcade			
Is the liquor licence application for an expansion of the exist	ing operations?			
O Yes				
No No				
If yes, please provide the current existing maximum seating capa	city:			
If no, please provide the <u>planned</u> existing maximum seating capa	city: <u>62</u>			
Location History				
Has a Building Permit been applied for or obtained for this lo	cation?			
2/17973600001/				
Yes Building Permit Number:				
O No				
Was the location previously used as a restaurant?	Yes 💽 No			
If no, a Building Permit is required. Contact Building Services at 9	005-477-7000 ext. 4870 for more information.			
If the location was previously used as a restaurant, has cons	truction or alteration been proposed?			
Yes 💽 No				
If yes, please provide Alteration Permit Number:				
-				
	25/05/09			
Applicant's Signature	Date			

Page 2 of 2

Rev. Jan/17

Information on this form is collected under the authority of Section 11 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended and Section 12 of the Liquor Licence Act, R.S.O. 1990, Chapter L.19, as amended. The information you have provided will be used to contact you and process your Liquor Licence Application. If you have questions about this collection contact the Access & Privacy Manager, Legislative Services Development, 101 Town Centre Boulevard, Markham, Ontario, L3R 9W3, 905-477-5530.

Menu

### Appetizers

Edamame - \$6 Hiyayakko - \$7 Ankimo - \$12 Seaweed Salad - \$8 Potato Salad - \$7 Deep-fried Mochi - \$8 Dried Firefly Squid - \$9 Mirin-Dried Sardine - \$8 Dry Pufferfish - \$10 Wagyu Beef Tataki - \$16

### Dessert

Chawanmushi - \$6 Uni Foie - \$12 Kani Niku (Crab Meat) - \$10 Ice Cream - \$6

### **Fried Dishes**

Chicken Karaage - \$12 Tempura - \$14 Deep-Fried Tofu - \$10 Kurobuta Tonkatsu - \$16

### Menu

Wagyu Katsu - \$22

### Fried Skewers

Chicken Leg - \$6 Chicken Breast - \$6 Tsukune Meatball - \$7 Chicken Hearts - \$6 Chicken Liver - \$6 Chicken Gizzard - \$6 Chicken Cartilage - \$6 Pork Belly - \$8 Chive Roll - \$9 Cheese Roll - \$9 Asparagus Roll - \$9

### **Grilled Dishes**

Black Cod - \$18 Mackerel - \$14 Squid - \$13 Hokke Mackerel Fish - \$15 Bacon-Rolled Scallop - \$16

### Lunch - Donburi

Yakitori Don - \$14 Katsu Don - \$15 Ginger-Fried Japanese Kurobuta Don - \$16 Curry Katsu Don - \$16 Unagi Don - \$20

Menu

### Lunch - Ramen

Miso Ramen - \$14 Shio Ramen - \$14 Shoyu Ramen - \$14 Naha Spicy Ramen - \$15

### Makimono

Salmon, Tuna, Negi Toro, Negihamachi, Spicy Tuna, Spicy Salmon, Unagi - \$12

### Rice & Soup

Rice - \$3 Miso Soup - \$4

### Sashimi

Otoro (Fatty bluefin tuna) - \$24 Chutoro (Medium fatty tuna) - \$20 Akami (Lean tuna) - \$18 Salmon - \$18 Hamachi (Seasonal fish) - \$20

Menu

## Sushi

Foie Gras Sushi - \$10

## Wagyu Beef

Beef Skewer - \$12 Beef and Mushroom Skewer - \$14 Beef Tongue - \$15



Alcohol and Gaming Commission of Ontario 90 Sheppard Avenue East, Suite 200 Toronto ON M2N 0A4 Tel.: 416-326-8700 • Fax: 416-326-8711 Toll free in Ontario: 1-800-522-2876 Inquiries: www.agco.ca/iagco Website: www.agco.ca

## Municipal Information for Liquor Sales Licences (including Tied House)

The information requested below is required in support of all applications for a new Liquor Sales Licence (including Tied House) or areas being added to an existing Liquor Sales Licence.

### Section 1 – Application Details

Premises Name		Premises Phone Number (includ				
Anju		area code) (905)205-1547				
Premises Address	City/Town	Province	Postal Code			
7333 Woodbine Ave.	Markham	ON	L3R 1A7			
Contact Name						
Ki Yeon KWON		Contact's Phone N area code and ext	<b>`</b>			
Contact's Email Address		647-880-5853				
kwon0816@yahoo.ca, anjukoreankitch	en@gmail.com					

Does the application for a Liquor Sales Licence (including Tied House) include indoor areas and/or outdoor areas?

🗹 Indoor Areas

Outdoor Areas

# Section 2 – Municipal Clerk's Official Notice of Application for a Liquor Sales Licence (including Tied House) in your Municipality.

### Municipal Clerk: Please confirm the "wet/damp/dry" status below.

Name of village, town, township or city where taxes are paid.

(If the area	where	the establishm	ient is l	located v	vas a	nnexed	or a	amalgamated,	provide tl	he name	) that
the village,	town, to	ownship or city	/ was k	nown as	5.)						

Is the area where the establishment is lo	ocated "wet", "damp" or "dry"? Please	select one.
<ul> <li>Wet (for spirits, beer, wine)</li> </ul>	Damp (for beer and wine only)	Dry

# Note: Specific concerns regarding zoning or non-compliance with by-laws must be clearly outlined in a separate submission or letter within 30 days of this notification.

Address of Municipal Office		
Name of Municipal Official	Title	Date (dd/mm/yyyy)
Telephone number	Email Address kwon0816@yahoo.ca, anj	ukoreankitchen@gmail.com
	Sig	nature of Municipal Official



## **Liquor Licence Questionnaire**

The Corporation of the City of Markham

To evaluate your Liquor Licence Application, you are required to complete this Questionnaire.

Submit the all required documentation to the Clerk's Office by mail or in-person to the address below.

City of Markham Clerk's Office Legislative Services Department 101 Town Centre Boulevard Markham, Ontario L3R 9W3

Attention: Public Services Assistant

If you have any questions about this Questionnaire, please call 905-477-7000 ext. 2366.

### Liquor Licence Questionnaire Checklist

The following items **<u>must</u>** be submitted with this completed Questionnaire to the Clerk's Office:

- ✓ Applicable fee;
- $\checkmark$  A sample menu; and,
- Copy of the floor plan showing the layout, areas that require licensing, seating arrangements, washrooms (show fixtures) and exits.

### **Applicant Contact Information**

First Name KI YEON			₋ast Name KWON	
Street Number 11	Street Name Bellemeade Lane	)		Suite/Unit Number
<sup>City</sup> NORTH YORK		Postal Co M2H 1Z		Province ON
Telephone Number	Mobile Number (647)880-5853		Email kwon0816@yahoo.ca, anjuk	koreankitchen@gmail.conm

### **Restaurant Information**

Name of Restaurant ANJU			
Street Number	Street Name		Suite/Unit Number
7333	Woodbine Avenu		4
<sup>City</sup>		Postal Code	Province
Markham		ON	L3R 1A7

#### Page 1 of 2

Rev. Jan/17

Information on this form is collected under the authority of Section 11 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended and Section 12 of the Liquor Licence Act, R.S.O. 1990, Chapter L.19, as amended. The information you have provided will be used to contact you and process your Liquor Licence Application. If you have questions about this collection contact the Access & Privacy Manager, Legislative Services Development, 101 Town Centre Boulevard, Markham, Ontario, L3R 9W3, 905-477-5530.

Woodbine Avenue & Denison Street	What is the distance between the restaurant and the closest residential area? (in kilometres) 2.1km			
	Does the restaurant have a working Fire Alarm System?			
Yes ON Business Licence Number: 25 11747 EE	• Yes No			
If no, please note that a Business Licence is required.				
Type of restaurant (select one)				
Family Roadhouse Sports Bar Fine	Dining Take Out Cafe			
What, if any, entertainment or amusements will be provided in	the restaurant? (select all that apply)			
Karaoke Live Entertainment Casino	Off-Track Betting Arcade			
Is the liquor licence application for an expansion of the existin	ng operations?			
• Yes				
O No				
If yes, please provide the <u>current</u> existing maximum seating capaci	66			
If no, please provide the <u>planned</u> existing maximum seating capaci	ity:			
Location History				
Has a Building Permit been applied for or obtained for this loc	ation?			
Yes Building Permit Number:				
No No				
Was the location previously used as a restaurant?	res O No			
If no, a Building Permit is required. Contact Building Services at 90	05-477-7000 ext. 4870 for more information.			
If the location was previously used as a restaurant, has constr	ruction or alteration been proposed?			
Yes 💽 No				
If yes, please provide Alteration Permit Number:				

Cencon Applicant's Signature

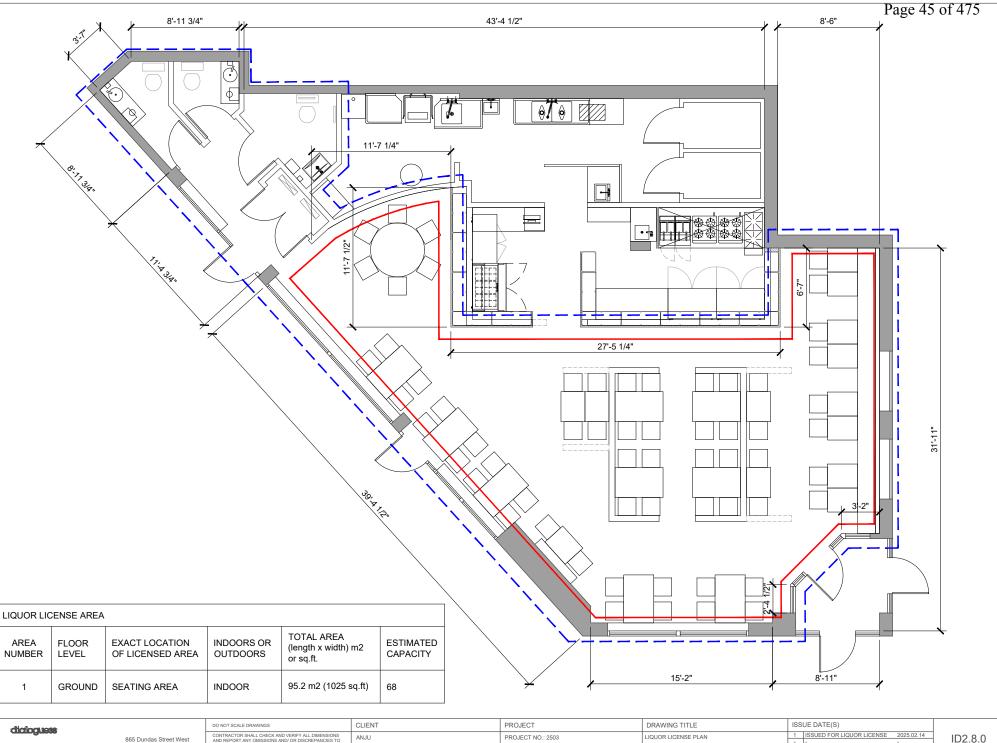
May 15, 2025

Date

Page 2 of 2

Rev. Jan/17

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 S65D Dundas Street West Toronto Ontario Mili Vio 416 979 882 info@dialogue38.com
 CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS AND REPORT ANY OMESSIONS AND/ OR DISCREPANCES TO DATURE STATE SCILE PROPERTY OF DALOGUE 38 INC. AND REPORT ANY OMESSIONS AND/ OR DISCREPANCES TO DATURE SCILE PROPERTY OF DALOGUE 38 INC. AND REPORT ANY OMESSIONS AND/ OR DISCREPANCES TO DEPORT ANY OMESSIONS AND/ OR DISCREPANCES TO DEPORT ANY OMESSIONS AND/ OR DISCREPANCES TO REPORT ANY OMESSIONS AND/ OR DISCREPANCES TO DATURE SCILE PROPERTY.
 ANJU
 PROJECT NO.: 2503
 LIQUOR LICENSE PLAN
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 ISSUED FOR LIQUOR CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS AND REPORT ANY OMESSIONS AND/ OR DISCREPANCES AND REPORT ANY OMESSIONS AND REPORT ANY OMESSIONS

REV. NO.: -

😫 ANJU KOREAN KITCHEN 🦾

# Small Plate Special (小盘特价)

Small Plate Special은 메인 음식 주문 시 한가지 추가 주문이 가능한 맛보기 메뉴입니다. 小份特色菜是一份品尝菜单,您可以在点一份主菜时点另一份小菜.

안주

Small Plate Special is a tasting menu where you can order one dish when ordering one of the main dishes.

앇

\$6,00

\$8,00

\$9.00

\$10,00

\$12.00

\$12.00

철순대 韩国糯粉血肠 Korean Blood Sausage

> 항정살 (간장,양념) 猪颈肉 (酱油味/风味酱汁) 100g Grilled Marinated Pork Jowl (Soy Sauce / Spicy)

새우장 (간장/양념) 酱虾(酱油/调味) 4 pcs Marinated Raw Shrimp (Soy Sauce / Spicy)

양념게장 调味酱蟹 Spicy Marinated Raw Crab

06

03

LA갈비 酱香牛肋排 3pcs Grilled Marinated Beef Short Ribs

Please let us know if you have any **food allergies**. The food photos are staged images and may differ from the actual product.

안\_즈

# Appetizer (前菜)





육회 韩式牛肉鞑靼 Korean Beef Tartare \$ 20.00



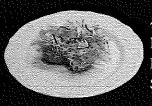
튀김만두 炸猪肉饺子 5pcs Deep Fried Pork Dumplings \$ 8.00



떡볶이 炒年糕 Spicy Rice Cake \$ 12.00



찰순대 韩国糯粉血肠 Korean blood sausage \$ 12.00



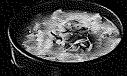
새우볼 炸虾球 5pcs Deep Fried Shrimp Balls and Lotus root \$ 15.00

안구

Please let us know if you have any **food allergies**. The food photos are staged images and may differ from the actual product.

# Soup (汤类)





도가니탕 牛蹄筋汤 Beef Tendon Soup \$ 20.00



순대국 血肠汤 Blood Sausage Pork Soup \$ 17.00



감자탕 土豆脊骨汤 Pork Bone Soup \$ 17.00



김치찌개 泡菜锅 Spicy Kimchi Soup with Pork \$ 17.00



알당 辣鱼籽汤 Spicy Fish Roe Soup \$ 20.00



순두부찌개 (Mild / Spicy) 嫩豆腐锅 (中辣/辣) Spicy Soft Tofu Stew with Seafood \$ 18.00



만두국 牛肉汤猪肉饺子汤 Pork Dumpling Soup in Beef Broth \$ 17.00



떡 만두국 牛肉汤猪肉年糕饺子汤 Pork Dumpling Soup with Rice Cake in Beef Broth \$ 18.00



오뎅탕 韩式鱼糕汤 Fish Cake Soup \$ 15.00

Please let us know if you have any **food allergies**. The food photos are staged images and may differ from the actual product.

안

# Noodle (面条类)





물냉면 冷面 Cold Noodles \$ 17.00



사골칼국수 牛骨高汤刀削面 Beef Bone Thick Noodle Soup \$ 18.00



비빔물냉면 拌冷面 Spicy Cold Noodles \$ 18.00



바지락칼국수 蛤蜊刀削面 Clam Thick Noodle Soup \$ 18.00



들기름막국수 紫苏油凉荞麦面 Perilla Oil Buckwheat Cold Noodles \$ 18.00



Please let us know if you have any **food allergies**. The food photos are staged images and may differ from the actual product.

# Entrée (菜品)

안주



수육 白切肉拼盘 Boiled Pork Belly \$ 28.00



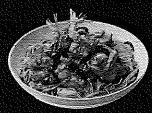
두부김치 豆腐遇见泡菜 Boiled Tofu with Stirfried Kimchi and Pork \$ 25.00



파닭 青葱炸鸡 Fried Chicken with Green Onion \$ 28.00



골뱅이소면 辣拌海螺面 Spicy Whelk Meat Salad with Thin Noodles \$ 30.00



아구찜 炖安康鱼 Spicy Braised Monkfish with Soybean Sprouts \$ 30.00



매운오징어볶음 辣炒鱿鱼 Spicy Sauteed Squid \$ 25.00

안

Please let us know if you have any **food allergies**. The food photos are staged images and may differ from the actual product.

# Entrée (菜品)

안구



새우장 (간장/양념/반반) 酱虾 (酱油/调味/各半) Marinated Raw Shrimp (Soy Sauce / Spicy / Half & Half) \$ 20.00



게장(간장/양념/반반) 酱蟹 (酱油、调味、各半) Marinated Raw Crab (Soy Sauce / Spicy / Half & Half) \$ 28.00



<del>돌솥</del> 비빔밥 石锅拌饭 Hot Stone Bibimbap \$ 18.00



수제 돈까스 手工炸猪排 Housemade Pork Cutlet \$ 20.00

Please let us know if you have any **food allergies**. The food photos are staged images and may differ from the actual product.

안주

# Hot Pot (火锅类)





감지당 전골 土豆脊骨火锅 Pork Neck Bone Hot Pot \$ 38.00



### 부대찌개 豬骨火锅

Army Base Stew: Spicy Stew with Sausage, Spam, Beans, Vegetables and Instant Noodles \$ 38.00

😫 Add-on	
● 공기밥 米饭 Rice	\$ 2.00
● 라면사리 拉面调品 Instant Noodle	\$2.00
● 우동 乌冬面 Udon	\$ 3.00
• 치즈 奶酪 Cheese	\$ 3.00
<ul> <li>● 콩나물 黄豆芽 Bean Sprout</li> </ul>	\$4.00
● 즉석 볶음밥 炒饭 Fried Rice	\$ 5.00



Please let us know if you have any **food allergies**. The food photos are staged images and may differ from the actual product. . . . . . .

# Grilled Meat (明火烤)





LA갈비 酱香牛肋排 Grilled Marinated Beef Short Ribs \$ 32.00



소불고기 烤牛肉 Beef Bulgogi \$ 22.00



제육볶음 辣炒猪肉 Spicy Stir-fried Pork \$ 22.00



삼겹살 (소금구이 / 메운맛) 五花肉 (盐烤/辣味) Grilled Pork Belly (Mild / Spicy) \$ 23.00



돼지불고기 调味猪肉 Grilled Marinated Pork Meat \$ 21,00



항정살 (간장, 양념) 猪颈肉 (酱油味/风味酱汁) Grilled Marinated Pork Jowl (Soy Sauce / Spicy) \$ 23.00

Please let us know if you have any **food allergies**. The food photos are staged images and may differ from the actual product.

안주

# Liquor (酒水)

# 矈 Korean Soju

안구

• 참이슬 Chamisul Fresh	350ml	16%	\$23.00			
• 참이슬 Chamisul Original	350ml	20%	\$25.00			
• 처음처럼 Chum Churum	350ml	17.5%	\$23.00			
• 진로 Jinro is Back	350ml	16.9%	\$23.00 \$24.00	12 Mar	ja Y	
• 한라산 Hallasan	350ml	21%	\$24.00	02	위원~~	

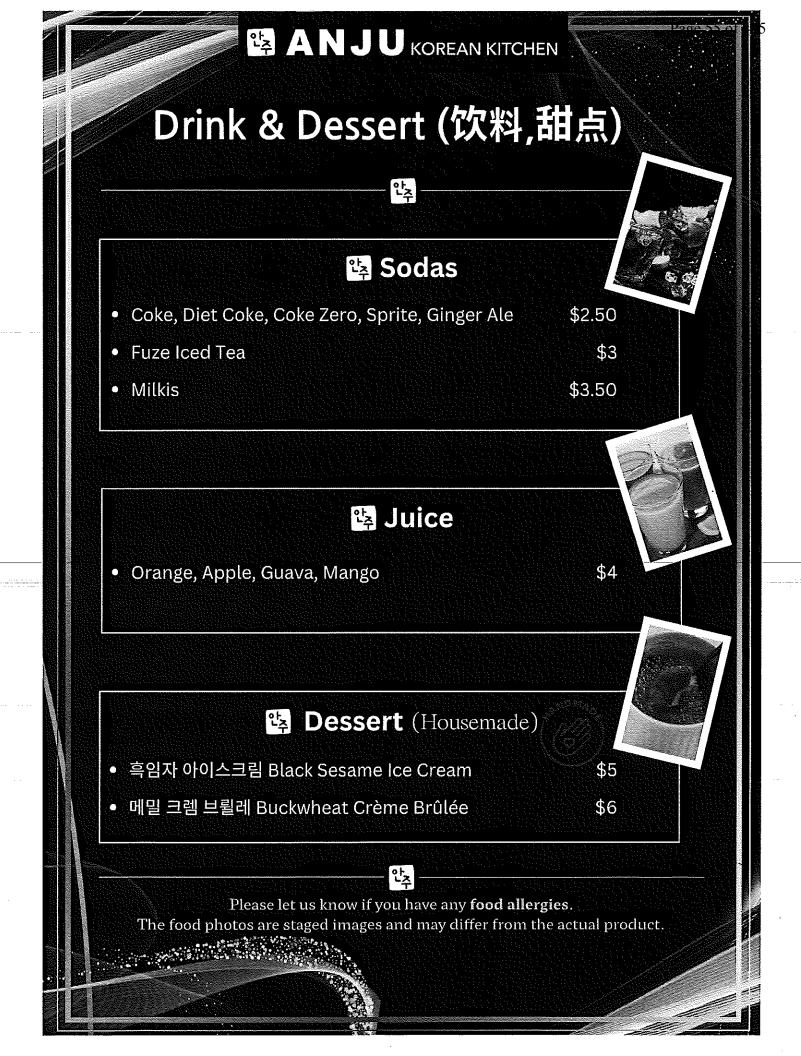
	약 문	eer		
Coors Light	341ml	4.2%	\$5.00	
Canadian	341ml	5%	\$5.00	
• Stella Artois	330ml	5%	\$6.00	
Budweiser	341ml	5%	\$6.00	

# 矈 Korean Rice Wine: Makgeolli

• 월매막걸리 Walmae 750ml	6%	\$20.00		
1L		\$25.00		
• 국순당 Kooksoondang 750ml	6%	\$20.00	月時	を見
1. (1997) 1. (1997) 1. (1997)		\$25.00		

Please let us know if you have any **food allergies**. The food photos are staged images and may differ from the actual product.

안





Alcohol and Gaming Commission of Ontario 90 Sheppard Avenue East, Suite 200 Toronto ON M2N 0A4 Tel.: 416-326-8700 • Fax: 416-326-8711 Toll free in Ontario: 1-800-522-2876 Inquiries: www.agco.ca/iagco Website: www.agco.ca

## Municipal Information for Liquor Sales Licences (including Tied House)

The information requested below is required in support of all applications for a new Liquor Sales Licence (including Tied House) or areas being added to an existing Liquor Sales Licence.

### Section 1 – Application Details

Premises Name	Premises Phone Number (include			
1000929731 ONTARIO INC.(O/S KUROI	area code)			
Premises Address	City/Town	Province	Postal Code	
28 South Unionville Ave unit 1056	ON	L3R 4P9		
Contact Name				
Jingwei Qian	Contact's Phone N area code and ext	<b>`</b>		
Contact's Email Address	6473135580			
kuroki.markham@gmail.com				

Does the application for a Liquor Sales Licence (including Tied House) include indoor areas and/or outdoor areas?

🗹 Indoor Areas 🗌 Outdoor Areas

# Section 2 – Municipal Clerk's Official Notice of Application for a Liquor Sales Licence (including Tied House) in your Municipality.

### Municipal Clerk: Please confirm the "wet/damp/dry" status below.

Name of village, town, township or city where taxes are paid.

(If the are	a where	e the esta	ablishm	ent is	located	was	annexed	or	amalgamated,	provide	the r	name	that
the village	e, town,	township	o or city	was	known a	s.)							

Markham

ls	the	area	where	the	establi	shment	is	located	"wet",	"damp"	or	"dry"	? Please	select	t one.

ullet	Wet (for spirits, beer, wine)	Damp (for beer and wine only)

Dry

Note: Specific concerns regarding zoning or non-compliance with by-laws must be clearly outlined in a separate submission or letter within 30 days of this notification.

Address of Municipal Office		
Name of Municipal Official	Title	Date (dd/mm/yyyy)
Telephone number	Email Address	
	Signat	ture of Municipal Official



## **Liquor Licence Questionnaire**

The Corporation of the City of Markham

To evaluate your Liquor Licence Application, you are required to complete this Questionnaire.

Submit the all required documentation to the Clerk's Office by mail or in-person to the address below.

City of Markham Clerk's Office Legislative Services Department 101 Town Centre Boulevard Markham, Ontario L3R 9W3

Attention: Public Services Assistant

If you have any questions about this Questionnaire, please call 905-477-7000 ext. 2366.

### Liquor Licence Questionnaire Checklist

The following items <u>must</u> be submitted with this completed Questionnaire to the Clerk's Office:

- ✓ Applicable fee;
- ✓ A sample menu; and,
- Copy of the floor plan showing the layout, areas that require licensing, seating arrangements, washrooms (show fixtures) and exits.

### **Applicant Contact Information**

First Name			Last Name	
Ho Yan			Cheung	
Street Number	Street Name			Suite/Unit Number
53	Oxford Street			
City		Postal Co	ode	Province
Toronto		M5T1N	18	ON
Telephone Number	Mobile Number		Email	•
	6479094231		cheunghoyan23@	⊉gmail.com

### **Restaurant Information**

Name of Restaurant 1000929731 ONTARIO INC.(O/S KUROKI IZAKAYA)						
Street Number	Street Name	Suite/Unit Number				
28	South Unionvi	1056				
<sup>City</sup>		Postal Code	Province			
Markham		L3R 4P9	ON			

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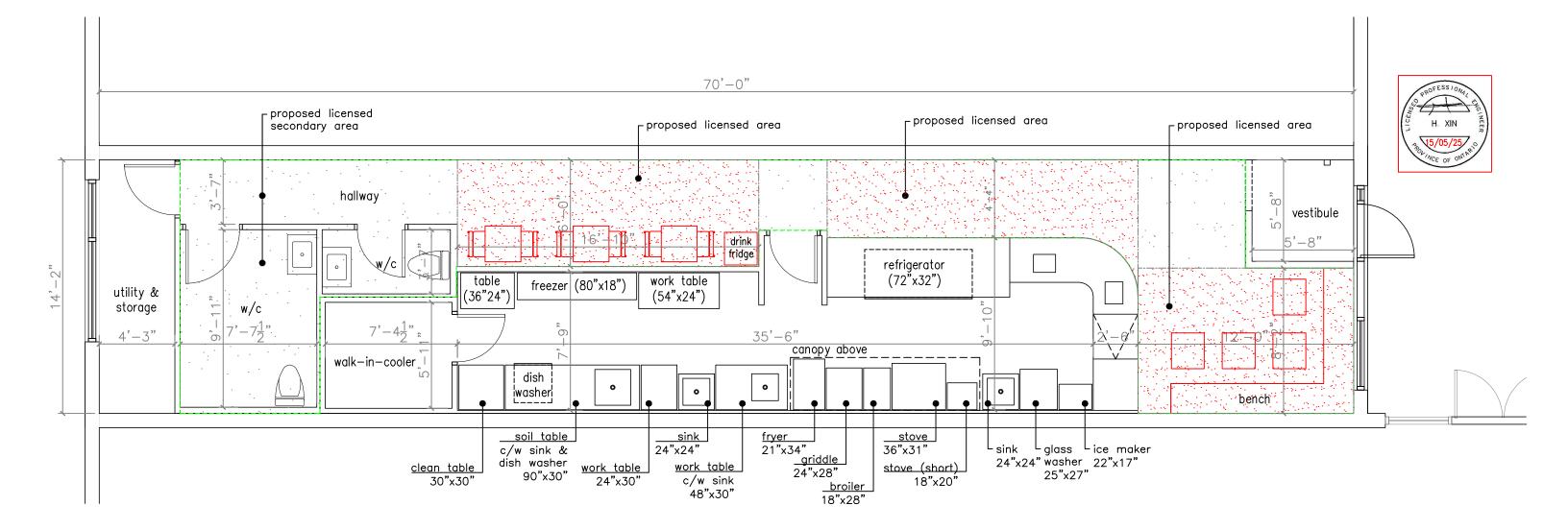
Information on this form is collected under the authority of Section 11 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended and Section 12 of the Liquor Licence Act, R.S.O. 1990, Chapter L.19, as amended. The information you have provided will be used to contact you and process your Liquor Licence Application. If you have questions about this collection contact the Access & Privacy Manager, Legislative Services Development, 101 Town Centre Boulevard, Markham, Ontario, L3R 9W3, 905-477-5530.

Kennedy and hwy 7	What is the distance between the restaurant and the closest residential area? (in kilometres) 0.2
	Does the restaurant have a working Fire Alarm System?
Yes No Business Licence Number: 25 119366 EE	• Yes • No
If no, please note that a Business Licence is required. Type of restaurant (select one)	
Family Roadhouse Sports Bar	e Dining Take Out Cafe
What, if any, entertainment or amusements will be provided in	n the restaurant? (select all that apply)
Karaoke Live Entertainment Casino	Off-Track Betting Arcade
Is the liquor licence application for an expansion of the existi	
O Yes	
No No	
If yes, please provide the current existing maximum seating capac	sity:
If no, please provide the <u>planned</u> existing maximum seating capac	sity: 28
	ntý
Location History	
Has a Building Permit been applied for or obtained for this loo	cation?
Yes Building Permit Number:	
No No	
Was the location previously used as a restaurant?	res O No
If no, a Building Permit is required. Contact Building Services at 9	05-477-7000 ext. 4870 for more information.
If the location was previously used as a restaurant, has const	ruction or alteration been proposed?
Yes 💽 No	
If yes, please provide Alteration Permit Number:	
Applicant's Signature	ril 9, 2025 Date

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Information on this form is collected under the authority of Section 11 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended and Section 12 of the Liquor Licence Act, R.S.O. 1990, Chapter L.19, as amended. The information you have provided will be used to contact you and process your Liquor Licence Application. If you have questions about this collection contact the Access & Privacy Manager, Legislative Services Development, 101 Town Centre Boulevard, Markham, Ontario, L3R 9W3, 905-477-5530.





Report to: General Committee

Meeting Date: May 6, 2025

SUBJECT:	2025 First Quarter Investment Performance Review
PREPARED BY:	Mark Visser, Senior Manager of Financial Strategy &
	Investments

#### **RECOMMENDATION:**

1) THAT the report dated May 6, 2025 entitled "2025 First Quarter Investment Performance Review" be received.

#### **EXECUTIVE SUMMARY:**

Not Applicable

#### **PURPOSE:**

Pursuant to Regulation 438/97 Section 8, the Municipal Act requires the Treasurer to "prepare and provide to the Council, each year or more frequently as specified by Council, an investment report".

The investment report shall contain,

(a) a statement about the performance of the portfolio of investments of the municipality during the period covered by the report;

(b) a description of the estimated portion of the total investments of a municipality that are invested in its own long-term and short-term securities to the total investment of the municipality and a description of the change, if any, in that estimated proportion since the previous year's report;

(c) a statement by the Treasurer as to whether or not, in his opinion, all investments were made in accordance with the investment policies and goals adopted by the municipality;

(d) a record of the date of each transaction in or disposal of its own securities, including a statement of the purchase and sale price of each security;

(e) such other information that the Council may require or that, in the opinion of the Treasurer, should be included.

**BACKGROUND:** Not Applicable

**OPTIONS/ DISCUSSION:** Not Applicable

### FINANCIAL CONSIDERATIONS:

The 2025 budget for Income Earned on Investments is \$22.979 million (an increase of \$5.500 million from the 2024 budget). The \$22.979 million budget is based on a forecasted \$600.0 million average balance invested at an average rate of 3.83%.

The following table shows the budgeted investment income by quarter. The quarterly budget allocations reflect the projected changing portfolio balances throughout the year.

Period	Avg. Balance	Avg. Rate	Forecast
Q1	\$580.0m	3.83%	\$5,477,186
Q2	\$600.0m	3.83%	\$5,919,978
Q3	\$600.0m	3.83%	\$5,985,033
Q4	\$579.8m	3.83%	\$5,596,803
2025 Budget	\$600.0m	3.83%	\$22,979,000

The first quarter typically has lower average portfolio balances as Markham makes payments to the Region and School Board on December 15<sup>th</sup> and doesn't begin collecting tax payments again until February. As a result, the Q1 2025 forecast assumes an average general fund portfolio balance of \$580.0 million to be invested at an average rate of return of 3.83%. Both the actual average portfolio balance and the average rate of return exceeded budget.

For the three months ending March 31, 2025, the City of Markham's Income Earned on Investments was \$10.695 million, compared to a budget of \$5.477 million, representing a \$5.218 million favourable variance to budget.

#### **Interest Rate**

Since June 2024, the Bank of Canada has cut interest rates on 7 occasions, reducing the prime rate from 7.20% to 4.95%.

The City's general portfolio investments (including interest charged to reserves with negative balances) had an average interest rate of 5.02%; 119 basis points higher than forecast. Additionally, through the sale of a Principal Protected Note in Q1, the City earned \$3.274 million of capital gains, thereby increasing the rate of return to 7.24%.

The difference in the rate of return accounts for a favourable variance of \$5.038 million.

### **Portfolio Balance**

The forecasted average portfolio balance for Q1 2025 was \$580.0 million. The actual average general fund portfolio balance (including cash balances) for the first quarter of 2025 was \$599.0 million. The higher portfolio balance accounts for a favourable variance of \$180,000.

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### Variance Summary

-	<b>Budget</b>	Actual	Variance
Portfolio Balance	\$580.0m	\$599.0m	\$19.0m
Interest Rate	3.83%	7.24%	3.41%
Investment Income	\$5.477m	\$10.695m	<b>\$5.218m</b>
Portfolio Balance Variance Interest Rate Variance Im	\$0.180m \$5.038m		

#### **Portfolio Composition**

All investments made in the first quarter of 2025 adhered to the City of Markham investment policy. At March 31, 2025, 43% of the City's portfolio (not including bank balances) was comprised of government issued securities. The remaining 57% of the portfolio was made up of instruments issued by Schedule 1 Banks (Exhibit 1). All of these levels are within the targets established in the City's Investment Policy.

The March 31, 2025 investment portfolio (not including bank balances) was comprised of the following instruments: Bonds 50%, Principal Protected Notes (PPNs) 36%, and GICs 14% (Exhibit 2).

At March 31, 2025, the City's general portfolio balance (all funds excluding DCA) was \$640.2 million (including bank balances). The City's portfolio (all funds excluding DCA) was broken down into the following investment terms (Exhibit 3):

Under 1 month	49.4%
1 month to 3 months	0.7%
3 months to 1 year	8.2%
Over 1 year	41.7%
Weighted average investment term	1,465.0 days
Weighted average days to maturity	1,007.8 days

#### Money Market Performance

The City of Markham uses the 3-month T-bill rates to gauge the performance of investments in the money market. The average 3-month T-bill rate for the first quarter of 2025 was 2.85% (source: Bank of Canada). Money market investments (including bank balances) held by the City of Markham during the first quarter of 2025 had an average return of 3.57%. Therefore, the City's money market investments outperformed 3-month T-Bills by 72 basis points. See Exhibit 4 for all Money Market securities held by the City of Markham in the first quarter of 2025.

#### **Bond Market Performance**

The 2025 YTD highlights of Markham's bond portfolio are as follows:

- 2 Bonds/Principal Protected Note (PPNs) purchased with a face value of \$8.4 million
- 2 bonds matured with a face value of \$8.0 million

- 1 Principal Protected Note (PPN) sold with a face value of \$2.0 million
- \$3.274 million of capital gains earned

See Exhibit 5 for all Bonds held by the City of Markham in the first quarter of 2025.

### Outlook

After a series of rates cuts over the past nine months, interest rates are expected to start to stabilize in order to keep inflation in check. However, there is still risk of further cuts if the economy starts to display recessionary trends. The City will continue to try to take advantage of any major moves in the market.

#### HUMAN RESOURCES CONSIDERATIONS

Not Applicable

#### ALIGNMENT WITH STRATEGIC PRIORITIES: Not Applicable

Not Applicable

**BUSINESS UNITS CONSULTED AND AFFECTED:** Not Applicable

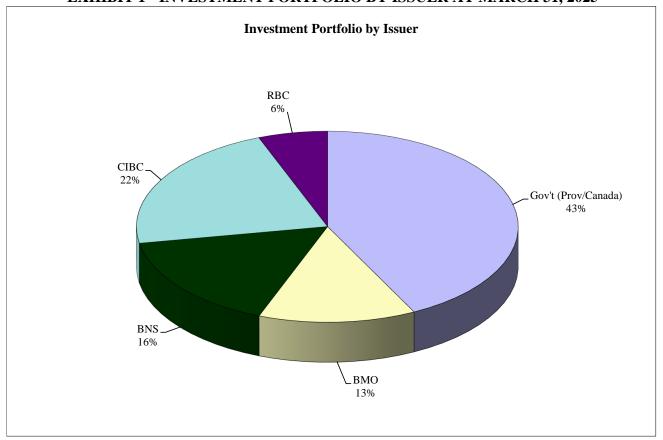
#### **RECOMMENDED BY:**

Joseph Silva, Treasurer

Trinela Cane, Commissioner, Corporate Services

#### **ATTACHMENTS:**

- Exhibit 1 Investment Portfolio by Issuer
- Exhibit 2 Investment Portfolio by Instrument
- Exhibit 3 Investment Terms
- Exhibit 4 2025 Q1 Money Market Investments
- Exhibit 5 2025 Q1 Bond Market Investments
- Exhibit 6 2025 Q1 DCA Fund Investments

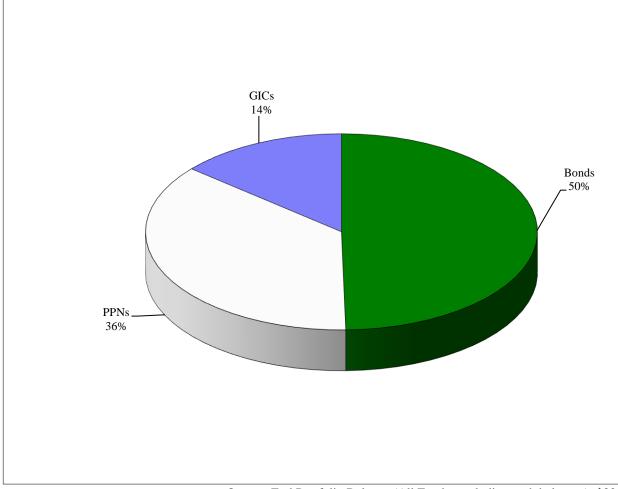


#### EXHIBIT 1 - INVESTMENT PORTFOLIO BY ISSUER AT MARCH 31, 2025

Quarter-End Portfolio Balance (All Funds; excluding bank balances): \$323.7m

	Investment Policy Targets	Portfolio at <u>Mar 31/25</u>
Government (Federal/Provincial)	>40%, no max	43%
Government (Municipal)	max 30%	0%
Schedule I Banks:		
Bank of Nova Scotia	max 20%	16%
Bank of Montreal	max 20%	13%
CIBC	max 20%	22% *
Royal Bank of Canada	max 20%	6%
Toronto Dominion	max 20%	0%
Schedule A Banks Total	max 60%	57%
Schedule II Banks:		
Hong Kong Bank	max 15%	0%
		100%

\* The City's Investment Policy allows for deviations of +/- 5% in order to take advantage of market conditions



### **EXHIBIT 2 - INVESTMENT PORTFOLIO BY INSTRUMENT AT MARCH 31, 2025**

Quarter-End Portfolio Balance (All Funds, excluding cash balances): \$323.7m

#### EXHIBIT 3 - INVESTMENT TERMS (All Funds excluding DCA)

	T ISSUER		DATE_BGT	DATE_SOLD	BOUGHT	MATURITY VALUE	LENGTH	
BANK ACCOL	JIN I	3.45	31-Mar-2025	01-Apr-2025 Less than 1 month	<u>316,497,416.88</u> 316,497,417	316,527,332.39 49.4%	1	1
				Less than 1 month	510,457,417	45.478		
BOND	SASK	2.56	07-Mar-2019	30-May-2025	4,272,250.00	5,000,000.00	2,276	60
			Be	tween 1 and 3 months	4,272,250	0.7%		
	-							
BOND	ONT	1.48	05-Mar-2020	08-Sep-2025	7,377,760.00	8,000,000.00	2,013	161
GIC (2027)	CIBC	3.40	06-Jan-2025	06-Jan-2026	30,000,000.00	31,020,000.00	365	281
GIC (2027)	CIBC	3.40	12-Jan-2025	12-Jan-2026	15,000,000.00	15,510,000.00	365	287
			Between three	e months and one year	52,377,760	8.2%		
BOND	ONT	2.13	18-Oct-2019	02-Dec-2026	3,442,000.00	4,000,000.00	2,602	611
BOND	RBC	5.30	28-Mar-2024	28-Mar-2028	5,000,000.00	5,000,000.00	1,461	1,093
BOND	ONT	2.81	27-Apr-2016	02-Jun-2028	4,291,440.00	6,000,000.00	4,419	1,159
BOND	ONT	2.63	13-Dec-2017	02-Jun-2028	7,620,000.00	10,000,000.00	3,824	1,159
PPN	BMO	0.00	16-May-2023	16-Nov-2028	3,000,000.00	3,000,000.00	2,011	1,326
BOND	ONT	3.06	21-Dec-2016	02-Dec-2028	6,959,700.00	10,000,000.00	4,364	1,342
BOND	ONT	2.93	13-Jan-2017	02-Dec-2028	4,965,800.00	7,000,000.00	4,341	1,342
PPN PPN	BNS BNS	3.00	29-Dec-2023 11-Apr-2019	29-Dec-2028 12-Apr-2029	3,000,000.00 3,000,000.00	3,000,000.00 3,000,000.00	1,827	1,369
BOND	ONT	3.10	11-Sep-2024	02-Jun-2029	8,656,960.00	10,000,000.00	3,654 1,725	<u>1,473</u> 1,524
PPN	BNS	0.00	08-Aug-2019	02-Jun-2029 08-Aug-2029	2,000,000.00	2,000,000.00	3,653	1,524
PPN	BNS	1.55	08-Aug-2019	08-Aug-2029	2,000,000.00	2,000,000.00	3,653	1,591
BOND	ONT	3.11	17-Apr-2018	02-Dec-2029	4,900,700.00	7,000,000.00	4,247	1,707
BOND	ONT	3.05	18-Jun-2018	02-Dec-2029	4,253,700.00	6,000,000.00	4,185	1,707
PPN	BMO	1.00	19-Feb-2020	19-Feb-2030	7,000,000.00	7,000,000.00	3,653	1,786
PPN	BNS	1.00	19-Feb-2020	19-Feb-2030	7,000,000.00	7,000,000.00	3,653	1,786
PPN	BMO	0.00	22-Mar-2023	22-Mar-2030	5,000,000.00	5,000,000.00	2,557	1,817
PPN	BMO	0.00	24-Jun-2023	24-Jun-2030	4,000,000.00	4,000,000.00	2,557	1,911
BOND PPN	BNS CIBC	3.33 4.49	29-Jun-2024 16-Oct-2023	29-Jun-2030 16-Oct-2030	4,000,000.00 4,000,000.00	4,000,000.00 4,000,000.00	2,191 2,557	1,916 2,025
PPN	BNS	1.50	27-Jan-2024	27-Jan-2031	3,000,000.00	3,000,000.00	2,557	2,023
PPN	BNS	3.00	18-Feb-2024	18-Feb-2031	5,000,000.00	5,000,000.00	2,557	2,120
PPN	BMO	0.00	05-Mar-2021	05-Mar-2031	6,000,000.00	6,000,000.00	3,652	2,165
PPN	CIBC	0.00	06-Mar-2024	06-Mar-2031	4,000,000.00	4,000,000.00	2,556	2,166
BOND	CIBC	2.52	09-Mar-2025	09-Mar-2031	4,000,000.00	4,000,000.00	2,191	2,169
PPN	BMO	0.00	28-Mar-2024	28-Mar-2031	5,000,000.00	5,000,000.00	2,556	2,188
PPN	BNS	0.00	05-May-2021	05-May-2031	5,000,000.00	5,000,000.00	3,652	2,226
BOND	ONT	1.47	28-Sep-2020	02-Jun-2031	4,277,500.00	5,000,000.00	3,899	2,254
PPN PPN	BNS BNS	2.00	06-Jun-2024 06-Jun-2024	06-Jun-2031 06-Jun-2031	3,000,000.00 3,000,000.00	3,000,000.00 3,000,000.00	2,556 2,556	2,258 2,258
PPN	BMO	0.00	02-Jul-2024	02-Jul-2031	4,000,000.00	4,000,000.00	2,556	2,230
PPN	CIBC	3.59	03-Jul-2024	03-Jul-2031	5,000,000.00	5,000,000.00	2,556	2,285
PPN	CIBC	0.00	07-Jul-2024	07-Jul-2031	5,000,000.00	5,000,000.00	2,556	2,289
PPN	BMO	3.00	26-Jul-2024	26-Jul-2031	5,000,000.00	5,000,000.00	2,556	2,308
PPN	BMO	0.00	22-Sep-2024	22-Sep-2031	4,000,000.00	4,000,000.00	2,556	2,366
PPN	BNS	0.00	23-Sep-2024	23-Sep-2031	6,000,000.00	6,000,000.00	2,556	2,367
PPN	BNS	0.00	17-Nov-2021	17-Nov-2031	4,000,000.00	4,000,000.00	3,652	2,422
	RBC	2.00	27-Nov-2024	27-Nov-2031	4,000,000.00	4,000,000.00 4,000,000.00	2,556	2,432
BOND BOND	ONT ONT	2.20	01-Mar-2021 17-May-2021	02-Dec-2031 02-Dec-2031	3,165,268.00 2,359,680.00	4,000,000.00 3,000,000.00	3,928 3,851	2,437 2,437
PPN	RBC	0.00	29-Nov-2024	02-Dec-2031 09-Dec-2031	4,000,000.00	4,000,000.00	2,566	2,437
BOND	ONT	1.81	24-Feb-2021	02-Dec-2032	2,429,940.00	3,000,000.00	4,299	2,444
BOND	ONT	2.01	15-Sep-2021	02-Dec-2032	4,000,000.00	5,000,000.00	4,096	2,803
BOND	BC	2.51	03-Mar-2022	18-Jun-2033	3,777,300.00	5,000,000.00	4,125	3,001
PPN	BNS	0.00	11-Jul-2023	11-Jul-2033	3,000,000.00	3,000,000.00	3,653	3,024
BOND	CIBC	2.52	22-Sep-2021	22-Sep-2033	4,000,000.00	5,209,600.00	4,383	3,097
BOND	ONT	2.84	17-Feb-2022	02-Dec-2033	5,752,480.00	8,000,000.00	4,306	3,168
BOND	ONT	3.19	23-Mar-2022	02-Dec-2033	6,929,700.00	10,000,000.00	4,272	3,168
	BC RBC	3.60 4.88	28-Apr-2022	18-Dec-2033	4,638,340.00	7,000,000.00	4,252	3,184
BOND BOND	ONT	4.88	08-Feb-2024 16-Apr-2024	08-Feb-2034 03-Nov-2034	6,000,000.00 6,298,800.00	6,000,000.00 10,000,000.00	3,653 3,853	3,236 3,504
BOND	ONT	4.40	23-May-2024	03-Nov-2034	3,829,800.00	6,000,000.00	3,816	3,504
BOND	ONT	4.39	19-Jul-2024	03-Nov-2034	6,567,700.00	10,000,000.00	3,759	3,504
BOND	ONT	4.25	07-Feb-2024	02-Dec-2034	4,462,416.00	7,000,000.00	3,951	3,533
BOND	ONT	4.71	03-Oct-2023	02-Jun-2035	4,645,200.00	8,000,000.00	4,260	3,715
BOND	ONT	4.20	05-Mar-2024	02-Jun-2035	2,518,560.00	4,000,000.00	4,106	3,718
BOND	ONT	4.12	26-Nov-2024	02-Jun-2035	3,269,150.00		3,840	3,715
BOND	ALB	4.05	09-Jan-2025	01-Dec-2035	2,205,920.00	3,400,000.00	3,978	3,897
BOND	ONT	4.28	01-Feb-2024	02-Dec-2035	6,701,640.00	11,000,000.00	4,322	3,898
BOND	ONT	4.07	09-Jan-2025	02-Jun-2036 Over 1 year	<u>3,173,470.00</u> 267,093,164	5,000,000.00 41.7%	4,162	4,081

Bonds/PPNs Money Market 278,743,174 361,497,417 Average Length of Investment (days)

Portfolio Balance Mar 31, 2025 General Fund and Other Reserves (not including DCA)

640,240,591

Weighted Average Days to Maturity

EXHIBIT 4 - 2025 Q1 MONEY MARKET INVESTMENTS (All Funds excluding DCA)									
ISSUER	INT RATE	DATE BOUGHT	DATE SOLD	BOUGHT	SOLD				
BANK BALANCE	3.45	31-Mar-25	1-Apr-25	316,497,416.88	316,527,332.39				

#### APPENDIX 5 - 2025 Q1 BOND/PPN INVESTMENTS

BONDS/PPNs THAT MATURED IN 2025:

ISSUER	COUPON RATE	YIELD	PURCHASE DATE	MATURITY DATE	COST	FACE VALUE
CIBC PPN	100.00		23-Feb-21	23-Feb-25	4,000,000.00	4,000,000.00
CIBC BOND		4.28	17-Dec-24	9-Mar-25	3 848 000 00	4 000 000 00

BONDS/PPNs SOLD IN 2025:

i	PARTICIPATION		PURCHASE	DATE		FACE	SALE	CAPITAL
ISSUER	RATE	YIELD	DATE	SOLD	COST	VALUE	PROCEEDS	GAIN/(LOSS)
-								

BNS PPN 44800% 0.00 11-Apr-2019 22-Jan-2025 2,000,000 0 2,000,000 5,273,600.00 3,273,600.00

BOLD HOLDINGS at MARCH 31, 2025:

	COUPON		PURCHASE	MATURITY		FACE
ISSUER	RATE	YIELD	DATE	DATE	COST	VALUE
SASK		2.560	07-Mar-2019	30-May-2025	4,272,250.00	5,000,000.00
ONT		1.480	05-Mar-2020	08-Sep-2025	7,377,760.00	8,000,000.00
ONT		2.130	18-Oct-2019	02-Dec-2026	3,442,000.00	4,000,000.00
ONT		2.809	27-Apr-2016	02-Jun-2028	4,291,440.00	6,000,000.00
ONT		2.630	13-Dec-2017	02-Jun-2028	7,620,000.00	10,000,000.00
ONT		3.060	21-Dec-2016	02-Dec-2028	6,959,700.00	10,000,000.00
ONT		2.930	13-Jan-2017	02-Dec-2028	4,965,800.00	7,000,000.00
ONT		3.100	11-Sep-2024	02-Jun-2029	8,656,960.00	10,000,000.00
ONT		3.110	17-Apr-2018	02-Dec-2029	4,900,700.00	7,000,000.00
ONT		3.050	18-Jun-2018	02-Dec-2029	4,253,700.00	6,000,000.00
ONT		1.472	28-Sep-2020	02-Jun-2031	4,277,500.00	5,000,000.00
ONT		2.200	01-Mar-2021	02-Dec-2031	3,165,268.00	4,000,000.00
ONT		2.300	17-May-2021	02-Dec-2031	2,359,680.00	3,000,000.00
ONT		1.810	24-Feb-2021	02-Dec-2032	2,429,940.00	3,000,000.00
ONT		2.010	15-Sep-2021	02-Dec-2032	4.000.000.00	5,000,000.00
BC		2.510	03-Mar-2022	18-Jun-2033	3,777,300.00	5,000,000.00
ONT		2.840	17-Feb-2022	02-Dec-2033	5,752,480,00	8,000,000.00
ONT		3.190	23-Mar-2022	02-Dec-2033	6.929,700.00	10.000.000.00
BC		3.600	28-Apr-2022	18-Dec-2033	4.638,340.00	7,000,000.00
ONT		4,480	16-Apr-2024	03-Nov-2034	6.298.800.00	10.000.000.00
ONT		4.390	23-May-2024	03-Nov-2034	3.829.800.00	6,000,000.00
ONT		4,170	19-Jul-2024	03-Nov-2034	6.567,700.00	10.000.000.00
ONT		4.250	07-Feb-2024	02-Dec-2034	4,462,416.00	7,000,000.00
ONT		4,710	03-Oct-2023	02-Jun-2035	4.645,200.00	8,000,000.00
ONT		4.201	05-Mar-2024	02-Jun-2035	2.518,560.00	4.000.000.00
ONT		4.120	26-Nov-2024	02-Jun-2035	3.269,150.00	5,000,000.00
ONT		4.120	01-Feb-2024	02-Dec-2035	6,701,640,00	11.000.000.00
RBC	5,300	5.300	28-Mar-2024	28-Mar-2028	5.000.000.00	5,000,000.00
BNS	3.300	3.328	29-Jun-2024	29-Jun-2030	4.000.000.00	4,000,000.00
CIBC	2.520	2.520	09-Mar-2025	09-Mar-2031	4,000,000.00	4,000,000.00
CIBC	2.520	2.520	22-Sep-2021	22-Sep-2033	4,000,000.00	5,209,600.00
RBC	4.880	4.880	08-Feb-2024	08-Feb-2034	6.000.000.00	6.000.000.00
ALB		4.050	09-Jan-2025	01-Dec-2035	2.205,920.00	3,400,000.00
ONT		4.070	09-Jan-2025	02-Jun-2036	3,173,470.00	5,000,000.00
CIBC	2.520	4.276	17-Dec-2024	09-Mar-2025	3,848,000.00	4,000,000.00
	2.720	4.270			164.591.174.00	220,609,600,00

#### PPN HOLDINGS at MARCH 31, 2025:

	COUPON	PARTICIPATION	PURCHASE	MATURITY		FACE
ISSUER	RATE	RATE	DATE	DATE	COST	VALUE
BMO	1	245%	16-May-2023	16-Nov-2028	3,000,000.00	3,000,000.00
BNS	3.000	65%	29-Dec-2023	29-Dec-2028	3,000,000.00	3,000,000.00
BNS		448%	11-Apr-2019	12-Apr-2029	3,000,000.00	3,000,000.00
BNS		425%	08-Aug-2019	08-Aug-2029	2,000,000.00	2,000,000.00
BNS	1.550	100%	08-Aug-2019	08-Aug-2029	2,000,000.00	2,000,000.00
BMO	1.000	265%	19-Feb-2020	19-Feb-2030	7,000,000.00	7,000,000.00
BNS	1.000	265%	19-Feb-2020	19-Feb-2030	7,000,000.00	7,000,000.00
BMO		330%	22-Mar-2023	22-Mar-2030	5,000,000.00	5,000,000.00
BMO		380%	24-Jun-2023	24-Jun-2030	4,000,000.00	4,000,000.00
CIBC	4.490	180%	16-Oct-2023	16-Oct-2030	4,000,000.00	4,000,000.00
BNS		220%	27-Jan-2024	27-Jan-2031	3,000,000.00	3,000,000.00
BNS	3.000	115%	18-Feb-2024	18-Feb-2031	5,000,000.00	5,000,000.00
BMO		245%	05-Mar-2021	05-Mar-2031	6,000,000.00	6,000,000.00
CIBC		575%	06-Mar-2024	06-Mar-2031	4,000,000.00	4,000,000.00
BMO		500%	28-Mar-2024	28-Mar-2031	5,000,000.00	5,000,000.00
BNS		100%	05-May-2021	05-May-2031	5,000,000.00	5,000,000.00
BNS	2.000	195%	06-Jun-2024	06-Jun-2031	3,000,000.00	3,000,000.00
BNS	3.000	110%	06-Jun-2024	06-Jun-2031	3,000,000.00	3,000,000.00
BMO		500%	02-Jul-2024	02-Jul-2031	4,000,000.00	4,000,000.00
CIBC	3.590	100%	03-Jul-2024	03-Jul-2031	5,000,000.00	5,000,000.00
CIBC		100%	07-Jul-2024	07-Jul-2031	5,000,000.00	5,000,000.00
BMO	3.000	115%	26-Jul-2024	26-Jul-2031	5,000,000.00	5,000,000.00
BMO		455%	22-Sep-2024	22-Sep-2031	4,000,000.00	4,000,000.00
BNS		100%	23-Sep-2024	23-Sep-2031	6,000,000.00	6,000,000.00
BNS		100%	17-Nov-2021	17-Nov-2031	4,000,000.00	4,000,000.00
RBC	2.000	151%	27-Nov-2024	27-Nov-2031	4,000,000.00	4,000,000.00
RBC		357%	29-Nov-2024	09-Dec-2031	4,000,000.00	4,000,000.00
BNS		625%	11-Jul-2023	11-Jul-2033	3,000,000.00	3,000,000.00
					118,000,000,00	118,000,000,00

#### TOTAL BONDS AND PPNS

#### 282,591,174.00 338,609,600.00

SASK		2.56	07-Mar-2019	30-May-2025	4,272,250.00	5,000,000.00
ONT		1.48	05-Mar-2020	08-Sep-2025	7,377,760.00	8,000,000.00
ONT		2.13	18-Oct-2019	02-Dec-2026	3,442,000.00	4,000,000.00
ONT		2.81	27-Apr-2016	02-Jun-2028	4,291,440.00	6,000,000.00
ONT		2.63	13-Dec-2017	02-Jun-2028	7,620,000.00	10,000,000.00
ONT		3.06	21-Dec-2016	02-Dec-2028	6,959,700.00	10,000,000.00
ONT		2.93	13-Jan-2017	02-Dec-2028	4,965,800.00	7,000,000.00
ONT		3.10	11-Sep-2024	02-Jun-2029	8,656,960.00	10,000,000.00
ONT		3.11	17-Apr-2018	02-Dec-2029	4,900,700.00	7,000,000.00
ONT		3.05	18-Jun-2018	02-Dec-2029	4,253,700.00	6,000,000.00
ONT		1.47	28-Sep-2020	02-Jun-2031	4,277,500.00	5,000,000.00
ONT		2.20	01-Mar-2021	02-Dec-2031	3,165,268.00	4,000,000.00
ONT		2.30	17-May-2021	02-Dec-2031	2,359,680.00	3,000,000.00
ONT		1.81	24-Feb-2021	02-Dec-2032	2,429,940.00	3,000,000.00
ONT		2.01	15-Sep-2021	02-Dec-2032	4,000,000.00	5,000,000.00
BC		2.51	03-Mar-2022	18-Jun-2033	3,777,300.00	5,000,000.00
ONT		2.84	17-Feb-2022	02-Dec-2033	5,752,480.00	8,000,000.00
ONT		3.19	23-Mar-2022	02-Dec-2033	6,929,700.00	10,000,000.00
BC		3.60	28-Apr-2022	18-Dec-2033	4,638,340.00	7,000,000.00
ONT		4.48	16-Apr-2024	03-Nov-2034	6,298,800.00	10,000,000.00
ONT		4.39	23-May-2024	03-Nov-2034	3,829,800.00	6,000,000.00
ONT		4.17	19-Jul-2024	03-Nov-2034	6,567,700.00	10,000,000.00
ONT		4.25	07-Feb-2024	02-Dec-2034	4,462,416.00	7,000,000.00
ONT		4.71	03-Oct-2023	02-Jun-2035	4,645,200.00	8,000,000.00
ONT		4.20	05-Mar-2024	02-Jun-2035	2,518,560.00	4,000,000.00
ONT		4.12	26-Nov-2024	02-Jun-2035	3,269,150.00	5,000,000.00
ONT		4.28	01-Feb-2024	02-Dec-2035	6,701,640.00	11,000,000.00
RBC	5.30	5.30	28-Mar-2024	28-Mar-2028	5,000,000.00	5,000,000.00
BNS	3.30	3.33	29-Jun-2024	29-Jun-2030	4,000,000.00	4,000,000.00
CIBC	2.52	2.52	09-Mar-2025	09-Mar-2031	4,000,000.00	4,000,000.00
CIBC	2.52	2.52	22-Sep-2021	22-Sep-2033	4,000,000.00	5,209,600.00
RBC	4.88	4.88	08-Feb-2024	08-Feb-2034	6,000,000.00	6,000,000.00
ALB		4.05	09-Jan-2025	01-Dec-2035	2,205,920.00	3,400,000.00
ONT		4.07	09-Jan-2025	02-Jun-2036	3,173,470.00	5,000,000.00
CIBC	2.52	4.28	17-Dec-2024	09-Mar-2025	3,848,000.00	4,000,000.00

### EXHIBIT 6 - 2025 Q1 DCA FUND INVESTMENTS

ISSUER	INT RATE	DATE BOUGHT	DATE SOLD	BOUGHT	SOLD
<b>Current Holdings:</b>					
BANK BALANCE	3.45	31-Mar-25	1-Apr-25	181,049,312.49	181,066,425.37

181,049,312.49

### EXHIBIT 6 - 2025 Q1 DCA FUND INVESTMENTS

ISSUER INT RATE DATE BOUGHT DATE SOLD BOUGHT SOLD									
	ISSUER	INT RATE	DATE BOUGHT	DATE SOLD	BOUGHT	SOLD			

 EXHIBIT 0 - 2025 QI DCA FOND INVESTMENTS						
ISSUER	INT RATE	DATE BOUGHT	DATE SOLD	BOUGHT	SOLD	

EXHIBIT 0 - 2025 QI DCA FOND INVESTIMENTS						
ISSUER INT RATE DATE BOUGHT DATE SOLD BOUG	HT SOLD					

EXHIBIT 0 - 2025 QI DCA FOND INVESTIMENTS						
ISSUER INT RATE DATE BOUGHT DATE SOLD BOUG	HT SOLD					

EXHIBIT 0 - 2025 QI DCA FOND INVESTIMENTS						
ISSUER INT RATE DATE BOUGHT DATE SOLD BOUG	HT SOLD					

 EXHIBIT 0 - 2025 QI DCA FOND INVESTMENTS						
ISSUER	INT RATE	DATE BOUGHT	DATE SOLD	BOUGHT	SOLD	

EXHIBIT 0 - 2025 QI DCA FOND INVESTIMENTS						
ISSUER INT RATE DATE BOUGHT DATE SOLD BOUG	HT SOLD					

_	EXHIBIT 0 - 2025 QI DCA FOND INVESTIVIENTS						
ſ	ISSUER	INT RATE	DATE BOUGHT	DATE SOLD	BOUGHT	SOLD	

EXHIBIT 0 - 2025 QI DCA FOND INVESTIMENTS						
ISSUER INT RATE DATE BOUGHT DATE SOLD BOUG	HT SOLD					

 EXHIBIT 0 - 2025 QI DCA FOND INVESTMENTS						
ISSUER	INT RATE	DATE BOUGHT	DATE SOLD	BOUGHT	SOLD	

EXHIBIT 0 - 2025 QI DCA FOND INVESTIMENTS						
ISSUER INT RATE DATE BOUGHT DATE SOLD BOUG	HT SOLD					



Report to: General Committee

SUBJECT:	Tax Write-offs in Accordance with Section 354 of the Municipal Act, 2001
PREPARED BY:	Matthew Vetere, Manager, Tax & Assessment Policy
<b>REVIEWED BY:</b>	Shane Manson, Senior Manager, Revenue & Property Tax

### **RECOMMENDATION:**

- 1. That the report entitled Tax Write-offs in Accordance with Section 354 of the *Municipal Act, 2001* be received; and,
- 2. That the tax amounts for prior years totalling \$541,581, as set out in this report, be written-off pursuant to Section 354 of the *Municipal Act, 2001;* and,
- 3. That the City of Markham's portion of the write-off of \$114,225 be charged to Account 820-820-7040; and,
- 4. That the Treasurer be directed to remove these amounts from the Collector's Roll; and,
- 5. That the associated interest be cancelled in proportion to the tax adjustments; and further,
- 6. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

### **PURPOSE:**

In accordance with the provisions of section 354 of the *Municipal Act, 2001*, this report recommends that uncollectible outstanding taxes in the amount of \$541,581 be written-off and removed from the tax roll for the properties noted within Appendix A, B, C & D of this report. For ease of illustration, the properties are grouped into the following categories:

- 1. Public Services & Procurement Canada (PSPC) Properties
- 2. Parks Canada Agency Rouge National Urban Park Properties
- 3. Taxable Properties
- 4. City of Markham Properties

### **BACKGROUND:**

The provisions included within section 354 of the *Municipal Act, 2001 (The Act)* allows the Treasurer or his designate to remove taxes from the tax roll where other provisions of the **Municipal Act, 2001**, provide authority to do so or following approval from Council. Taxes may not be recommended to Council for write-off until after an unsuccessful tax sale under Part XI of the **Municipal Act, 2001**, except:

- If the property is owned by Canada, a province or territory, or a Crown agency of any of them, or by a municipality
- If the recommendation of the Treasurer or his designate advises Council as to why conducting a tax sale would be ineffective or inappropriate.

### **OPTIONS/ DISCUSSION:**

Staff have determined that amounts billed on the following properties are uncollectible or no longer payable and should be written off. Details of the properties, including the reason and the amounts that are being recommended for write-off, are included below.

### 1. Public Services & Procurement Canada (PSPC) Properties

Properties owned by the federal and/or provincial governments are exempt from regular property taxation but are eligible to make PILTs (Payment in lieu of taxes). PILTs are unlike property taxes in two important ways: PILTs are made voluntarily and the government has the discretion with determining the property values and the property classification that is used for calculating PILTs.

The City's PILT requests are calculated using the current value assessment (CVA) and tax classifications as returned on the assessment roll by the Municipal Property Assessment Corporation (MPAC). These CVAs are multiplied by the applicable tax rates for the classification of the property. In most cases, PILTs are paid in the amounts requested by the City of Markham.

There are 47 PSPC properties that have an outstanding amount based on the difference between the amount billed and the payments received. The PILT amounts paid by PSPC on these properties do not represent the full amount requested by the City, but rather an adjusted amount which reflects the Crown opinion that these properties are to be classified in the farm class rather than residential class as determined by MPAC. The Crown has the discretion of determining both the property values and the property classification used for calculating PILT payments. As the City does not have the authority to require the Crown to make full payment on PILT requests, Staff are recommending that the outstanding amount be written off.

### Staff Recommendation

A total amount of \$198,078 (City's share estimated at \$47,626) from the 2024 levy year, as described below, is recommended to be written-off pursuant to section 354 of the *Municipal Act, 2001*. A consolidated listing of the properties is included within Appendix A.

### 2. Parks Canada Agency - Rouge National Urban Park (RNUP) Properties

As noted in section 1 of the report, properties owned by the federal government are exempt from regular property taxation but are eligible to make PILTs, which are unlike property taxes in two important ways: PILTs are made voluntarily, and the government has the discretion with determining the valuation and classification to be used.

Meeting Date: May 6, 2025

There are 29 RNUP properties that have an outstanding amount based on the difference between the amount billed and the payments received. The PILT amounts paid by Parks Canada Agency on these properties does not represent the full amount requested by the City, but rather an adjusted amount which reflects the Crown opinion that these properties are to be classified in the farm class rather than residential class as determined by MPAC. The Crown has the discretion to determine both the property values and the property classification used for calculating PILT payments. As the City does not have the authority to require the Crown to make full payment on PILT requests, Staff are recommending that the outstanding amounts be written off.

### Staff Recommendation

A total amount of \$177,716 (City's share estimated at \$43,256) from the 2024 levy year, as described below, is being recommended to be written-off pursuant to section 354 of the **Municipal Act, 2001**. A consolidated listing of the properties is included within Appendix B.

### 3. <u>Taxable Properties</u>

As noted earlier in the report, property taxes may not be recommended to Council for write-off until after an unsuccessful tax sale occurred under Part XI of the Act, except:

• if the recommendation of the Treasurer or his designate includes an explanation of why conducting a tax sale would be ineffective or inappropriate

There is one taxable property listed below with outstanding balances, which staff are recommending be written off, given that a tax sale would be ineffective or inappropriate.

### *i.* 36-02-0-132-84100-0000 (8977 WOODBINE AVENUE)

This property is owned by the Ghana High Commission and operated as the Ghana Consulate in the GTA. The property is located on the east side of Woodbine Avenue, south of 16<sup>th</sup> Avenue. Under the Federal Government's Global Affairs Canada policy for foreign state, subsection 3.4 states, "A foreign state shall be exempt from municipal realty taxes on real property purchased and used exclusively for the premises of the mission."

### Staff Recommendation

Staff recommend the write-off of outstanding tax levies for this one account totaling \$24,006, of which the City's portion is \$3,332. A consolidated listing of the one property is included within Appendix C.

### 4. <u>City of Markham Properties</u>

In addition to the properties within Section 3, there are five properties owned by the City of Markham that require property tax write-offs.

*i.* 36-02-0-180-73600-0000 (185 MAIN STREET)

Meeting Date: May 6, 2025

The property is located on the east side of Main Street Unionville, south of Carlton Road. The property is a parking lot for the public, owned by the City, which MPAC has classified as a public utility taxable at the full commercial tax rate. Staff have requested the property be reclassified to exempt;however, MPAC has maintained its classification. Staff are recommending the property taxes for 2024 be written off. The total taxes to be written-off for 2024 are \$7,117, of which the City's portion is \$982.

*ii.* 36-03-0-212-10450-0000 (STEELES AVENUE N/S)

The property is located on the north side of Steeles Avenue, east of Markham Road. The property is a pumping station, owned by the City, which MPAC has classified as a public utility taxable at the full commercial tax rate. Staff have requested the property be reclassified to exempt; however, MPAC has maintained its classification.

Staff are recommending taxes in the amount of \$5,598, of which the City's portion is \$772 be written off.

*iii.* 36-02-0-156-83200-0000 (2787 19<sup>th</sup> AVENUE)

The property is located on the south side of 19<sup>th</sup> Avenue, east of Highway 404. The property is a farm, owned by the City, which MPAC has classified as residential/farm at the full residential and farm tax rates. Staff have requested the property be reclassified to exempt; however, MPAC has maintained its classification.

Staff are recommending taxes in the amount of \$3,348, of which the City's portion is \$815, be written off.

### *iv.* 36-02-0-127-96720-0000 (120 SOUTH TOWN CENTRE BLVD)

The property is located on the west side of South Town Centre Blvd., South of Highway 7. The property is an office building, owned by the City, which has been vacant from June 30, 2023 through December 31, 2024.

Staff are recommending taxes in the amount of \$123,524, of which the City's portion is \$17,136, be written off.

*v.* 36-02-0-139-03100-0000 (101 TOWN CENTRE BLVD)

The property is located on the north side of Highway 7, west of Warden Ave. While the Civic Centre is exempt, there is a cafeteria that is classified as commercial at the full commercial tax rate. The cafeteria remained vacant for much of 2024, with a new tenant ramping up operations starting in the Fourth Quarter.

Staff are recommending taxes in the amount of \$2,194, of which the City's portion is \$306, to be written off.

### Staff Recommendation

Staff are recommending taxes in the amount of \$141,781, of which the City's portion is \$20,011, be written off. A consolidated listing of the five properties is included within Appendix D.

### FINANCIAL CONSIDERATIONS

The amounts recommended for write-off in this report total \$541,581, of which the City's portion is \$114,225, the regional portion is \$249,482 and the Provincial education share is \$177,874.

The City will allocate its share of the write-off as an expense, charging to account 820-820-7040 (Tax Write-off Account), which has an annual budget of \$1,301,000. As of March, there have been no year-to-date actuals recorded in the tax write-off account. After deducting the proposed \$114,225 write-off mentioned in the report, the remaining available budget will be \$1,186,775.

# HUMAN RESOURCES CONSIDERATIONS

N/A

### ALIGNMENT WITH STRATEGIC PRIORITIES: N/A

### **BUSINESS UNITS CONSULTED AND AFFECTED:** N/A

### **RECOMMENDED BY:**

Joseph Silva Treasurer

Trinela Cane Commissioner, Corporate Services

### **ATTACHMENTS:** Appendix A / B / C / D: Write-off Summary

Property	Ward	Roll Number	Property Location	Owner	# of Years Outstanding	Total
1	5	36-03-0-242-53000-0000	0 NINTH LINE W/S	Public Services & Procurement Canada	1	\$1,727
2	5	36-03-0-242-54000-0000	0 NINTH LINE	Public Services & Procurement Canada	1	\$1,021
3	5	36-03-0-242-54100-0000	0 NINTH LINE W/S	Public Services & Procurement Canada	1	\$4,563
4	5	36-03-0-242-70000-0000	11306 NINTH LINE	Public Services & Procurement Canada	1	\$1,398
5	5	36-03-0-242-73000-0000	0 NINTH LINE W/S	Public Services & Procurement Canada	1	\$1,455
6	5	36-03-0-243-10000-0000	6445 19TH AVE	Public Services & Procurement Canada	1	\$6,507
7	5	36-03-0-261-81400-0000	9992 YORK-DURHAM LINE	Public Services & Procurement Canada	1	\$1,766
8	5	36-03-0-261-85500-0000	7255 MAJOR MACKENZIE	Public Services & Procurement Canada	1	\$17,097
9	5	36-03-0-262-24800-0000	0 MAJOR MACKENZIE N/S	Public Services & Procurement Canada	1	\$3,496
10	5	36-03-0-262-27600-0000	7192 MAJOR MACKENZIE	Public Services & Procurement Canada	1	\$1,036
11	5	36-03-0-262-35400-0000	7630 MAJOR MACKENZIE	Public Services & Procurement Canada	1	\$7,380
12	5	36-03-0-262-57500-0000	10233 NINTH LINE	Public Services & Procurement Canada	1	\$8,225
13	5	36-03-0-262-67700-0000	10389 NINTH LINE	Public Services & Procurement Canada	1	\$9,549
14	5	36-03-0-262-78000-0000	10531 NINTH LINE	Public Services & Procurement Canada	1	\$9,280
15	5	36-03-0-262-87900-0000	10691 NINTH LINE	Public Services & Procurement Canada	1	\$8,806
16	5	36-03-0-263-34500-0000	0 REESOR RD W/S	Public Services & Procurement Canada	1	\$2,751
17	5	36-03-0-263-55000-0000	10377 REESOR RD	Public Services & Procurement Canada	1	\$11,193
18	5	36-03-0-264-74700-0000	0 ELGIN MILLS RD E N/S	Public Services & Procurement Canada	1	\$1,000
19	5	36-03-0-264-75700-0000	0 ELGIN MILLS RD E N/S	Public Services & Procurement Canada	1	\$1,021
20	5	36-03-0-264-76700-0000	0 ELGIN MILLS RD E N/S	Public Services & Procurement Canada	1	\$1,026
21	5	36-03-0-264-77700-0000	0 ELGIN MILLS RD E N/S	Public Services & Procurement Canada	1	\$1,026
22	5	36-03-0-264-78700-0000	0 ELGIN MILLS RD E N/S	Public Services & Procurement Canada	1	\$1,026
23	5	36-03-0-264-79700-0000	0 ELGIN MILLS RD E N/S	Public Services & Procurement Canada	1	\$1,026
24	5	36-03-0-264-80700-0000	0 ELGIN MILLS RD E N/S	Public Services & Procurement Canada	1	\$1,026
25	5	36-03-0-264-81700-0000	7356 ELGIN MILLS RD E	Public Services & Procurement Canada	1	\$5,867
26	5	36-03-0-265-08400-0000	10903 NINTH LINE	Public Services & Procurement Canada	1	\$3,006

### Appendix A: 2025 Write-off Summary of Public Services & Procurement Canada (PSPC) Properties

Property	Ward	Roll Number	Property Location	Owner	# of Years Outstanding	Total
27	5	36-03-0-265-10900-0000	10987 NINTH LINE	Public Services & Procurement Canada	1	\$8,763
28	5	36-03-0-265-21100-0000	11129 NINTH LINE	Public Services & Procurement Canada	1	\$8,054
29	5	36-03-0-265-30900-0000	0 NINTH LINE E/S	Public Services & Procurement Canada	1	\$8,712
30	5	36-03-0-265-40900-0000	11471 NINTH LINE	Public Services & Procurement Canada	1	\$2,302
31	5	36-03-0-265-53300-0000	10972 REESOR RD	Public Services & Procurement Canada	1	\$8,087
32	5	36-03-0-266-08400-0000	11201 REESOR RD	Public Services & Procurement Canada	1	\$7,757
33	5	36-03-0-266-20700-0000	11315 REESOR RD	Public Services & Procurement Canada	1	\$2,735
34	5	36-03-0-266-34400-0000	11290 YORK-DURHAM LINE	Public Services & Procurement Canada	1	\$3,159
35	5	36-03-0-266-35000-0000	0 YORK-DURHAM LINE	Public Services & Procurement Canada	1	\$1,026
36	5	36-03-0-266-38400-0000	11410 YORK-DURHAM LINE	Public Services & Procurement Canada	1	\$2,639
37	5	36-03-0-266-52500-0000	0 19TH AVE S/S	Public Services & Procurement Canada	1	\$1,026
38	5	36-03-0-266-53000-0000	0 19TH AVE S/S	Public Services & Procurement Canada	1	\$1,082
39	5	36-03-0-266-53500-0000	0 19TH AVE S/S	Public Services & Procurement Canada	1	\$1,026
40	5	36-03-0-266-54000-0000	6997 19TH AVE	Public Services & Procurement Canada	1	\$1,036
41	5	36-03-0-266-54500-0000	0 19TH AVE	Public Services & Procurement Canada	1	\$3,190
42	5	36-03-0-266-64500-0000	0 19TH AVE	Public Services & Procurement Canada	1	\$2,429
43	5	36-03-0-266-65000-0000	0 19TH AVE	Public Services & Procurement Canada	1	\$2,429
44	5	36-03-0-264-67700-0000	0 ELGIN MILLS RD E	Public Services & Procurement Canada	1	\$2,057
45	5	36-03-0-264-96300-0000	7840 ELGIN MILLS RD E	Public Services & Procurement Canada	1	\$7,579
46	5	36-03-0-266-58000-0000	0 19TH AVE	Public Services & Procurement Canada	1	\$4,164
47	5	36-03-0-263-41000-0000	10251 REESOR RD	Public Services & Procurement Canada	1	\$5,557
Total Amo	unt Recon	nmended for Write-off				\$198,078

### Appendix B: Write-off Summary of Parks Canada Agency - Rouge National Urban Park Properties

Property	Ward	Roll Number	Property Location	Owner	# of Years Outstanding	Total
1	7	36-03-0-251-33700-0000	7293 REESOR RD	Parks Canada Agency	1	\$16,436
2	7	36-03-0-251-77000-0000	7560 11TH CONCESSION	Parks Canada Agency	1	\$8,220
3	7	36-03-0-252-04872-0000	8331 14TH AVE	Parks Canada Agency	1	\$17,729
4	7	36-03-0-252-62300-0000	0 14TH AVE	Parks Canada Agency	1	\$1,281
5	7	36-03-0-252-78200-0000	8183 14TH AVE	Parks Canada Agency	1	\$4,416
6	7	36-03-0-253-13500-0000	0 14TH AVE	Parks Canada Agency	1	\$1,026
7	7	36-03-0-253-36200-0000	8328 14TH AVE	Parks Canada Agency	1	\$4,101
8	7	36-03-0-254-20500-0000	0 REESOR RD	Parks Canada Agency	1	\$1,291
9	7	36-03-0-254-21700-0000	0 REESOR RD	Parks Canada Agency	1	\$1,143
10	7	36-03-0-254-24000-0000	0 REESOR RD	Parks Canada Agency	1	\$235
11	7	36-03-0-254-24200-0000	0 REESOR RD	Parks Canada Agency	1	\$3,511
12	7	36-03-0-254-30000-0000	7939 REESOR RD	Parks Canada Agency	1	\$2,491
13	7	36-03-0-254-35203-0000	0 REESOR RD	Parks Canada Agency	1	\$1,393
14	7	36-03-0-254-54400-0000	7862 11TH CONCESSION	Parks Canada Agency	1	\$10,778
15	7	36-03-0-255-35400-0000	0 YORK-DURHAM LINE	Parks Canada Agency	1	\$1,567
16	7	36-03-0-255-37820-0000	0 YORK-DURHAM LINE	Parks Canada Agency	1	\$298
17	5	36-03-0-255-69851-0000	0 HWY 7	Parks Canada Agency	1	\$2,700
18	5	36-03-0-256-45700-0000	8036 HWY 7	Parks Canada Agency	1	\$2,312
19	5	36-03-0-256-45900-0000	8660 YORK-DURHAM LINE	Parks Canada Agency	1	\$8,899
20	5	36-03-0-257-81700-0000	0 YORK-DURHAM LINE	Parks Canada Agency	1	\$1,173
21	5	36-03-0-257-94000-0000	9048 YORK-DURHAM LINE	Parks Canada Agency	1	\$5,738
22	5	36-03-0-258-10500-0000	7797 16TH AVE	Parks Canada Agency	1	\$17,111
23	7	36-03-0-210-60004-0000	STEELES AVE E	Parks Canada Agency	1	\$39,535
24	5	36-03-0-256-40000-0000	0 HWY 7	Parks Canada Agency	1	\$4,656
25	5	36-03-0-257-41900-0000	8847 REESOR RD	Parks Canada Agency	1	\$3,113
26	5	36-03-0-257-51800-0000	9035 REESOR RD	Parks Canada Agency	1	\$3,225

Property	Ward	Roll Number	Property Location	Owner	# of Years Outstanding	Total
27	5	36-03-0-257-73200-0000	9165 REESOR RD	Parks Canada Agency	1	\$1,910
28	5	36-03-0-258-10000-0000	0 16TH AVE	Parks Canada Agency	1	\$4,703
29	5	36-03-0-261-22700-0000	9529 REESOR RD	Parks Canada Agency	1	\$6,725
Total Amount Recommended for Write-off					\$177,716	

### Appendix C: Write-off Summary of Taxable Properties

Property	Ward	Roll Number	Property Location	Owner	# of Years Outstanding	Total
1	2	36-02-0-132-84100-0000	8977 WOODBINE AVE	Ghana High Commission	1	\$24,006
Total Amount Recommended for Write-off					\$24,006	

## Appendix D: Write-off Summary of City of Markham Properties

Property	Ward	Roll Number	Property Location	Owner	# of Years Outstanding	Total
1	3	36-02-0-180-73600-0000	185 MAIN ST	City of Markham	1	\$7,117
2	7	36-03-0-212-10450-0000	STEELES AVE N/S	City of Markham	1	\$5,598
3	2	36-02-0-156-83200-0000	2787 19 <sup>th</sup> AVE	City of Markham	1	\$3,348
4	8	36-02-0-127-96720-0000	120 SOUTH TOWN CENTRE BLVD	City of Markham	2	\$123,524
5	2	36-02-0-139-03100-0000	101 TOWN CENTRE BLVD	City of Markham	1	\$2,194
Total Amount Recommended for Write-off					\$141,781	



Report to: General Committee

SUBJECT:	2025 Unionville Business Improvement Area and Markham Village Business Improvement Area Operating Budgets
PREPARED BY:	Matthew Vetere, Manager, Tax & Assessment Policy
<b>REVIEWED BY:</b>	Shane Manson, Senior Manager, Revenue & Property Tax

### **RECOMMENDATION:**

- 1) That the report titled "2025 Unionville Business Improvement Area and Markham Village Business Improvement Area Operating Budgets" dated May 6, 2025 be received; and
- 2) That the 2025 Operating Budget in the amount of \$388,350 for the Unionville Business Improvement Area (UBIA) be approved; and
- 3) That the 2025 Operating Budget in the amount of \$334,700 for the Markham Village Business Improvement Area (MVBIA) be approved; and further,
- 4) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

### **PURPOSE:**

To obtain Council approval of the UBIA and MBIA 2025 Operating Budgets.

### **BACKGROUND:**

The Business Improvement Areas (BIAs) are designated geographic zones that include the historic Main Street districts of Unionville and Markham. These areas are established to support and enhance the vitality of local businesses through strategic promotion, beautification, and community events.

Each BIA operates with the goal of fostering a thriving commercial environment by coordinating marketing efforts, advocating for local merchants, and improving the public realm within their boundaries. In accordance with the Municipal Act, 2001, all BIAs are mandated to prepare and submit an annual operating budget to Council for review and formal approval, ensuring transparency, accountability, and alignment with broader municipal objectives.

### **OPTIONS/ DISCUSSION:**

### Unionville BIA (UBIA) Operating Budget

UBIA's 2025 operating expenditure budget of \$388,350 reflects a reduction of \$48,150 from the previous year. A detailed comparison of the 2025 budget with the 2024 budget and audited actuals is provided in Appendix A.

Meeting Date: May 6, 2025

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As of year-end 2024, UBIA reported an accumulated surplus of \$112,919. Of this amount, \$32,919 will be allocated to support the 2025 budget, while the remaining \$80,000 is intended to be set aside as a reserve fund for future initiatives and the Unionville Festival / Old Tyme Xmas Events. The 2025 revenue budget maintains the Special Tax Rate levy at the same amount as the prior year at \$214,221.

Compared to the 2024 budget, the 2025 revenue budget decreased \$118,150 mainly due to the following items:

			Incr. /
	2025 Budget	2024 Budget	(Decr.)
Marketing Fund for Main Street Restoration	24,990	-	24,990
Sundry Revenue	22,720	13,911	8,809
Grant from Provincial Government	-	10,000	(10,000)
Unionville Festival	25,000	45,000	(20,000)
Sponsorships	28,500	50,000	(21,500)
Transfer from Surplus	32,919	133,368	(100,449)

The 2025 expenditure budget decreased by \$48,150 mainly due to the following items:

			Incr. /
	2025 Budget	2024 Budget	(Decr.)
Revitalization Related Expenses	40,000	-	40,000
Contracted Services	100,000	90,000	10,000
Advertising	27,000	18,000	9,000
Olde Tyme X'mas	34,000	30,650	3,350
Office Expenses	28,550	27,650	900
Retail Action Strategy	18,000	20,000	(2,000)
Business Support Program	-	6,000	(6,000)
Street Beautification	35,000	70,000	(35,000)
Event & Entertainment Promotion	103,600	172,000	(68,400)

The UBIA Management Board approved the budget on February 26, 2025 (Appendix B).

### Markham Village BIA Operating Budget

The MBIA budget includes an operating expenditure of \$334,700, consistent with the 2024 budget. The 2025 budget also draws on \$33,885 from the accumulated surplus as a funding source. A comparative breakdown with the 2024 budget and audited actuals is provided in Appendix C. The 2025 revenue budget maintains the Special Tax Rate levy at the same amount as the prior year to \$239,640.

Although the MVBIA Board has not yet provided formal approval of the 2025 budget, they have confirmed their intention to maintain it at the 2024 level. Accordingly, staff have been advised to proceed with tabling the budget to fulfill legislative obligations.

### FINANCIAL CONSIDERATIONS

The primary source of funding for the operating budgets of the Business Improvement Areas (BIAs) will be generated through a Special Tax Rate levy. This levy is applied specifically to commercial properties located within the geographic boundaries of each respective BIA. The Special Tax Rate is incorporated into the City's annual tax levy by law, ensuring that the necessary funds are collected in accordance with municipal legislative requirements.

### **HUMAN RESOURCES CONSIDERATIONS** N/A

**ALIGNMENT WITH STRATEGIC PRIORITIES:** N/A

**BUSINESS UNITS CONSULTED AND AFFECTED:** N/A

### **RECOMMENDED BY:**

Joseph Silva Treasurer Trinela Cane Commissioner, Corporate Services

### ATTACHMENTS:

Appendix A - Unionville Business Improvement Area 2025 Budget

Appendix B - Unionville Business Improvement Area 2025 Budget Board meeting minutes

Appendix C - Markham Village Business Improvement Area 2025 Budget

#### Appendix A

#### UNIONVILLE BUSINESS IMPROVEMENT AREA 2025 BUDGET

	2025 Budget	2024 Budget	2024 Actual	2025 Budget vs. 2024 Budget Incr./(Decr.)
	\$	\$	\$	\$
Revenues				
Member Tax Levy	214,221	214,221	214,221	-
Supplementary Tax	-	-	4,521	-
Transfer from Surplus	32,919	133,368	-	(100,449)
Fundraising & Other Revenues:				
Grant from Destination Markham Corporation	10,000	10,000	10,000	-
Grant from City of Markham	30,000	30,000	40,000	-
Grant from Provincial Government		10,000	12,000	(10,000)
Grant from Federal Government	-	-	12,658	-
Marketing Fund for Main Street Restoration	24,990	-	-	24,990
Sponsorships	28,500	50,000	49,050	(21,500)
Unionville Festival	25,000	45,000	51,814	(20,000)
Promotion	-	-	1,000	-
Sundry Revenue	22,720	13,911	20,634	8,809
Interest	-	-	8,411	-
Total Revenues	388,350	506,500	424,309	(118,150)
Expenditures				
Office Expenses	28,550	27,650	27,192	900
Audit Fees	2,200	2,200	2,150	-
Street Beautification	35,000	70,000	34,326	(35,000)
Business Support Program	-	6,000	-	(6,000)
Retail Action Strategy	18,000	20,000	18,266	(2,000)
Revitalization Related Expenses	40,000	-	-	40,000
Olde Tyme X'mas	34,000	30,650	45,906	3,350
Advertising	27,000	18,000	24,901	9,000
Event & Entertainment Promotion	103,600	172,000	172,052	(68,400)
Contracted Services	100,000	90,000	119,583	10,000
Property Tax Adjustments	-	-	382	-
Total Expenditures	388,350	436,500	444,758	(48,150)
Net Revenues / (Expenses)*	-	70,000	(20,449)	
Accumulated Surplus, beginning of year	112,919	133,368	133,368	
Transfer to Operating Budget	(32,919)	(133,368)		
Accumulated Surplus, end of year	80,000	70,000	112,919	

\*Note - The UBIA intends to contribute \$80,000 to create a reserve fund for future initiatives and the Unionville Festival / OT Christmas Events.



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## Unionville BIA Board Annual General Meeting Date: Wednesday, February 26th, 2025 - 7-9 pm In - Person - Old Country Inn

### **Board Members in Attendance:**

Liam O'Dette, Shibani Sahney, Councillor Reid McAlpine, Sylvia Morris, Niina Felushko, Deputy Mayor Michael Chan, Nicole MacLeod & Liu Yan **Regrets:** Tony Lamanna, Kimberly Wake **Guests:** Jean-Louis Gaudet - Field Ambassador from EXP, Lisa Hutcheson from JCWG **Executive Director:** Sonia Chow **Call to order:** By Chair Liam O'Dette at 7:22pm

### Approval of Agenda 2025

Motion to approve moved by Niina Felushko Seconded by - Sylvia Morris All were in favour

### Approval of 2024 AGM Meeting Minutes

Motion to approve moved by Sylvia Morris Seconded by Nicole MacLeod All were in favour

### 2024 Financials

Niina Felushko presented the unaudited annual financials. More revenue brought in this year. Expenses exceed revenue and dip into surplus. \$112,000 surplus beyond our \$70,000 budget. Expenses and new figures are slightly over budget but still remain in a surplus.

Motion to approve moved by Sylvia Morris Seconded by Shibani Sahney All were in favour

**2025 Budget** Tax levy stays the same for this year.

Motion to approve moved by Shibani Sahney. Seconded by Sylvia Morris. All were in favour



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### Year In Review

Liam O'Dette conducted the year in review and acknowledged the sponsors and thanked all those who supported. Community engagement and partnerships help to remain vigilant in the face of challenges. With the Revitalization construction, we are adapting the current spaces to create more events on the street.

### Looking Ahead

- Create several events Most notably the UnionvilleFestival and Thursday Nights, Ladies Night, Mid-Autumn Festival.
- We will continue the 2 day event for Unionville Festival, In 2024, the parade returned and was celebrated and well received by all. The 2025 Unionville Festival 2025 will look different.
- Thursday Nights at Bandstand 6 night shows. This was a necessary partnership and event as nearing communities put on the same shows. We will continue this event in 2026.
- We hosted the second Mid-Autumn Festival, a traditional East Asian festival catering to our demographic.
- Ladies Night in September Promotes inclusively, and promotes female businesses!
- Old Tyme Christmas Parade, and Breakfast with Santa

### **ED Report**

Sonia Chow spoke and thanked the Community and its supporters during the past year. Community Opinion Survey Key findings

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- 83% respondents were aware of the restoration, compared to 41% from last year
- 51% of respondents want to come to the Main Street, 49% from last year.
- The main concerns were regarding the safety, parking and traffic during the construction phases.
- We had made great progress in marketing the restoration and awareness of it.

### **Revitalization Plan**

Jean Louis, Field Ambassador from the City of Markham spoke to the overview, proposed timeline and communication plan for the project.

- EXP Firm that is doing the site inspection
- Keeping us informed and issues and concerns that are resolved.
- Some of the detailing is still in the works
- Phase 1 April to August
  - Carlton to Bend in the Road is Phase 1.
  - The intersection will not be closed.
  - Starting first week of April
- Phase 2 August to late October
  - Bend in road to Fred Valley



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- Phase 3 Late October to Mid December
  - Fred Varley to Past Train Tracks
- Streetlighting mid December
- Victoria Street completion to be determined. Tentative schedule for December.

### **Big Concerns:**

Through traffic. Vehicular traffic will be closed. Pedestrian traffic will be open and accessible. Traffic Management Plans are still being worked on and finalized. Will be shared with the community when finalized. Please note the plan will be fine tuned and subject to change.

There is a temporary access lane.

Side walks will be done from the west side first and then east side during Phase 1.

### **Community Communications:**

#### Ways to share the word:

- Your Voice Markham
- Issuing a newsletter
- MainFA@exp.com
- New WhatsApp channel for new notices and updates, traffic disruption.

#### **Construction Next Steps**

- West Side walks are done first and then east side.
- If phases are safe to open up, then they will open it up early.
- There will be no construction done on a Friday night. Construction work is done during working hours, but can go as late as 7pm.
- A question was asked: would the temporary lane way be closed? Once phase 2 is done, then the temporary lane way will be closed.
- When side walks are taken out, ramps will be taken out and are AODA accessible. Mobility device pedestrians can utilize it.
- When Phase 3 is done, and then streetlights are worked on in December, then major portions will be done and the street will be ready for Old Tyme and Christmas season.
- Minor odds and ends to clean the street could be done in 2026, like tree planting.

#### **Retail Action Plan - JCWG**

Key Factors:

- Retail & Tenant Strategy Identify street tenants and curate a retail mix that meets community needs, including signature cafes and essential services.
- Visitor Insights & Experience 53% visit frequently; key purchases include dining, clothing, and services. While shoppers appreciate safety, accessibility, and cleanliness, improvements are needed in parking, shop quality, and variety.



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• Development & Leasing Approach – Address heritage and zoning challenges, coordinate store hours with dining traffic, extend dwell time, and engage a leasing expert familiar with BIA, agents, and landlords.

#### Presentation of Board of Directors Vacancies and Call for Interested Parties

- Starbucks wants to move in with A Kind of Heart. The city is supporting and the TRCA is making it difficult because the land behind the shop is a wetland. Sylvia raised an interest to have a petition.
- No interested parties joined the board

#### **Presentation of Board of Directors**

Liam O'Dette requested to the floor if there were any interested parties who were interested in joining the UBIA to come forward.

No interested parties came forward.

#### Meeting adjourned at 8:49pm

### Appendix C

### MARKHAM VILLAGE BUSINESS IMPROVEMENT AREA 2025 BUDGET

				2025 Budget vs. 2024 Budget
	2025 Budget	2024 Budget	2024 Actual	Incr./(Decr.)
	\$	\$	\$	
Revenues				
Member Tax Levy	239,640	239,640	239,640	-
Transfer from Surplus	33,885	33,885	-	-
Event Promotion Revenue	23,140	23,140	15,496	-
Washroom Maintenance Recovery	22,591	22,591	22,591	-
Interest Income	8,744	8,744	8,601	-
Summer Career Placement	6,700	6,700		-
Total Revenues	334,700	334,700	286,328	-
Expenditures				
Salaries & Benefits	93,644	93,644	68,268	-
Event Promotion Expense	105,532	105,532	108,595	-
Office Expenses	35,684	35,684	36,689	-
Street Beautification	28,225	28,225	17,839	-
Washroom Maintenance	22,000	22,000	21,974	-
Advertising	30,901	30,901	7,001	-
Contracted Services	16,464	16,464	17,168	-
Audit Fees	2,250	2,250	2,087	-
Total Expenditures	334,700	334,700	279,621	
Net Revenues / (Expenses)	-	-	6,707	
Accumulated Surplus, beginning of year	197,338	190,631	190,631	
Transfer (to) / from Operating Budget	(33,885)	(33,885)	-	
Accumulated Surplus, end of year	163,454	156,746	197,338	



Report to: General Committee

Meeting Date: May 6, 2025

SUBJECT:	Development Charges and Community Benefits Charge December 31, 2024 Reserve Balances and Annual Activity of the Accounts
PREPARED BY:	Shannon Neville, Senior Financial Analyst, ext. 2659 Kevin Ross, Manager, Development Finance & Payroll, ext. 2126

### **RECOMMENDATION:**

- That the report titled "Development Charge and Community Benefits Charge December 31, 2024 Reserve Balances and Annual Activity of the Accounts" be received by Council as required under Section 43(1) of the Development Charges Act, 1997, as amended, and Section 37(48) of the Planning Act; and
- 2) That the term of the existing Development Charge By-laws be amended to extend the expiration date of the by-laws for an additional five years in accordance with Section 9(1) of the **Development Charges Act** which provides that unless it expires or is repealed earlier, a development charge by-law expires 10 years after the day it comes into force; and
- 3) That By-laws 2022-49 for City Wide Hard Development Charges; 2022-50 for City Wide Soft Development Charges; and 2022-51 to 2022-72 for Area Specific Development Charges be amended to extend the expiration date to June 16, 2032; and further
- 4) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

### **PURPOSE:**

Section 43(1) of the **Development Charges Act, 1997**, as amended, requires the Treasurer to submit annually to Council a financial statement relating to Development Charges by-laws and reserve funds established under Section 33 of the **Development Charges Act, 1997**. This report includes the financial statement required under the Act, as well as information regarding the semi-annual indexing that occurred during 2024.

Furthermore, Section 37(48) of the **Planning Act** requires that a report shall be provided to the public that provides the financial statements and activity of the Community Benefits Charge transactions in the preceding year. This report includes the necessary information required to satisfy the conditions under the **Planning Act**.

### **BACKGROUND:**

As part of the **Development Charges Act, 1997**, as amended (**DCA**), the Treasurer is to report annually on the funds received and dispersed as shown in the attached schedules.

In accordance with the *Planning Act*, the municipality is required to report on the Community Benefits Charge transactions for the year.

Enclosed are the statistics for the twelve (12) months ended December 31, 2024.

Meeting Date: May 6, 2025

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### FINANCIAL CONSIDERATIONS

### COMMUNITY BENEFITS CHARGE

Through **Bill 197, COVID-19 Economic Recovery Act, 2020**, the Community Benefits Charge (CBC) replaced the Section 37 density bonusing under the **Planning Act**. In tandem with the 2022 Development Charges Background Study, Council also approved the CBC Strategy and By-law, which went into effect as at May 31<sup>st</sup>, 2022. To-date, the City has collected only one CBC payment and this was registered in 2024, as all other applications have qualified under the previous Section 37 requirements.

The City partially funded capital projects in the amount of \$1.56M throughout the year using CBCs (see Schedule A), while the revenue generated from the CBC payment helped bolster the reserve balance, which was previously in a negative position. A summary of the annual activity of the account is shown below.

January 1, 2024 opening balance	\$(102,603)
CBCs Received	\$2,601,480
Interest	\$24,225
Net amount transferred to capital projects	(\$1,557,420)
Balance as at December 31, 2024	\$965,682

This information is provided in accordance with Section 37(48) of the *Planning Act*.

### **DEVELOPMENT CHARGE - SUMMARY OF ACTIVITY**

The December 31, 2024 closing balance of the development charges (DC) reserve accounts, before accounting for approved capital commitments, was \$272,593,094 (Schedule B). This balance represents the cash, letters of credit and receivable balances in the reserves, but does not take into account commitments for approved capital projects.

Approved capital commitments against the reserves as at December 31, 2024 totaled \$139,254,944 resulting in an adjusted reserve balance of \$133,338,150 (\$272,593,094 less \$139,254,944).

As depicted in Schedule C, the net increase in the reserve fund before capital commitments from January 1, 2024 to December 31, 2024 was \$153,720,686 (\$272,593,04 less \$118,872,408). Schedule C also outlines the net amount of \$21,575,498 transferred to capital projects in 2024, which is broken down into two components: transfer to capital projects, and transfer from capital projects. These two components of the transfer include \$28,704,272 of growth-related projects funded from development charges (Schedule D), as well as transfers to DC reserve accounts of \$7,128,774 resulting mainly from the closure of capital projects.

In addition to the net \$21,575,498 of growth-related capital projects funded from development charges in 2024, there are other associated sources of project funding which are identified in Schedule D.

A summary of the development charge activity for the year is as follows:

January 1, 2024 opening balance	\$118,872,408
Development Charges received	\$168,798,329
Interest	\$6,897,396
Developer Credits / Reimbursements Issued	(\$399,541)
Net amount transferred to capital projects	(\$21,575,498)
Balance as at December 31, 2024	\$272,593,094

The balance of the Development Charge Reserve Fund is comprised of the following major categories:

City-Wide Soft	\$58,217,302
City-Wide Hard	\$199,165,865
Area-Specific	\$15,209,927
Total	\$272,593,094

### **INTEREST**

During 2024, there were no long-term investments of development charge reserve funds; however, the cash on hand earned interest at a competitive rate at the bank in line with short term investment rates. The interest earned for the year amounted to \$6,897,396 (Schedule E).

### DEVELOPMENT CHARGES COMMITTED TO APPROVED PROJECTS

Growth-related capital projects approved as part of annual budgets generally denote development charges as the major funding source, but the actual cash funding for capital expenditures totaling one million dollars or greater is not transferred to the project until required. This process retains cash within the Development Charge Reserve Fund to earn as much interest as possible for the reserve. Upon the approval of the budget, the reserve balances in the Development Charge Reserve Fund are considered to be committed to projects underway, or about to start.

The reserve balance for the year ended December 31, 2024 is significantly lower when capital commitments of \$139,254,944 are taken into account, leaving an adjusted reserve balance of \$133,338,150. The total capital commitments for 2024 represent an increase of \$27,766,222 (\$139,254,944 less \$111,488,722) compared to the prior year.

The capital commitments relate to City-Wide Hard and City-Wide Soft services projects which total approximately \$119.7M and \$19.5M respectively. The City Wide Hard includes projects with remaining funding balances, such as construction for the Highway 404 Mid-Block Crossing North of 16<sup>th</sup> (\$37.5M), Elgin Mills Property Acquisition at Woodbine to Warden Avenue (\$27.7M), and Phase 1 Construction of Victoria Square Boulevard (\$17.4M). The City-Wide Soft capital commitments include projects such as the construction of the Markham Centre-Rougeside Promenade Park (\$3.6M), Phase 3 Design and Construction of Ada Mackenzie Park (\$3.5M), and auxiliary roll off apparatus for the Fire Department (\$1.8M). The adjusted reserve balance of \$133.3M represents a \$125.9M increase from the prior year closing balance of \$7.4M.

The chart below summarizes the 2024 year-end reserve balances and capital commitments:

	YEAR-END RESERVE BALANCE	CAPITAL COMMITMENTS	ADJUSTED RESERVE BALANCE
CITY-WIDE SOFT SERVICES	\$58,217,302	(\$19,554,526)	\$38,662,776
CITY-WIDE HARD SERVICES	\$199,165,865	(\$119,700,418)	\$79,465,447
AREA-SPECIFIC CHARGES	\$15,209,927	\$0	\$15,209,927
TOTAL DEVELOPMENT CHARGE RESERVE	\$272,593,094	(\$139,254,944)	\$133,338,150

The adjusted reserve balance of \$133M consists of \$58M in receivables which will not translate to cash until building permits are issued for the related subdivisions. DC reimbursements for infrastructure works completed by developers must also be paid from the adjusted reserve balance.

### COMPONENT CATEGORIES

Schedule F provides the year-end balance of each reserve for 2022 through 2024 along with the percentage change over the three-year period.

The chart below summarizes the year-end DC reserve balances by component category, taking into account the total approved capital commitments:

	YEAR-END BALANCES			% CHANGE
	2022	2023	2024	2022 - 2024
CITY-WIDE SOFT SERVICES	(\$2,196,106)	(\$2,177,576)	\$58,217,302	2751%
CTIY-WIDE HARD SERVICES	\$109,527,420	\$116,988,357	\$199,165,865	82%
AREA SPECIFIC CHARGES	\$5,641,563	\$4,061,627	\$15,209,927	170%
TOTAL DEVELOPMENT CHARGE RESERVE	\$112,972,877	\$118,872,408	\$272,593,094	141%
CAPITAL COMMITMENTS AT YEAR-END	(\$48,828,229)	(\$111,488,722)	(\$139,254,944)	-185%
ADJUSTED DC RESERVE BALANCES	\$64,144,648	\$7,383,686	\$133,338,150	108%

The increase in the reserve balances can be attributed to a few factors. From a capital perspective, the City-Wide Soft services reserves have significantly rebounded during the past year. The reserves had previously been in a negative balance since 2015, mainly due to the pre-emplacement of recreational facilities which have now been fully recovered. The City-Wide Hard reserve has experienced a slower pace of expenditure on engineering-related infrastructure than anticipated to match growth patterns. This is in part due to hard infrastructure being built by developers with reimbursements to be provided after completion of the works, which delays the timing of cash draws from the reserve. The \$50M increase in development charge credit and reimbursement obligations in 2024, with another \$60M added so far for 2025, reflects the future draws anticipated from the reserves upon completion of the designated infrastructure.

Additionally, an influx of new development applications and building permit issuances generated an unprecedented increase in DC revenues for 2024. For comparative purposes, from 2019 to 2023, average annual revenues totaled approximately \$44M, whereas in 2024, over \$168M was generated. This increase in revenue was driven by five new residential subdivisions with over 1,500 low density units, and a large condo development containing over 1,300

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apartment units. There was also an increase in non-residential DC revenue in comparison to prior years due to a marked increase in industrial development. The chart below summarizes the revenue-generating units for 2024, as compared to the 5-year annual average for 2019 to 2023:

UNIT TYPE	2024 Units / GFA <sup>3</sup>	Average Revenue Generating Units/ GFA 2019 - 2023	% Increase (2024 vs. 2019-2023 Annual Average)
Low Density Units <sup>1</sup>	1,575	567	178%
High Density Units <sup>2</sup>	1,559	824	89%
Non-Residential GFA	128,937	41,231	213%

<sup>1</sup> Includes single/semi-detached and townhouse units

<sup>2</sup> Includes apartment units and stacked townhouse units

<sup>3</sup> For residential development, reflects total number of units; For non-residential, reflects gross floor area (GFA) in metres square (m<sup>2</sup>)

Although the reserve balances are in a strong position, the uncertain economic climate and everfluctuating market conditions may heavily influence the reserve balances in the coming years. Concerns over a significant slowdown in the housing market combined with the impact of tariffs on both construction costs and labour could have a direct impact on DC revenue, cash collections, and the City's ability to fund growth-related capital projects. Markham Council also recently approved DC deferrals for high-rise developments which will delay the collection of DCs.

The adjusted year-end reserve balance of \$133M includes receivables of \$58M that will not be translated into cash until building permits are issued for the subdivision units to which they relate – this could be protracted in the current economic climate. As well, the City will be required to provide DC reimbursements for infrastructure works completed by developers (who have already paid their DCs).

### DEVELOPMENT CHARGE CREDITS AND REIMBURSEMENTS

Schedule G provides information on development charge credits and reimbursements approved to be provided to developers who have constructed infrastructure on the City's behalf. During the year, an additional \$49,986,221 in credits and reimbursements were approved, of which credits totaling \$399,541 were applied. The City has future obligations in the amount of \$61,494,193, of which \$21,529,513 will be reimbursed upon completion of infrastructure works while the remainder will be offset from development charges payable when the respective developers execute their agreements. In instances where credits have been offset against development charges paid and balances remain, reimbursements are provided.

The City is currently reviewing requests for development charge credits and reimbursements for an additional \$60M (at a minimum) in infrastructure costs. Approximately 80% of these costs are expected to be direct reimbursements.

#### **INDEXING**

Section 15 of the City's Development Charge by-laws state that the charges referred to in each of the by-laws shall be increased, if applicable, semi-annually without an amendment to the by-

laws, on the first day of January and the first day of July, of each year, in accordance with the most recent change in the Statistics Canada Quarterly, *Construction Price Statistics* (Catalogue No. 62-007). Indexing the City's development charges helps to partially mitigate the impact of inflationary increases on future growth-related costs.

In accordance with the by-laws, the development charge rates were indexed up by 2.2% on January 1, 2024 and 2.3% on July 1, 2024. This represents the increase in the prescribed index, the Statistics Canada Quarterly, *Construction Price Statistics* for non-residential buildings in Toronto.

### THE CUTTING RED TAPE TO BUILD MORE HOMES ACT, 2024 (BILL 185)

On June 6, 2024, the Provincial Government introduced the **Cutting Red Tape to Build More Homes Act, 2024 (Bill 185),** which provided further amendments to the *DCA* and DC Background Study process. The notable amendment under Bill 185 included the reversal of a change enacted under the **More Homes Built Faster Act, 2022 (Bill 23),** specifically the removal of the mandatory rate phase-in

The removal of the rate phase-in impacts applications approved after the enactment of Bill 185, therefore any applications with rates 'frozen' between November 28, 2022 (Bill 23 enactment) and June 6, 2024 (Bill 185 enactment) will still receive the benefit of the discounted development charge rates. The non-profit, affordable, and attainable residential housing exemptions introduced under Bill 23, remain in force.

The combined reduction in development charge revenue as a result of the rate phase-in and nonprofit residential housing exemption as of December 31, 2024, is \$25M (\$18.6M in 2023) as shown in the table below. To date, there has only been one development which qualified for the non-profit residential housing exemption. The losses attributed to the rate phase-in and nonprofit residential housing exemption will need to be recovered through other revenue sources and will continue to be tracked and reported as part of this annual reserve report.

	City Wide Hard	City Wide Soft	Area Specific	Total
2022 Cash Collection Impact <sup>1</sup>	(\$494,027)	(\$53,920)	\$0	(\$547,947)
2023 Cash Collections Impact	(\$6,695,781)	(\$1,958,076)	(\$1,052,433)	(\$9,706,290)
2024 Cash Collections Impact	(\$3,522,739)	(\$2,136,058)	(\$805,765)	(\$6,464,562)
Total Phase-In Impact	(\$10,712,547)	(\$4,148,054)	(\$1,858,198)	(\$16,718,799)
Non-Profit Residential Housing Exemption (2023)	(\$4,481,522)	(\$3,864,404)	\$0	(\$8,345,926)
Total Impact as at December 31, 2024	(\$15,194,069)	(\$8,012,458)	(\$1,858,198)	(\$25,064,725)

<sup>1</sup> Period of Bill 23 enactment Nov. 28, 2022 to Dec. 31 2022

Other items implemented under Bill 185 include:

- Affordable housing exemptions (i.e. regulation was not previously released);
- Reduction in the timeframe for rate freeze applications from 2 years to 18 months, whereby developers who do not obtain building permits within 18 months from the date their application receives approval will no longer benefit from the DC rate freeze and will be subject to prevailing rates at permit issuance;

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• Proposed administrative changes to the by-law and Background Study process including the modernization of notice requirements, and in certain instances, a more efficient by-law amendment process.

Staff will continue to monitor and report on the impacts to revenue as a result of the reductions and exemptions provided under the **DCA 1997**, as amended.

# COMPLIANCE WITH THE DEVELOPMENT CHARGES ACT, 1997

For the year ended December 31, 2024, the Reserve Balance and Annual Activity Statement is in compliance with the **DCA 1997**, as amended. The City has not imposed additional levies in accordance with Subsection 59.1 (1) of the Act.

#### HUMAN RESOURCES CONSIDERATIONS

Not applicable.

# ALIGNMENT WITH STRATEGIC PRIORITIES:

Not applicable.

#### **BUSINESS UNITS CONSULTED AND AFFECTED:** Not applicable.

# **RECOMMENDED BY:**

Joseph Silva Treasurer Trinela Cane Commissioner, Corporate Services

#### **ATTACHMENTS:**

Schedule A – Community Benefits Charge – Capital Fund Transfers Addendum

Schedule B – Summary Statement - Balances by Component of the Reserve Fund

Schedule C - Continuity Statement - Funds Received and Dispersed by Category

Schedule D – Capital Fund Transfers Addendum

- Schedule E Summary of Investments Reg. 74/97 Section 8 of the Municipal Act
- Schedule F Statement of Change in Year-end Balances

Schedule G – Credit Obligation Summary

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SCHEDULE A

#### COMMUNITY BENEFITS CHARGE

#### Capital Fund Transfers Addendum - Total Project Funding

Balances by Category as at December 31, 2024

PROJECT	PROJECT DESCRIPTION	CE	C FUNDING	DC FUNDING	NO	N-DC GROWTH FUNDING	OTHER PROJECT FUNDING <sup>1</sup>	2024 PROJECT FUNDING
22338 Main St Unionville Reco	onstruction	\$	6,405	\$ -	\$	-	\$ 2,951,378	\$ 2,957,783
23076 Park Redevelopment S	trategy & Implementation Plan	\$	43,382	\$ -	\$	-	\$ -	\$ 43,382
23083 Russell Carter Tefft Pee	lestrian Bridge D&C	\$	135,329	\$ -	\$	-	\$ -	\$ 135,329
23093 Centurian/Frontenac I	ntersection and Sidewalk	\$	36,569	\$ -	\$	-	\$ -	\$ 36,569
23094 Cycling and Pedestrian	Advisory Committee	\$	4,418	\$ -	\$	-	\$ -	\$ 4,418
23104 Markham Cycling Day		\$	1,158	\$ -	\$	-	\$ -	\$ 1,158
23107 Pedestrian Cross-Over	Design & Construction	\$	53,309	\$ -	\$	-	\$ -	\$ 53,309
23108 RVT Extension - Under	Hwy 7 & Bullock	\$	59,601	\$ -	\$	-	\$ -	\$ 59,601
23111 Traffic Calming of Mair	Street Markham & Carlton Road	\$	31,990	\$ -	\$	-	\$ 38,278	\$ 70,268
24033 Apple Creek Blvd Road	Safety Improvements (Design & Contract Administration)	\$	71,855	\$ 266,890	\$	71,855	\$ -	\$ 410,600
24039 Markham Centre Trails	Phase 3 - Construction & Contract Administration	\$	119,582	\$ 680,001	\$	119,582	\$ 126,991	\$ 1,046,156
24048 Pedestrian Cross-Over	- Design & Construction	\$	76,751	\$ 549,449	\$	76,751	\$ -	\$ 702,951
24052 Sidewalk Program (Con	nstruction)	\$	907,096	\$ 601,220	\$	907,096	\$ -	\$ 2,415,412
24058 Traffic Operational Imp	provements	\$	9,975	\$ 37,050	\$	9,975	\$ -	\$ 57,000
TOTAL FUNDED		\$	1,557,420	\$ 2,134,611	\$	1,185,259	\$ 3,116,646	\$ 7,993,936

<sup>1</sup> Other Project Funding includes sources such as grants, life cycle, developer funding and taxes

Note: All projects funded through CBCs have other funding sources. In instances where other funding sources are not identified, its due to the allocation occuring in prior years.

#### **DEVELOPMENT CHARGES RESERVE**

**Summary Statement Including Accounts Receivable** Balances by Category as at December 31, 2024

	CASH	L	LETTERS OF CREDIT	RECEIVABLE AT PERMIT STAGE	RESERVE BALANCE	OMMITMENTS TO PROVED CAPITAL PROJECTS	AD	JUSTED RESERVE BALANCE
ADMINISTRATION	\$ (18,829,260)	\$	-	\$ 1,847,184	\$ (16,982,076)	\$ (2,029,900)	\$	(19,011,976)
FIRE	\$ 6,291,711	\$	-	\$ 2,560,163	\$ 8,851,874	\$ (1,793,000)	\$	7,058,874
LIBRARY	\$ 9,062,211	\$	-	\$ 6,933,585	\$ 15,995,796		\$	15,995,796
PARKLAND	\$ 29,027,572	\$	-	\$ 16,929,414	\$ 45,956,986	\$ (15,731,626)	\$	30,225,360
RECREATION	\$ (20,176,789)	\$	-	\$ 25,277,081	\$ 5,100,292		\$	5,100,292
PUBLIC WORKS	\$ (4,623,135)	\$	-	\$ 2,192,648	\$ (2,430,487)		\$	(2,430,487)
PARKING	\$ 60,784	\$	-	\$ 112,516	\$ 173,300		\$	173,300
WASTE MANAGEMENT	\$ 863,517	\$	-	\$ 688,100	\$ 1,551,617		\$	1,551,617
TOTAL CITY WIDE SOFT SERVICES	\$ 1,676,611	\$	-	\$ 56,540,691	\$ 58,217,302	\$ (19,554,526)	\$	38,662,776
CITY WIDE HARD SERVICES	\$ 161,466,118	\$	36,606,426	\$ 1,093,321	\$ 199,165,865	\$ (119,700,418)	\$	79,465,447
AREA SPECIFIC CHARGES	\$ 10,532,747	\$	4,677,180	\$ -	\$ 15,209,927	\$ -	\$	15,209,927
TOTAL DEVELOPMENT CHARGE RESERVE	\$ 173,675,476	\$	41,283,606	\$ 57,634,012	\$ 272,593,094	\$ (139,254,944)	\$	133,338,150

**SCHEDULE B** 

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SCHEDULE C

#### DEVELOPMENT CHARGES RESERVE

Continuity Statement Including Accounts Receivable

Balances by Category as at December 31, 2024

balances by category as a becomber e	1	BALANCE AT NUARY 1 2024	DEVELOPMENT ARGES EARNED	INTEREST	DEVELOPER CREDITS / REIMBURSEMENTS IN ACCORDANCE WITH POLICY	:	SUB TOTAL	Т	RANSFER TO CAPITAL PROJECTS	RANSFER FROM CAPITAL PROJECTS <sup>1</sup>	BALANCE AT DECEMBER 31 2024	OMMITMENTS TO PPROVED CAPITAL PROJECTS	B	ADJUSTED ALANCE AT CEMBER 31 2024
ADMINISTRATION	\$	(16,821,627)	\$ 3,518,061	\$ (1,262,881)		\$	(14,566,447)	\$	(2,566,602)	\$ 150,973	\$ (16,982,076)	\$ (2,029,900)	\$	(19,011,976)
FIRE	\$	4,894,349	\$ 3,282,911	\$ 283,426		\$	8,460,686	\$	(20,601)	\$ 411,789	\$ 8,851,874	\$ (1,793,000)	\$	7,058,874
LIBRARY	\$	10,988,572	\$ 4,513,242	\$ 493,982		\$	15,995,796	\$	-	\$ -	\$ 15,995,796	\$	\$	15,995,796
PARKLAND	\$	28,324,511	\$ 20,045,484	\$ 1,418,617		\$	49,788,612	\$	(5,204,896)	\$ 1,373,270	\$ 45,956,986	\$ (15,731,626)	\$	30,225,360
RECREATION	\$	(26,558,631)	\$ 33,769,772	\$ (2,156,753)		\$	5,054,388	\$	-	\$ 45,904	\$ 5,100,292	\$ -	\$	5,100,292
PUBLIC WORKS	\$	(4,092,322)	\$ 3,297,889	\$ (394,664)		\$	(1,189,097)	\$	(1,262,484)	\$ 21,094	\$ (2,430,487)	\$	\$	(2,430,487)
PARKING	\$	169,045	\$ (1,181)	\$ 5,436		\$	173,300	\$		\$ -	\$ 173,300	\$ -	\$	173,300
WASTE MANAGEMENT	\$	918,527	\$ 589,754	\$ 43,336		\$	1,551,617	\$	-	\$ -	\$ 1,551,617	\$ -	\$	1,551,617
TOTAL CITY WIDE SOFT SERVICES	\$	(2,177,576)	\$ 69,015,932	\$ (1,569,501)		\$	65,268,855	\$	(9,054,583)	\$ 2,003,030	\$ 58,217,302	\$ (19,554,526)	\$	38,662,776
CTIY WIDE HARD SERVICES	\$	116,988,357	\$ 88,897,855	\$ 8,168,742		\$	214,054,954	\$	(19,649,689)	\$ 4,760,600	\$ 199,165,865	\$ (119,700,418)	\$	79,465,447
AREA SPECIFIC CHARGES	\$	4,061,627	\$ 10,884,542	\$ 298,155	\$ (399,541)	\$	14,844,783	\$	-	\$ 365,144	\$ 15,209,927	\$ -	\$	15,209,927
TOTAL	\$	118,872,408	\$ 168,798,329	\$ 6,897,396	\$ (399,541)	\$	294,168,592	\$	(28,704,272)	\$ 7,128,774	\$ 272,593,094	\$ (139,254,944)	\$	133,338,150
Note: 1) Relates mainly to funds being retur	ned fr			 		\$	153,720,686		(\$21,5	498)	 			

# DEVELOPMENT CHARGES RESERVE

# **Capital Fund Transfers Addendum - Total Project Funding** Balances by Category as at December 31, 2024

PROJECT	PROJECT DESCRIPTION	CI	FY WIDE SOFT DC FUNDING	NC	ON-DC GROWTH FUNDING	CBC FUNDING	0	THER PROJECT FUNDING <sup>1</sup>	2024 PROJECT FUNDING
	Design Capital Contingency	\$	15,942		- 9	\$-	\$		\$ 15,942
	Cornell Community Park - Design	\$	118,124	\$	- 5	\$-	\$	13,125	\$ 131,249
	Wismer Park Pavilion & Washrooms - Design & Const.	\$	1,379,295	\$	- 5	\$-	\$	-	\$ 1,379,295
	Secondary Plans	\$	45,792	\$	- 5	\$-	\$	-	\$ 45,792
	Cornell Park Maintenance Building - Construction	\$	13,013	\$	- 5	\$-	\$	1,446	\$ 14,459
	Design and Construction of Worksyard	\$	275,098	\$	- 5	\$-	\$	-	\$ 275,098
	Cornell Community Park - Construction	\$	191,288	\$	- 5	\$-	\$	21,254	\$ 212,542
	York Downs Park (Kennedy Rd. and Yorkton Blvd.) - D & C	\$	800,000	\$	- 5	\$-	\$	-	\$ 800,000
	2023 - Official Plan Review	\$	200,000	\$	- 5	\$-	\$	-	\$ 200,000
	Ada Mackenzie Park Phase 3 Design and Construction	\$	100,000	\$	- 5	\$-	\$	-	\$ 100,000
23084	South Cornell Parkette 156 Design and Construction	\$	99,562	\$	- 5	\$-	\$	-	\$ 99,562
	Planning & Design Staff	\$	715,900	\$	- 5	\$-	\$	-	\$ 715,900
24010	Age Friendly Guideline: Costing Analysis exercise	\$	50,400	\$	- 5	\$-	\$	-	\$ 50,400
24012	City-wide Urban Design Guidelines	\$	121,900	\$	- 5	\$-	\$	-	\$ 121,900
24016	Markham Centre Secondary Plan	\$	61,100	\$	- 5	\$-	\$	-	\$ 61,100
	Markville Secondary Plan (Phase 2 of 2)	\$	34,808	\$	- 5	\$-	\$	-	\$ 34,808
24019	Planning for Urban Boundary Expansion Lands	\$	254,400	\$	- 5	\$-	\$	-	\$ 254,400
24022	Cornell Centre West Parkette - Design & Construction	\$	402,400	\$	- 5	\$-	\$	-	\$ 402,400
24023	Denison Park Table Tennis	\$	10,300	\$	- 5	\$-	\$	-	\$ 10,300
24024	Innovation and Songbird Parks - Design & Construction	\$	100,000	\$	- 5	\$-	\$	-	\$ 100,000
24025	James Cochrane Park Phase 2 Expansion - (Des. & Con.)	\$	387,200	\$	- 5	\$-	\$	-	\$ 387,200
24026	Park Development Guidelines	\$	117,910	\$	63,490	\$-	\$	-	\$ 181,400
24027	Parks Renaissance Program	\$	122,600	\$	- 5	\$-	\$	-	\$ 122,600
24031	Volleyball in Reesor Park	\$	141,036	\$	- 5	\$-	\$	5,864	\$ 146,900
24038	Markham Center Trails Phase 4 Design & CA	\$	831,546	\$	- 5	\$-	\$	447,754	1,279,300
24039	Markham Centre Trails Phase 3 - Construction &CA	\$	235,840	\$	119,582	\$ 119,582	\$	571,152	\$ 1,046,156
24084	Internal Project Management	\$	1,025,100	\$	- 5	\$-	\$	-	\$ 1,025,100
24180	Consulting Service for Ward 2 Community	\$	41,100	\$	- 5	\$-	\$	-	\$ 41,100
24190	Incremental Growth Related Winter Maintenance Vehicles	\$	486,900	\$	- 5	\$-	\$	-	\$ 486,900
24205	Court Resurfacing/Reconstruction/Maintenance	\$	53,143	\$	5,905	\$-	\$	1,066,104	\$ 1,125,153
24225	Autonomous Mowers	\$	181,100	\$	- 5	\$-	\$	-	\$ 181,100
24226	Corporate Fleet Growth	\$	10,200	\$	- 5	\$-	\$	-	\$ 10,200
24232	New Fleet - Parks	\$	96,700	\$	- 5	\$-	\$	32,889	\$ 129,589
24233	New Fleet -By-Law and Regulatory Services	\$	104,286	\$	- 9	\$-	\$	-	\$ 104,286
24257	Incremental Growth Related Waste Management Vehicles	\$	108,200	\$	- 9	\$-	\$	-	\$ 108,200
24401	Markham Centre Civic Square Study (Phase 2)	\$	101,800	\$	- 9	\$-			\$ 101,800
24410	Rescue/Highrise Equipment	\$	20,600	\$	10,200	\$-	\$	-	\$ 30,800
									\$ -
					:	\$-			
TOTAL FUN	NDED CITY-WIDE SOFT	\$	9,054,582	\$	199,177	\$ 119,582	\$	2,159,589	\$ 11,532,930

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#### SCHEDULE D

Notes:

<sup>1</sup> Other Project Funding includes sources such as grants, life cycle, developer funding and taxes

#### SCHEDULE D Cont'd

ROJECT	PROJECT DESCRIPTION	CITY	WIDE HARD DC FUNDING	NO	N-DC GROWTH FUNDING	CBC FUNDING	HER PROJECT FUNDING <sup>1</sup>	24 PROJECT FUNDING
18059	Victoria Square Boulevard - Detailed Design	\$	104,316	\$	-	\$ -	\$ 1,755	\$ 106,071
21038	Sidewalk Program (Design)	\$	137,212	\$	20,626	\$-	\$ -	\$ 157,838
21181	Elgin Mills -Victoria Sq. Blvd to McCowan Road (Design)	\$	1,136,863	\$	-	\$-	\$ -	\$ 1,136,863
23099	Highway 404 MBC, N of 16th Avenue (Construction)	\$	12,000,000	\$	-	\$-	\$ -	\$ 12,000,000
24032	407 Transitway Realignment Justification Study	\$	304,600	\$	-	\$-	\$ -	\$ 304,600
24033	Apple Creek Blvd Road Safety Improvements (Design & CA)	\$	266,890	\$	71,855	\$ 71,855	\$ -	\$ 410,600
24034	Cycling and Pedestrian Advisory Committee	\$	2,800	\$	25,200	\$-	\$ -	\$ 28,000
24035	Elgin Mills -Woodbine to Warden Ave (Property)	\$	1,000,000	\$	-	\$-	\$ -	\$ 1,000,000
24036	Engineering Staff Salary Recovery	\$	546,200	\$	-	\$-	\$ -	\$ 546,200
24037	Enterprise Blvd. @ Rouge Valley Dr. Pedestrian Crossing	\$	73,100	\$	-	\$-	\$ -	\$ 73,100
24039	Markham Centre Trails Phase 3 - Construction &CA	\$	444,161	\$	119,582	\$ 119,582	\$ 362,831	\$ 1,046,156
24040	Markham Cycles	\$	2,240	\$	20,160	\$-	\$ -	\$ 22,400
24041	Markham Cycling Day Event	\$	1,680	\$	15,120	\$-	\$ -	\$ 16,800
24042	Markham School Zone Safety Guideline	\$	51,932	\$	207,729	\$-	\$ -	\$ 259,661
24044	Mount Joy Creek Realignment Class EA	\$	250,074	\$	-	\$-	\$ -	\$ 250,074
24045	National Active School Streets Initiative	\$	10,360	\$	46,620	\$ -	\$ -	\$ 56,980
24046	New Traffic Signals (Construction)	\$	890,100	\$	-	\$ -	\$ -	\$ 890,100
24048	Pedestrian Cross-Over (PXO) Design & Construction	\$	549,449	\$	76,751	\$ 76,751	\$ -	\$ 702,951
24051	Rouge Valley Trails Phase 4B Property Acquisition	\$	335,000	\$	-	\$ -	\$ -	\$ 335,000
24052	Sidewalk Program (Construction)	\$	601,220	\$	907,096	\$ 907,096	\$ -	\$ 2,415,412
24053	Smart Commute Markham-Richmond Hill	\$	75,000	\$	-	\$ -	\$ -	\$ 75,000
24054	South Unionville Ave Pavement Marking & Signage	\$	48,740	\$	194,960	\$ -	\$ -	\$ 243,700
	SWM Guidelines Update	\$	94,700	\$	-	\$ -	\$ -	\$ 94,700
24058	Traffic Operational Improvements	\$	37,050	\$	9,975	\$ 9,975	\$ -	\$ 57,000
24059	Yorktech extension (Rodick Rd. to Warden Ave) EA	\$	393,500	\$	-	\$ -	\$ -	\$ 393,500
	Main Street Markham Reconst. & Sanit. Sewer Upgrade Des.	\$	192,500	\$	-	\$ -	\$ 770,000	\$ 962,500
24407	Enterprise Blvd and Bill Crothers (Design, CA/SI&Cons)	\$	100,000	\$	-	\$ -	\$ -	\$ 100,000
								\$ -
								\$ -
								\$ -
TAL FUN	DED CITY-WIDE HARD	\$	19,649,688	\$	1,715,674	\$ 1,185,259	\$ 1,134,586	\$ 23,685,206

SCHEDULE E

#### **DEVELOPMENT CHARGES RESERVE Summary of Investments** Balances by Category as at December 31, 2024

ISSUER	YIELD	DATE BOUGHT	MATURITY DATE	COST	MATURITY VALUE	INTEREST
				Internal Borrowing Int	erest	\$ -
				Bank Interest/Other		\$ 6,897,396
				TOTAL DCA INTERES	Г	\$ 6,897,396

#### DEVELOPMENT CHARGES RESERVE

#### Statement of Change in Year-End Balances

Balances by Category as at December 31, 2024

	2022	2023	2024	% CHANGE 2022 - 2024
CITY-WIDE SOFT SERVICES				
ADMINISTRATION	\$ (13,611,567)	\$ (16,821,627)	\$ (16,982,076)	
FIRE	\$ 5,584,829	\$ 4,894,349	\$ 8,851,874	
LIBRARY	\$ 9,165,028	\$ 10,988,572	\$ 15,995,796	
PARKS DEVELOPMENT	\$ 34,405,792	\$ 28,324,511	\$ 45,956,986	
RECREATION	\$ (35,355,614)	\$ (26,558,631)	\$ 5,100,292	
PUBLIC WORKS	\$ (3,352,770)	\$ (4,092,322)	\$ (2,430,487)	
PARKING	\$ 162,489	\$ 169,045	\$ 173,300	
WASTE MANAGEMENT	\$ 805,707	\$ 918,527	\$ 1,551,617	
CITY-WIDE SOFT SERVICES	\$ (2,196,106)	\$ (2,177,576)	\$ 58,217,302	2751%
CTIY WIDE HARD SERVICES	\$ 109,527,420	\$ 116,988,357	\$ 199,165,865	82%
AREA SPECIFIC CHARGES	\$ 5,641,563	\$ 4,061,627	\$ 15,209,927	170%
TOTAL DEVELOPMENT CHARGE RESERVE	\$ 112,972,877	\$ 118,872,408	\$ 272,593,094	141%

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#### DEVELOPMENT CHARGES RESERVE

**Credit Obligation Summary** Balances by Category as at December 31, 2024

	BALANCE AT ANUARY 1 2024	AI	DJUSTMENTS TO CREDITS	CREDITS / REIMBURSEMENTS ISSUED	DF	BALANCE AT CEMBER 31 2024
AREA-SPECIFIC RESERVES						
AREAS 9, 42B.6, 42B.8						
Markham Avenue 7 Developers Group	\$ 6,581,869				\$	6,581,869
AREAS 9, 42B.6, 42B.8						
North Markham Avenue 7 Developers Group	\$ 1,285,104				\$	1,285,104
AREA 9 - PD 1-7						
North Markham Avenue 7 Developers Group	\$ 131,785				\$	131,785
AREA 23 - Mount Joy						
Wismer Commons Developers Group Inc.	\$ 816,354				\$	816,354
AREA 42B.6 - MARKHAM CENTRE S. HWY 7						
1826918 Ontario Ltd.	\$ 526,893				\$	526,893
AREA 46 - CATHEDRAL						
Woodbine Cachet West Inc.	\$ 109,150				\$	109,150
ASDC 50A-3						
Berczy Glen Landowners Group		\$	21,985,407		\$	21,985,407
ASDC 50A						
Trustee ROPA 3 Landowners Group		\$	7,587,159	\$ 399,541	\$	7,187,618
ASDC 50A-1						
Mattamy (Berczy Glen) Limited		\$	598,000		\$	598,000
Mattamy Walmark et al.		\$	742,500		\$	742,500
CITY WIDE HARD RESERVES						
Ruland Properties Inc.	\$ 1,018,215				\$	1,018,215
Forest Bay Homes Ltd.	\$ 1,294,393				\$	1,294,393
Forest Bay Homes Ltd.	\$ 143,750				\$	143,750
Berczy Glen Landowners Group		\$	9,327,859		\$	9,327,859
Berczy Warden Holdings Inc.		\$	4,881,562		\$	4,881,562
Mattamy (Berczy Glen) Limited		\$	787,888		\$	787,888
1212763 Ontario Ltd.		\$	1,334,577		\$	1,334,577
Mattamy Walmark et al.		\$	2,741,269		\$	2,741,269
TOTAL CREDIT OBLIGATIONS	\$ 11,907,513	\$	49,986,221	\$ 399,541	\$	61,494,193



SUBJECT:	2025 Tax Rates and Levy By-law
PREPARED BY:	Matthew Vetere, Manager, Tax & Assessment Policy
REVIEWED BY:	Shane Manson, Senior Manager, Revenue & Property Tax

#### **RECOMMENDATION:**

- 1. That the report entitled "2025 Tax Rates and Levy By-law" be received; and,
- 2. That a by-law to provide for the levy and collection of property taxes totalling \$879,122,671 required by the City of Markham, the Regional Municipality of York, Province of Ontario (Education) and Business Improvement Areas, in a form substantially similar to Appendix A (attached), satisfactory to the City Solicitor and provides for the mailing of notices and requesting payment of taxes for the year 2025, as set out as follows, be approved; and,

TAX LEVYING BODY	2025 TAX LEVY AMOUNT
City of Markham	\$193,983,012
Region of York	\$425,350,022
Province of Ontario (Education)	\$259,341,776
Markham Village BIA	\$239,640
Unionville BIA	\$214,221
Total	\$879,128,671

- 3. That staff be authorized to levy against Markham Stouffville Hospital and Seneca College the annual levy pursuant to Section 323 of the *Municipal Act*, 2001, as outlined in Section 9 of the attached by-law once the required information is received from the Ministry of Training, Colleges and Universities; and,
- 4. That the attached by-law be passed to authorize the 2025 Tax Rates and Levy By-law; and further,
- 5. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

#### **PURPOSE:**

This report seeks Council approval for the adoption of the 2025 tax rates required to meet the levy obligations of the City of Markham, the Regional Municipality of York, and the Province of Ontario (for education purposes).

#### **BACKGROUND:**

The City property tax rates, as attached, are based on the levy requirement as per the 2025 operating budget adopted by the City of Markham and calculated utilizing the 2025

assessment roll as provided by the Municipal Property Assessment Corporation (MPAC). An interim tax was levied and will be shown as a reduction on all final tax bills.

The Region of York, each year, in line with section 308 and Section 311(2) of the *Municipal Act, 2001* (Act) establishes tax ratios to support the tax rate setting process for the Region and its nine local municipalities. Regional staff are tabling their 2025 Property Tax Rate & Policy Reports at the COW meeting May 8<sup>th</sup>, with the corresponding by-laws being enacted at the Regional Council meeting on May 22<sup>nd</sup>, 2025. For the 2025, the Region's property tax policy report is recommending the following tax policy items for the 2025 taxation year.

#### 1. <u>New Multi-Residential (Municipal Reduction) Subclass</u>

Prior to 2024, all purpose-built rental properties in York Region were classified under two mandatory property tax classes, Multi-Residential and New Multi-Residential, both of which were taxed at the same rate and ratio as the Residential class.

As part of the 2024 Ontario Budget, the Province introduced an optional property tax subclass called the New Multi-Residential (Municipal Reduction) subclass. This new subclass gives municipalities the flexibility to reduce the municipal portion of property taxes by up to 35% for eligible newly constructed purpose-built rental properties. On May 23, 2024, York Region adopted the new subclass, setting the initial discount rate at 0%.

For 2025, a 35% reduction in the municipal property tax rate is being proposed for newly completed purpose-built rental properties that received building permits on or after May 23, 2024. The financial impact of this discount would be redistributed among other taxpayers, with the Region estimating that the average homeowner could see a modest increase in their total annual property tax bill ranging from approximately \$0.25 to \$0.50 per new eligible building. As no qualifying properties are currently completed, the measure is not anticipated to affect the 2025 taxation year. The proposed reduction represents an additional tool to support housing affordability objectives across the Region.

#### 2. <u>Vacant And Excess Commercial and Industrial Land (Discount)</u>

When the Province implemented property assessment reform in 1998, it also introduced a series of transitional measures to support businesses in adapting to the new system. Of those measures, only one remains in effect today: a 30% property tax discount for vacant and excess commercial land and a 35% discount for vacant and excess industrial land.

Initially, this discount applied to both the municipal and education portions of the property tax bill. However, in 2017 and 2018, the province gave municipalities the authority to eliminate the municipal portion of the discount. By 2020, it had also phased out the education portion of the discount, regardless of local decisions. As a result, by 2020, approximately 90% of municipalities in Southern Ontario had eliminated the discount, Toronto being the notable exception.

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Meeting Date: May 6, 2025

York Region has advised that removing the discount would not compromise its competitiveness or economic growth. Even without the discount, commercial and industrial properties in York Region would continue to face among the lowest tax rates in the Greater Toronto and Hamilton Area specifically, the lowest for commercial and the second lowest for industrial properties.

Eliminating the discount for vacant and excess commercial and industrial land would allow for the resulting tax revenue to be redistributed across all other property classes. The elimination of the discount would also fully offset any increase required to fund the new multi-residential discount noted above.

#### **OPTIONS/ DISCUSSION:**

Budget 2025 as adopted by the City of Markham includes estimates requiring property taxes to be levied as follows:

2025 City of Markham Tax Levy:	\$193,983,012
2025 Markham Village BIA:	\$239,640
2025 Unionville BIA:	\$214,221

2025 Regional Municipality of York total requisition:	\$1,489,383,992
2025 City of Markham % share:	28.56%
2025 City of Markham \$ share:	\$425,350,022

All the required regulations establishing the education tax rates for the 2025 property tax levy have been passed by the Province of Ontario. The total 2025 levy to be raised for education purposes is \$259,341,776.

#### Property Tax Installment Dates

The 2025 final tax instalment due dates for the residential class are July 7 and August 5. The non-residential properties are billed later in 2025 due to added provincial legislated requirements. The tax instalment due dates for Commercial, Industrial and Multi-Residential classes are October 6 and November 5.

Property Tax Rates by Classification and Levying Body

Levying Body	Residential	% of Rate	Commercial	% of Rate	Industrial	% of Rate
City	0.171415%	24.48%	0.228342%	14.19%	0.281669%	15.83%
Region	0.375863%	53.67%	0.500687%	31.12%	0.617618%	34.71%
Education	0.153000%	21.85%	0.880000%	54.69%	0.880000%	49.46%
Total	0.700278%	100.00%	1.609029%	100.00%	1.779287%	100.00%

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#### FINANCIAL CONSIDERATIONS

The proposed tax rates have been calculated to achieve the tax revenue requirements included in 2025 budgets, as adopted by the City of Markham and as approved by the Council of The Regional Municipality of York. Education tax rates are established via a Regulation issued by the Province of Ontario.

#### HUMAN RESOURCES CONSIDERATIONS

Not applicable

#### ALIGNMENT WITH STRATEGIC PRIORITIES:

Not applicable

**BUSINESS UNITS CONSULTED AND AFFECTED:** Not applicable

#### **RECOMMENDED BY:**



Joseph Silva Treasurer



Trinela Cane Commissioner, Corporate Services

#### ATTACHMENTS: Appendix A - Draft Levy By-law

## APPENDIX A: 2025 TAX RATES AND LEVY BY-LAW

#### THE CORPORATION OF THE CITY OF MARKHAM DRAFT BY-LAW NO. 2025-XXX

#### BEING A BY-LAW TO PROVIDE FOR THE LEVY AND COLLECTION OF SUMS REQUIRED BY THE CORPORATION OF THE CITY OF MARKHAM FOR THE YEAR 2025 AND TO PROVIDE FOR THE MAILING OF NOTICES REQUIRING PAYMENT OF TAXES FOR THE YEAR 2025.

WHEREAS Subsection 312(2) of the *Municipal Act, 2001* provides that the Council of a local municipality shall, after the adoption of estimates for the year, pass a by-law each year to levy a separate tax rate on the assessment in each property class in the local municipality rateable for local municipal purposes; and,

WHEREAS Sections 307 and 308 of the said *Act* require taxes to be levied upon the whole of the assessment for real property according to amounts assessed under the *Assessment Act* and that tax rates to be established in the same proportion to tax ratios; and,

WHEREAS estimates have been prepared showing the sum of \$193,983,012 raised for the lawful purpose of The Corporation of the City of Markham for the year 2025, \$425,350,022 for the Region of York and \$259,341,776 for the Boards of Education; and,

WHEREAS the Assessment Roll made in 2024 and upon which 2025 taxes are to be levied, was returned by the Municipal Property Assessment Corporation and is the last revised Assessment Roll; and

WHEREAS the total taxable assessment within the City of Markham is \$108,637,489,576; and,

NOW THEREFORE the Council of The Corporation of the City of Markham enacts as follows:

PROPERTY CLASS	2025 TAX RATIO
Residential	1.000000
Multi-Residential	1.000000
Commercial	1.332100
Landfill	1.100000
Industrial	1.643200
Pipeline	0.919000
Farmland	0.250000
Managed Forest	0.250000

1. THAT the following property tax ratios are to be applied in determining tax rates for taxation in 2025:

2. THAT the sum of \$193,983,012 shall be levied and collected for the City of Markham purposes for the year 2025 such amount to be provided for as follows:

CLASS	ASSESSMENT	TAX RATE	TAXES
Residential (RT)	94,406,344,396	0.171415%	161,826,592
Residential Shared as PIL (RH)	2,206,000	0.171415%	3,781
Residential Farm Awaiting Development (R1)	18,115,000	0.042854%	7,763
Multi-Residential (MT/NT)	1,218,279,300	0.171415%	2,088,313
Multi-Residential (Municipal Reduction)	0	0.111420%	0
Commercial (CT/DT/ST/GT)	10,920,367,287	0.228342%	24,935,770
Commercial (CU/DU/SU)	106,470,847	0.228342%	243,118
Commercial (CJ)	4,231,000	0.228342%	9,661
Commercial (CH)	19,330,800	0.228342%	44,140
Commercial (CX)	256,790,309	0.228342%	586,360
Commercial (C1)	29,480,100	0.042854%	12,633
Commercial (C7)	37,000	0.228342%	84
Industrial (IT/KT/LT)	1,071,032,270	0.281669%	3,016,766
Industrial (IH)	64,012,673	0.281669%	180,304
Industrial (IU/KU)	28,191,800	0.281669%	79,408
Industrial (IK)	862,327	0.183085%	1,579
Industrial (IX)	262,567,700	0.281669%	739,572
Industrial (I1)	27,316,900	0.042854%	11,706
Pipelines (PT)	95,015,000	0.157530%	149,677
Farmland (FT)	104,643,167	0.042854%	44,844
Managed Forest (TT)	2,195,700	0.042854%	941
TOTAL	108,637,489,576		\$193,983,012

3. THAT the sum of \$425,350,022 shall be levied and collected for the City of Markham's share of the Regional Municipality of York Budget for the year 2025, such amount to be provided for as follows:

CLASS	ASSESSMENT	TAX RATE	TAXES
Residential (RT)	94,406,344,396	0.375863%	354,838,518
Residential Shared as PIL (RH)	2,206,000	0.375863%	8,292
Residential Farm Awaiting Development (R1)	18,115,000	0.093966%	17,022
Multi-Residential (MT/NT)	1,218,279,300	0.375863%	4,579,061
Multi-Residential (Municipal Reduction)	0	0.244311%	0
Commercial (CT/DT/ST/GT)	10,920,367,287	0.500687%	54,676,859
Commercial (CU/DU/SU)	106,470,847	0.500687%	533,086
Commercial (CJ)	4,231,000	0.500687%	21,184
Commercial (CH)	19,330,800	0.500687%	96,787
Commercial (CX)	256,790,309	0.500687%	1,285,716
Commercial (C1)	29,480,100	0.093966%	27,701
Commercial (C7)	37,000	0.500687%	185
Industrial (IT/KT/LT)	1,071,032,270	0.617618%	6,614,888
Industrial (IH)	64,012,673	0.617618%	395,354
Industrial (IU/KU)	28,191,800	0.617618%	174,118
Industrial (IK)	862,327	0.617618%	5,326
Industrial (IX)	262,567,700	0.617618%	1,621,665
Industrial (I1)	27,316,900	0.093966%	25,669
Pipelines (PT)	95,015,000	0.345418%	328,199
Farmland (FT)	104,643,167	0.093966%	98,329
Managed Forest (TT)	2,195,700	0.093966%	2,063
TOTAL	108,637,489,576		\$425,350,021

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4. THAT the sum of \$259,341,776 shall be levied and collected for the City of Markham's share of the Boards of Education Budget for the year 2025, such amount to be provided for as follows:

CLASS	ASSESSMENT	TAX RATE	TAXES
Residential (RT)	94,406,344,396	0.153000%	144,441,707
Residential Shared as PIL (RH)	2,206,000	0.153000%	3,375
Residential Farm Awaiting Development (R1)	18,115,000	0.038250%	6,929
Multi-Residential (MT/NT)	1,218,279,300	0.153000%	1,863,967
Commercial (CT/DT/ST/GT)	10,920,367,287	0.880000%	96,099,232
Commercial (CU/DU/SU)	106,470,847	0.880000%	936,943
Commercial (CX)	256,790,309	0.880000%	2,259,755
Commercial (C1)	29,480,100	0.038250%	11,276
Commercial (C7)	37,000	0.880000%	326
Industrial (IT/KT/LT)	1,071,032,270	0.880000%	9,425,084
Industrial (IU/KU)	28,191,800	0.880000%	248,088
Industrial (IX)	262,567,700	0.880000%	2,310,596
Industrial (I1)	27,316,900	0.038250%	10,449
Pipelines (PT)	95,015,000	0.880000%	836,132
Farmland (FT)	104,643,167	0.038250%	40,026
Managed Forest (TT)	2,195,700	0.038250%	840
TOTAL	108,549,052,776		\$258,494,725
Plus: Taxable – Full Share PIL (CH, CJ, IH, IK)			
Taxed at education rate but revenue retained by Ca	ity		\$847,051
TOTAL EDUCATION LEVY			\$259,341,776

5. THAT a Waste Collection and Disposal Grant totaling \$135,860 shall be provided proportionately to the following Residential Condominium properties.

CONDOMINIUM NUMBER	ADDRESS	UNITS
YRC #226	7811 Yonge Street	148
YRC #550	7451 Yonge Street	21
YRC #618	55 Austin Drive	142
YRC #636	25 Austin Drive	149
YRC #784	7805 Bayview Avenue	341
YRC #792	610 Bullock Drive	235
YRC #794	7825 Bayview Avenue	337

6. THAT the sum of \$239,640 shall be levied on non-residential properties located within the boundaries of the City of Markham's Markham Village Business Improvement Area for the year 2025, such amount to be provided for as follows:

CLASS	ASSESSMENT	TAX RATE	TAXES
Commercial	\$88,630,922	0.270380%	\$239,640

7. THAT the sum of \$214,221 shall be levied on non-residential properties located within the boundaries of the City of Markham's Unionville Business Improvement Area for the year 2025, such amount to be provided for as follows:

CLASS	ASSESSMENT	TAX RATE	TAXES
Commercial	\$55,889,000	0.383297%	\$214,221

8. THAT the sum of \$1,286 shall be levied against all properties in the Farmland Class and collected for membership fees in the Federation of Agriculture for the Region of York for the year 2025, such amount to be provided for as follows:

CLASS	ASSESSMENT	TAX RATE	TAXES
Farmland (FT)	\$104,643,167	0.001229%	\$1,286

- 9. THAT there shall be a levy upon the Markham Stouffville Hospital in the estimated amount of \$28,200 pursuant to Subsection 323(3) of the *Municipal Act, 2001*, such amount being the sum of \$75.00 for each of the estimated 376 provincially rated beds and a levy upon Seneca College in the estimated amount of \$243,900 pursuant to Subsection 323(1) of the *Municipal Act, 2001*, such sum being \$75.00 for each of the estimated 3,252 full time enrolled students as determined by the Minister of Training, Colleges and Universities. The figures included here are 2024 figures as the 2025 information is not yet available from the Ministry of Municipal Affairs and Housing.
- 10. THAT there shall be levied upon Utility Transmission Lines (UH) the sum of \$762,185 for the year 2025, such amount to be provided for as follows:

DESCRIPTION	ACRES	RATE PER ACRE	CITY	REGION	EDUCATION	TOTAL
Hydro One	373.13	\$834.02	\$90,177	\$221,021		\$311,198
Hydro One	373.13	\$1,208.66			\$450,987	\$450,987
TOTAL			\$90,177	\$221,021	\$450,987	\$762,185

\* Education revenue of \$450,987 retained by City

11. THAT there shall be levied upon Railway Rights of Ways (WT) the sum of \$477,221 for the year 2025, such amount to be provided for as follows:

DESCRIPTION	ACRES	RATE PER ACRE	CITY	REGION	EDUCATION	TOTAL
Canadian National Railways	244.62	\$624.33	\$44,255	\$108,468		\$152,724
Canadian National Railways	244.62	\$822.69			\$201,246	\$201,246
Canadian Pacific Railways	48.42	\$624.33	\$8,760	\$21,470		\$30,230
Canadian Pacific Railways	48.42	\$822.69			\$39,835	\$39,835
Metrolinx	85.19	\$624.33	\$15,412	\$37,775		\$53,187
TOTAL			\$68,427	\$167,713	\$241,081	\$477,221

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12. THAT for the purposes of paying the owners' portion of debt charges pursuant to *Ontario Regulation 390/02* under the *Municipal Act, 2001* (previously the *Local Improvement Act*), as authorized by the following by-laws, the amounts listed below shall be levied and collected from the owners of the properties liable therefore:

EFFECTIVE / EXPIRY DATE	PURPOSE	AMOUNT
(2006-2025)	Buttonville	\$6,179

13. THAT for the purposes of paying the owners' portion of debt charges pursuant to Section 391 of the *Municipal Act, 2001* as authorized by the following by-laws, the amounts listed below shall be levied and collected from the owners of the properties liable therefore:

<b>EFFECTIVE / EXPIRY DATE</b>	PURPOSE	AMOUNT
(2016-2025)	Main Street	\$7,229
(2020-2029)	Houghton Blvd	\$27,239
TOTAL		\$34,468

- 14. THAT pursuant to Regional By-law No. A-0303-2002-020, a tax rebate totaling \$8,002.63 (City share is \$1,963.01) be provided to the Markham District Veterans Association for its property located at 7 Washington Street for 2025 upon the provision of documentation in a form satisfactory to the Treasurer.
- 15. THAT the Treasurer shall add to the Collector's Roll, all or any arrears for service provided by: the *Power Commission Act* (hydro-electric power), the *Weed Control Act*, the *Ditches and Watercourses Act*, the *Public Utilities Act*, the *Tile Drainage Act*, and the *Ontario Building Code*; and any other collection agreements charges approved by Council which shall be collected by the Collector in the same manner and at the same time as all other rates and levies.
- 16. THAT the Interim Tax Levies which were payable in two instalments on February 5, 2025, and March 5, 2025 shall be shown as a reduction on the final levy.
- 17. THAT the net amount of taxes levied by this By-law shall be due and payable in equal instalments as follows.

PROPERTIES	INSTALMENTS
Residential, Farmland and Pipelines	1. July 7, 2025
Residential, Farmand and Fipennes	2. August 5, 2025
Commercial Industrial and Multi Desidential	1. October 6, 2025
Commercial, Industrial and Multi-Residential	2. November 5, 2025

- 18. THAT those residential property owners who have applied and meet the conditions for the Pre-authorized Payment Program for taxes as approved by Council will have the taxes levied under this By-law paid by automatic withdrawal in six (6) equal instalments:
  - i. July 1, 2025;
  - ii. August 1, 2025;
  - iii. September 1, 2025;
  - iv. October 1, 2025;

Meeting Date: May 6, 2025

- v. November 1, 2025; and
- vi. December 1, 2025
- 19. THAT those residential property owners who have applied and meet the conditions for the Pre-authorized Payment Program for taxes as approved by Council will have the taxes levied under this By-law paid by automatic withdrawal in three (3) equal instalments:
  - i. July 7, 2025;
  - ii. August 5, 2025; and
  - iii. September 5, 2025.
- 20. THAT those commercial, industrial and multi-residential property owners who have applied and meet the conditions for the Pre-authorized Payment Program for taxes as approved by Council will have the taxes levied under this By-law paid by automatic withdrawal in three (3) equal instalments:
  - i. October 6, 2025;
  - ii. November 5, 2025; and
  - iii. December 5, 2025.
- 21. THAT those residential property owners who have applied and meet the conditions for the Pre-authorized Payment Program for taxes as approved by Council will have the taxes levied under this By-law paid by automatic withdrawal in two (2) equal instalments:
  - i. July 7, 2025; and
  - ii. August 5, 2025.
- 22. THAT those commercial, industrial and multi-residential property owners who have applied and meet the conditions for the Pre-authorized Payment Program for taxes as approved by Council will have the taxes levied under this By-law paid by automatic withdrawal in two (2) equal instalments:
  - i. October 6, 2025; and
  - ii. November 5, 2025.
- 23. THAT as provided in Subsections 345(1) and (2) of the *Municipal Act 2001*, if the taxes or any class or instalment thereof so levied in accordance with this By-law remain unpaid following the due date, a penalty of 1 per cent (1.00%) on the fourth day of default, and one and one quarter per cent (1.25%) per month (15% per annum), on the first day each calendar month thereafter, of the taxes remaining unpaid shall be levied until December 31, 2025.
- 24. THAT as provided in Subsection 345(3) of the *Municipal Act, 2001*, if any taxes levied pursuant to this By-law remain unpaid as at December 31, 2025, interest at the rate of one and one quarter per cent (1.25%) per month (15% per annum) of the unpaid taxes shall be levied from January 1, 2026 and for each month or fraction thereof until such taxes are paid.

- 25. THAT all taxes levied by any By-law and which remain unpaid as at the date of passing this By-law, shall have interest charged at the same rate of one and one quarter per cent (1.25%) per month (15% per annum) calculated on the unpaid taxes, on the first day of each calendar month thereafter, of the taxes remaining unpaid shall be levied until December 31, 2025.
- 26. THAT the Treasurer of The Corporation of The City of Markham is hereby authorized and directed to serve personally or to mail or cause to be mailed notices of the taxes hereby levied to the person or persons taxed at the person's residence or place of business or upon the premises in respect of which the taxes are payable by such person, or the ratepayer's mortgage company or third party designated by the property owner.
- 27. THAT the property taxes are payable to The Corporation of The City of Markham, 101 Town Centre Boulevard, Markham, Ontario, L3R 9W3. Upon payment of any applicable fee, and if paid on or before the due date imprinted on the bill, taxes may also be paid at most chartered banks in the Province of Ontario.
- 28. AND THAT those residents who qualify for the Low-Income Seniors and Low-Income Disabled Tax Deferral program shall apply to the City of Markham Property Tax Division in accordance with the program policies as established by The Regional Municipality of York. The amount of deferral for 2025 will be determined once the application has been received and approved. The deferral amount may not be reflected on the 2025 final tax billing issued in accordance with this By-law.

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS 27<sup>th</sup> DAY OF MAY, 2025.

**KIMBERLEY KITTERINGHAM** CITY CLERK **FRANK SCARPITTI** MAYOR



Report to: General Committee

Meeting Date: May 6, 2025

SUBJECT:	004-T-25 Building Automation Systems Expansions & Upgrades for Six Markham Facilities
PREPARED BY:	Darius Chung, Senior Buyer, Ext. 2025 Rafael Abo, Project Manager, Facility Assets Ext. 3120 Aaron Cheung, Building Automation Coordinator, Ext. 5283

#### **RECOMMENDATION:**

- 1. That the report entitled "004-T-25 Building Automation Systems Expansions & Upgrades for Six Markham Facilities" be received; and,
- 2. That the contract for 004-T-25 Building Automation Systems Expansions & Upgrades for Six Markham Facilities be awarded to Viridian Automation Inc. (lowest priced bidder) in the amount of \$1,202,462.30 inclusive of HST; and
- 3. That a contingency in the amount of \$120,246.23 inclusive of HST, be established to cover any additional construction costs and that authorization to approve expending of the contingency amount up to the specified limit be in accordance with the Expenditure Control Policy; and
- 4. That the award in the total amount of \$1,322,708.53 (\$1,202,462.30 + \$120,246.23) be funded from the capital project account 056-6150-24091-005 "Building Automation Systems Replacement Program", which has an available budget of \$990,500.00; and
- 5. The budget shortfall in the amount of \$332,208.53 (\$990,500.00 \$1,322,708.53) be funded from the Non-DC capital contingency account; and
- 6. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

#### **PURPOSE:**

To obtain Council approval to award the contract for the complete replacement of the building automation systems (BAS) at six facilities as follows. This includes BAS upgrades and expansion to the 6 facilities:

- 1. Armadale Community Centre
- 2. Fire Station 93
- 3. Fire Station 99
- 4. Museum Collections Building
- 5. Markham Village Library
- 6. Varley Art Gallery

The work involves replacing existing BAS systems with an open-source BAS solution that optimizes control sequences to improve energy-efficiency and occupant comfort. It also includes migrating the old BAS platform that is no longer being supported onto the City's new central BAS, ensuring consistency with all other City facilities. This project aligns with

the principles as stipulated in Markham's Corporate Energy Management Plan (CEMP), and coincides with the Digital Markham initiatives in the area of Smart Building Technology.

#### **BACKGROUND:**

The six facilities currently utilize a legacy BAS control and standalone zone controllers that do not connect with each other. The systems have reached end-of-life status with diminishing manufacturer support and replacement parts.

The selected Delta Controls BAS will provide the following benefits:

- Reducing utility costs and GHG emissions;
- Improving efficiency in the operations and maintenance of the facilities' HVAC systems;
- Improving building users' comfort level and internal air quality;
- Standardizing building automation system on the City facilities, by integrating the new system to the City wide centralized user-friendly BAS platform (currently the City has 7 other facilities are on the Delta Controls systems);
- Mitigating cybersecurity risk by utilizing modernized BAS system with firmware/software that are up to date and supported;
- Modern, web browser-based platforms that can be accessed from a variety of locations or platforms (e.g. tablets, laptops, computers, phones).

The work will be completed by October 2026.

#### **BID INFORMATION:**

Bid closed on	March 6, 2025
Number picking up bid document	3
Number responding to bid	3

#### FINANCIAL CONSIDERATIONS:

Recommended bidder	Viridian Automation Inc. (lowest priced bidder)		
Current budget available	\$ 990,500.00	056-6150-24091-005 Building Automation	
	\$ 990,300.00	Systems Replacement Program	
Less cost of award	\$ 1,128,136.80	Cost of Award (Incl. of HST)	
	\$ 74,325.50	Provisional Items (Incl. of HST)	
	\$ 120,246.23	10% Contingency	
	\$ 1,322,708.53	Total cost of award (Incl. of HST)	
Budget remaining after	(\$332,208.53)		
this award			

The budget shortfall in the amount of \$332,208.53 will be funded from the Non-DC capital contingency account.

#### **OPTIONS AND DISCUSSIONS**

All bids received in response to this Request for Tender exceeded the City's budget. The shortfall can be attributed to the following reasons:

1. Inflationary factors since budget development:

The lifecycle cost estimate in 2021 was utilized for this project budget and since then, the construction industry has faced unprecedented spike in construction costs driven by pandemic and post-pandemic inflation, global supply chain disruptions, and material shortages. Over the same period (2021-2025), the consumer price index (CPI) has increased by 14% and construction index has increased between 26% - 59% dependent on construction, types materials or methods.

Therefore, a significant portion of the shortfall is due to these inflationary factors.

2. Unbudgeted items:

Included in the total shortfall are provisional items totaling \$74,325.50 plus 10% contingency (\$81,758.05). These items for Fire Station 93, Museum Collections Building, Markham Village Library, and Varley Art Gallery are recommended to be included in the award of the project as these items will enhance operational efficiency, reduce energy costs and emissions, improve performance, and support project delivery.

#### **OPERATING BUDGET AND LIFE CYCLE IMPACT**

This is a Capital Project funded by Life Cycle, and the award is consistent with the Life Cycle study amount. The Life Cycle Reserve study will be updated to reflect the cost of this award.

By completing this project in 2026, the City will start saving approximately \$35,000/year in utility savings, consisting of natural gas, district energy, and hydro consumption reductions. Given the significant draw from the Non-DC capital contingency account, the \$35,000/year in utility savings will be used to pay back the Life Cycle in the amount of the budget shortfall of \$332,208.53. As such, the payback period is anticipated to be 9.5 years for the shortfall amount only.

After the payback is finished in 2036, the operating budget will be reduced by 50% of the utility savings (\$17,500) and the remaining 50% of the utility savings (\$17,500) will be transferred to MECO to fund other low-carbon initiatives. The 50-50 split acknowledges the importance of MECO as a funding source for corporate energy initiatives, such as EV chargers and the green fleet strategy. This is consistent with the previous staff award 083-T-24 (Building Automation System Replacement at 8100 Warden).

#### ENVIRONMENTAL CONSIDERATIONS

The new BAS systems will have a positive effect on the internal air quality of the building by having control for air temperature and humidity levels which should increase occupant comfort level during operation and reduce energy usage during closure. In addition to the reduction of overall GHG emissions.

# HUMAN RESOURCES CONSIDERATIONS

Not Applicable.

ALIGNMENT WITH STRATEGIC PRIORITIES:

Goal	Examples – How the Solution can Help Achieve the Goal
Exceptional Services by Exceptional People	Enhance service levels, as a result of a more user friendly and mobile accessible system. Improves building owner oversight to improve occupant comfort and response times.
Engaged, Diverse & Thriving City	Supports Smart Building work under the Digital Markham initiative. Modernizing assets and tools to drive innovation and collaboration.
Safe & Sustainable Community	Reduce energy consumption and GHG emissions, support Cybersecurity best practices.
Stewardship of Money & Resources	This initiative is consistent with the City's Asset Management Plan, to maintain our assets in a state of good repair.

#### **BUSINESS UNITS CONSULTED AND AFFECTED:**

Comments from Sustainability and Asset Management, Recreation, Fire, Culture, Markham Public Library and Finance have been incorporated into this report.

#### **RECOMMENDED BY:**

Graham Seaman, Director, Sustainability and Asset Management

Trinela Cane, Commissioner, Corporate Services



Report to: General Committee

Meeting Date: May 6, 2025

SUBJECT:	Little Native Hockey League - 2025 Tournament Report
PREPARED BY:	Mary Creighton – Director, Recreation Services Andrew Baldwin – Acting Executive Director, Destination Markham Board

#### **RECOMMENDATION:**

- 1. That the report titled Little Native Hockey League 2025 Tournament Report be received; and
- 2. That Council recommend to the Destination Markham Board that additional funding in the amount of \$25,000, to support the hiring of a Tournament Coordinator, be added to the Destination Markham contribution increasing their annual budget for 2026 and 2027 to \$240,000; and
- 3. That Council support staff initiating conversation with the Little Native Hockey League to extend the term of the current Memorandum of Understanding (2025 2027) for 2 to 3 additional years; and
- 4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

#### **PURPOSE:**

The purpose of this report is to provide Council with the highlights of the successful 2025 Little Native Hockey League (LNHL) tournament and to provide data on the Economic Impact of the 5 day event with recommendations for continued support of the event in 2026 and 2027 as per the Memorandum of Understanding.

#### **BACKGROUND:**

The City of Markham hosted the 50<sup>th</sup> Anniversary of the LNHL in March of 2024. The event included 244 teams, using 15 ice pads (Markham 10, Stouffville 3 and Richmond Hill 2). It was estimated that there were over 4,500 athletes with an additional 6,000 family and friends that attended the event.

As a result of the successful 2024 event, in June of 2024 the City of Markham, Destination Markham and the LNHL Executive signed a 3 year agreement with Markham to host the event from 2025 – 2027.

# National Award Presented to the City of Markham/Destination Markham for the 2024 LNHL 50<sup>th</sup> Anniversary and Tournament

On March 20, 2025 Sport Tourism Canada presented the Sport Event Legacy of the

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Year award to the City of Markham/Destination Markham for the 2024 - 50th Anniversary Little Native Hockey League Tournament. The STC Sport Event Legacy of the Year Award honours the remarkable achievements or contributions of individuals, companies or organizations in creating sport, economic, and social legacies for a community, while also demonstrating environmental stewardship, within a sport event held in Canada in 2024.

Sport Tourism Canada is (STC) promotes sport tourism as a grassroots economic development initiative at the community level, aiming to establish Canada as a preferred sport tourism destination. The City of Markham and Destination Markham are members of this non-governmental organization helping to support events that bring positive economic and social benefits to the community. The tournament generated almost \$10 million in tourism economic benefit for the City of Markham.

#### **Festivals and Events Ontario (FEO)**

The City of Markham received the FEO Impact Award for hosting the Little Native Hockey League Tournament 2024.

The criteria focuses on recognizing events, municipalities, suppliers, volunteers and sponsors that have made significant and positive impact within the festivals and events industry. Specifically, the award considers an organization's dedication, innovation, and ability to adapt to changing industry parameters.

All City of Markham and Destination Markham staff who supported the success of the 2024 LNHL 50<sup>th</sup> Anniversary Celebration and Tournament, share in this major national tourism award.

#### **OPTIONS/ DISCUSSION:**

#### 2025 Tournament Overview

The 2025 event was held from Sunday March 9 – Thursday March 13, 2025. This year's event hosted 277 teams with over 15,000 visitors including 5,500 athletes.

As in the previous year the tournament was hosted at all 10 ice pads in Markham, 4 ice pads located in Stouffville and new this year was the addition of 14 hours at Canlan Ice Sports – Scarborough.

Angus Glen Arena hosted the tournament opening ceremony on Sunday March 9<sup>th</sup> and served throughout the week as the tournament headquarters hosting a variety of vendors, food truck alley, activities for kids and various information and educational clinics for the Indigenous community.

Beyond the economic benefits which will be discussed, the LNHL Tournament reinforced community engagement, celebrated Indigenous culture and provided young athletes with an opportunity to compete at a high level while strengthening family and community bonds. This event showcased Markham's capability as a premier sports tourism destination, emphasizing the city's ability to host large-scale sporting events successfully

#### **Economic Impact**

The 2025 Little Native Hockey League Tournament was a major economic driver for the city and surrounding areas.

This event brought vibrant activity to the city, generating significant economic benefits for local businesses and the broader community. The figures presented in this summary are best estimates based on assumptions and data provided by event organizers, hosting partners and hotel accommodation partners. These estimates provide a good overview of the event's direct impact on the local economy.

The direct business impact of the event totaled an estimated \$14.38 million, through participant and visitor spending on accommodations, food and beverage, retail and entertainment, transportation and services tied to the event.

Key Highlights:

- Food and beverage spending reached approximately \$4.06 million, reflecting strong restaurant and catering activity during the tournament.
- Lodging contributed \$2.65 million in direct sales, with over 11,357 room nights booked in Markham at an average room rate of \$234.
- Retail and transportation accounted for approximately \$2.6 million and \$2.87 million respectively, driven by attendee shopping and local travel.

The tournament supported an estimated 2,690 direct jobs, including temporary, part-time, and full-time roles across hospitality, tourism, food services, and event operations. These positions translated into the equivalent of 101 full-time annual jobs, offering a measurable boost to local employment.

From a taxation perspective, the LNHL generated approximately \$106,300 in Municipal Accommodation Tax (MAT) revenue. The return on investment (ROI) was \$29,446, based on a hosting investment of \$525,000 comprising \$215,000 in cash from Destination Markham and \$310,000 in-kind contributions from the City of Markham. This represents a 6% positive ROI at the local level, emphasizing the event's value as both a cultural celebration and a strategic economic investment.

The success of the LNHL reaffirms the powerful role of Indigenous sport tourism in advancing community economic development, social inclusion and cultural exchange. The strong visitor turnout, hotel demand and local spending emphasize the importance of continuing to attract and support events that align with Markham's broader tourism development and reconciliation goals.

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#### Moving Forward – LNHL 2026 and 2027 Tournaments

Staff from Recreation Services and Destination Markham were to attend a debrief meeting on Saturday April 5<sup>th</sup> at Rama First Nation. Unfortunately, due to the ice storm the previous week this meeting had to be rescheduled. The staff team will be meeting with the LNHL executive on Saturday June 14<sup>th</sup>.

We anticipate that one of the topics of discussion with the LNHL Executive is looking at growing the capacity of this event to host 300 teams, which would be an additional 23 teams which equates to an additional 48 hours of ice over the 4 days. There are a number of options available which could include the tournament starting at most locations on the Sunday afternoon/evening. This would have an impact on our community groups and recreational skating, however this is the first weekend of March break which does not tend to be a busy time in our community centres.

#### Staffing Resources – City of Markham Coordinator

Currently the City supports the LNHL through in-kind contribution of \$310k which includes \$25K for the staff coordinator support position that is provided from Recreation Services. Due to the growth of the tournament and changing business needs, Recreation Services is no longer able to support this "secondment" position without having the ability to back fill or to hire someone externally on contract to coordinate the event.

Staff are recommending that the \$25K allocated as in-kind services be funded through Destination Markham which would increase their cash contribution to \$240K annually. This would then allow a dedicated individual to coordination of the logistical requirements to host the event among the 12+ facilities being used to host the event and to work directly with the LNHL planning group.

#### **Future Consideration**

The Memorandum of Understanding (MOU) between the City of Markham, Destination Markham and the Little Native Hockey League Executive outlines the commitment for Markham to host the tournament for a 3 year period, 2025 - 2027. Given the success of the 2025 tournament and the extremely positive economic impact, \$13.65 million, staff are recommending that consideration be given to extend the MOU.

This event currently is the largest sport tourism event that the City of Markham supports. Given the success and positive economic impact staff are seeking Council's support to have an initial conversation with the LNHL Executive to understand if they would be interested in extending the term of the MOU.

# FINANCIAL CONSIDERATIONS

The following represents a summary of the 2025 Financial Contribution from Destination Markham which was approved June 2024. The total approved was \$215K to support various activities of the tournament.

Meeting Date: May 6, 2025

Destination Markham		
Financial Contribution Approved \$215,00		
Categories	2025 Actuals	
Opening Day	\$19,746	
Signage	\$ 6,563	
Security	\$26,707	
Referee/Scheduler support	\$34,546	
Stouffville Ice	\$33,726	
Site Support staff	\$14,617	
Medical	\$18,000	
LNHL Exect.	\$25,594	
Mtg/Accommodation		
Parking Shuttle	\$6,610	
Contingency/Miscellaneous	\$11,420 (ice logos, storage pod, volunteer support)	
Total Spent	\$197,529	

Below is the summary of costs which totals \$197,529 resulting in a surplus of \$17,500.

#### Proposed 2026 Destination Markham Financial Commitment

Staff are recommending that Destination Markham continue to make this financial commitment of \$215K to support increased costs that will be incurred as result of additional teams attending requiring additional security, medical, referee and site support staff. The impact of additional teams does have a positive impact on the economic impact to the City of Markham.

Staff are recommending that the \$25K allocated as In-Kind services be funded through the Destination Markham Board which would increase their total cash contribution to \$240K annually.

Staff are requesting that Council recommend to the Destination Markham Board that additional funding in the amount of \$25,000, to support the hiring of a Tournament Coordinator, be added to the Destination Markham contribution increasing their annual budget for 2026 and 2027 to \$240,000

#### HUMAN RESOURCES CONSIDERATIONS

Not applicable

#### ALIGNMENT WITH STRATEGIC PRIORITIES:

Although the LNHL is a sport-based tournament, it is essential that the host community ensure that celebration of the First's Nation's culture is included and respected in every aspect of the plan which aligns to our Diversity Strategy and Action Plan.

#### **BUSINESS UNITS CONSULTED AND AFFECTED:**

Destination Markham Corporation and Recreation Services.

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# **RECOMMENDED BY:**

Morgan Jones Commissioner Community Services

**ATTACHMENTS:** N/A

Arvin Prasad Commissioner Development Services



Report to: General Committee

Meeting Date: May 6, 2025

SUBJECT:	Automated Speed Enforcement (ASE) Program
PREPARED BY:	Eric Chan, Senior Manager, Transportation Jeff Baker, Manager, Administrative Monetary Systems Shane Manson, Senior Manager, Finance Joshua Silver, Assistant City Solicitor

#### **RECOMMENDATION:**

- 1. That the report entitled Automated Speed Enforcement (ASE) Program be received; and,
- 2. That Council approve the implementation of an Automated Speed Enforcement (ASE) Program in the City of Markham; and,
- 3. That Council delegate authority to the City Treasurer and City Clerk to execute any agreement or document in a form satisfactory to the City Solicitor, required to implement or administer the ASE program within the City of Markham, including but not limited to agreements with the Town of Newmarket, ASE Camera Vendor, Ministry of Transportation and Ministry of Attorney General; and,
- 4. That Council delegate authority to the Director of Engineering to identify and approve initial and future ASE installation locations, including adding additional ASE cameras, subject to the annual budget process, with priority given to areas with significant safety concerns; and,
- That Council enact an amendment to Traffic By-law 106-71, Schedule 24 (Community Safety Zones), identifying all publicly operated elementary and secondary school locations as Community Safety Zones within the City of Markham as outlined in Attachment 1; and,
- 6. That Council enact the proposed By-law to establish a System of Administrative Monetary Penalties for Violations of Automated Speed Enforcement Systems in the City of Markham as outlined in Attachment 2; and,
- 7. That Council approve the in-year capital addition to Budget 2025 in the amount of \$495,000, with the funding strategy to be identified and implemented by the City Treasurer; and,
- That the City Clerk forward a copy of this report to the Regional Municipality of York (York Region), York Region's local municipalities, York Regional Police, York Region District School Board, York Region Catholic School Board, the Ministry of Transportation Ontario, and the Ministry of the Attorney General; and further,

9. That staff be authorized to and directed to do all things necessary to give effect to these resolutions.

#### EXECUTIVE SUMMARY:

Automated Speed Enforcement (ASE) programs have been adopted by many municipalities throughout Ontario and are an efficient and effective way to enforce posted speed limits. By automatically detecting and recording speed violations, ASE programs help reduce vehicle speeds, enhance road safety, and promote safer community environments, particularly in areas where vulnerable populations are at higher risk.

Currently, the Region of York has implemented five ASE cameras on regional roads within Markham. The implementation of ASE programs on the roads under the jurisdiction of the City of Markham is included in the ongoing City's Vision Zero Road Safety Plan. ASE is one of the effective mobility safety solutions that could be used to align with local neighbourhood contexts and requirements.

To facilitate the implementation of an ASE program along Markham local and collector road systems, a cross-departmental team was established to collaborate and provide input on various aspects of the program, which is currently targeting a "go-live launch" of spring 2026. Based on information included in this report, staff recommend the implementation of an ASE program in the City, as one of the many measures being considered in the ongoing Vision Zero Road Safety Plan, with the primary goal of reducing vehicle speeds and improving mobility safety in community safety zones.

Markham's proposed ASE program is structured to support the broader objectives of the City's Vision Zero Road Safety Plan and staff are requesting Council endorsement of:

- Designating all publicly operated Elementary and Secondary Schools situated on City roads as Community Safety Zones (CSZ) and delegating authority to the Director of Engineering to identify and approve initial and future ASE installation locations, including adding additional cameras, subject to the annual budget process, with priority given to areas with significant safety concerns. The initial phase of the program will deploy eight fixed ASE cameras, with each ward receiving one camera to ensure equitable distribution of program benefits across the City. Future phases may involve installing additional cameras throughout the city.
- 2. Enacting the proposed By-law to establish a System of Administrative Monetary Penalties for Violations of Automated Speed Enforcement Systems in the City of Markham.
- 3. Delegate authority to the City Treasurer and City Clerk to execute any agreement, in a form satisfactory to the City Solicitor, required to implement or administer the ASE program which will include the Ministry of Transportation (MTO) and the Ministry of Attorney General (MAG).

- 4. Execute an agreement to designate the Town of Newmarket as the City's Joint Processing Center (JPC). The JPC is responsible for managing ASE camera data and processing violation notices.
- 5. Council approval of an in-year capital addition to Budget 2025 in the amount of \$495,000, with the funding strategy to be identified and implemented by the City Treasurer.

#### PURPOSE:

To obtain Markham City Council approval to implement an Automated Speed Enforcement (ASE) Program under the Administrative Monetary Penalty System (AMPS) within the City of Markham.

#### BACKGROUND:

ASE utilizes technology-driven tools including cameras and speed measurement devices to enforce maximum speed limits by capturing photos of vehicles that exceed these limits. In Ontario, ASE cameras are strategically placed in Community Safety Zones, where there is an elevated risk to traffic and pedestrian safety. Offences recorded by ASE systems undergo review and certification by Provincial Offences Officers before being issued to the vehicle's registered owner. This enforcement mechanism aims to curb speeding, promote safer communities, and supports existing educational, engineering, and other speed reduction initiatives.

Prior to the introduction of ASE in Ontario, speed limit enforcement was solely the responsibility of jurisdictions managing police services. While the *Highway Traffic Act* allowed local-tier municipalities to set their own maximum speed limits, enforcement remained within the purview of upper-tier and single-tier municipalities. With the implementation of ASE, municipalities gained an additional tool to enhance road safety by providing continuous, automated monitoring of speed compliance. This system not only reduces the burden on police services but also improves compliance with posted speed limits, particularly in high-risk areas such as schools. The following provides an overview of the provincial legislation granting municipalities the authority to implement ASE.

#### I. Highway Traffic Act

The **Highway Traffic Act** ("HTA") governs vehicle licensing, standards, and penalties for vehicles operating on Ontario's public highways. Sections 128 and 214.1 of the HTA grant municipalities the authority to enact by-laws setting and enforcing speed limits on public highways within their jurisdictions, including the implementation of Community Safety Zones ("CSZ").

A **CSZ** is a designated area, often near schools or other places with high pedestrian traffic, where public safety is of special concern. In a CSZ, fines for moving violations, including speeding, are doubled. The aim is to improve public safety by encouraging drivers to slow down and be more cautious in areas where pedestrians, particularly children, are more likely to be present. Municipal councils

can designate roads under their jurisdiction as CSZs, and a municipal by-law is required to increase fines within those limits.

In 2017, the HTA was amended to allow the use of ASE program on roads with speed limits under 80 km/h in School Zones and Community Safety Zones (CSZs). While ASE fines do not lead to demerit points or affect vehicle insurance rates, failure to pay these fines can result in enforcement through the Ministry of Transportation's plate denial process.

#### II. Ontario Regulation 398/19 Automated Speed Enforcement

*O. Reg. 398/19 ASE* (O. Reg. 398/19) establishes the regulations related to the implementation and ongoing operation of ASE programs by municipalities. Fundamental components of O. Reg. 398/19 include the following requirements:

- ASE systems consist of a combination of a camera and speed-measuring equipment that can be used to take a photograph of a vehicle and record the rate of speed that the vehicle is travelling at the time of the photograph.
- Information regarding the captured offence (time and date of photograph, location of offence, rate of speed, posted speed limit, etc.) must be shown on the photograph to be received in evidence as proof of the offence.
- Captured offences and proof of offence (ASE photograph) must be reviewed and certified by a Provincial Offences Officer before an offence notice and accompanying fine is issued.
- Offence notices and accompanying fines are issued to the registered vehicle owner and served via regular mail with options for payment or dispute of the offence/fine.
- When ASE systems are in operation, municipalities must advise motorists with applicable regulatory signage.

#### III. Ontario Regulation 355/22 - Administrative Monetary Penalties for Contraventions Detected Using Camera Systems

The introduction of ASE in Ontario initially relied on the *Provincial Offences Act* (POA) for processing offences and penalties, similar to non-ASE violations under the HTA. However, this approach added significant strain to the already overloaded provincial court system.

To alleviate this burden, the HTA was amended in 2022 to allow municipalities to enforce ASE violations through an Administrative Monetary Penalties (AMP) system. Under this model, municipalities manage ASE offences and the appeals process. The regulations for implementing and operating municipal ASE programs under AMP systems. are outlined in O. Reg. 355/22, which governs the use of ASE camera systems to detect contraventions.

Key aspects include:

The roles within an AMP ASE program are clearly defined:

- Provincial Offences Officers employed by the municipality may impose and issue Administrative Monetary Penalties for ASE contraventions.
- Screening Officers employed by the municipality may review and make decisions on appealed penalties.
- Hearing Officers appointed by the municipality may review, adjudicate and make decisions on appealed decisions of the Screening Officer.

AMP ASE program appeals have a regulated process for dispute resolution as well as payment of penalties. AMPS issued under the ASE program are dynamic and based on the captured speed of the contravention with portions of the penalties directed to MTO and MAG.

#### Other Municipal ASE Programs

Many Ontario municipalities have already implemented or are in the process of adopting an ASE program. Currently, the Region of York has deployed a mix of fixed and mobile ASE cameras on regional roads. There are five fixed ASE cameras on regional roads in Markham, as follows:

Regional Road	School
14th Avenue, West of McDowell Gate	Trillium School
Bayview Avenue, North of Willowbrook Road	Thornlea Secondary School
Highway 7, East of Robinson Street	St. Patrick Catholic Elementary School
Leslie Street, South of Highway 407	St. Robert Catholic High School
McCowan Road, North of Carlton Road	Markville Secondary School

Staff reviewed several municipal ASE programs, gaining key insights that assisted with the development of the City's ASE program. Some examples include:

Municipality	Status	Municipality	Status
City of Guelph	Active	Region of Waterloo	Active
City of Orillia	Target Q3/25	City of Belleville	Active
City of Oshawa	Target Q3/25	Town of Ajax	Active
City of Pickering	Active	Region of Durham	Active
City of Brampton	Active	City of Barrie	Active
City of Hamilton	Active	City of Ottawa	Active
City of Toronto	Active	City of Mississauga	Active
Region of York	Active	Town of Whitchurch-Stouffville	Active
Town of Newmarket	Active	Town of Georgina	Active
City of Richmond Hill	Target 2025	City of Vaughan	Active

#### IV. ASE Program Effectiveness

ASE has proven effective for reducing speeding and improving road user safety within CSZs. Feedback received from other municipalities has illustrated that ASE cameras are highly effective in encouraging drivers to follow speed limits, lowering the average vehicle speeds, and decreasing both the frequency and severity of accidents.

While results may vary depending on the location, many municipalities have successfully implemented ASE programs with positive outcomes. Examples include:

<u>City of Toronto</u> (The Hospital for Sick Children and Toronto Metropolitan University)

- The percentage of vehicles exceeding the speed limit decreased by 80% in locations with an ASE device
- ASE cameras reduced the operating speed by an average of 7 km/h in locations with an ASE device
- ASE cameras decrease the number of occurrences of excessive speeding (driving 20 km/h or more over the limit was reduced by 87%)

#### City of Ottawa

- ASE cameras increased compliance with the maximum posted speed limit by 200%
- ASE cameras led to an 11% decrease in the 85th percentile speed (the speed at which 85% of the traffic is travelling or below)
- ASE cameras decreased the number of motorists travelling at 15 km/h over the maximum posted speed limit by 72%

#### City of Mississauga

- Data collected before and during enforcement periods shows an average decrease in vehicle operating speeds of 8 km/h; and,
- Average increase of 26% in motorists' compliance with the post speed limit

#### Region of York

- ASE camera installations have reduced vehicle operating speeds by approximately 10 km/hr.
- Speed limit compliance has increased by approximately 25%.
- The Region has noted that ASE can reduce collisions by 48%

ASE has proven to be effective in many Ontario municipalities and while there is no "one-size-fits-all" approach to deploying the type of ASE cameras (fixed or mobile), staff have benefited from insights shared by municipalities with more established programs. Fixed ASE cameras are generally preferred, as they offer a constant and visible deterrent which promotes long-term speed compliance. In contrast, mobile units have a more temporary impact, with drivers often resuming at higher speeds after relocation. Mobile units are also more susceptible to vandalism, reducing effectiveness and increasing maintenance cost.

#### Markham's Vision Zero Road Safety Plan

ASE programs contribute and directly align with the City's overarching goals of the Vision Zero Road Safety Plan, which aims to create safer road networks for all residents, pedestrians, cyclists, and drivers. By targeting speed-related risks, the ASE program supports the goal of minimizing injuries and fatalities on the road and results in a more livable and safer community. Since May 2024, the Engineering Department has been developing a comprehensive five-year Vision Zero Road Safety Plan (RSP) and capital program to address the persistent issue of collisions, which have resulted in significant injuries and fatalities.

The RSP aims to reduce traffic fatalities and serious injuries by 10% over a fiveyear period, through a data-driven, safe system approach that emphasizes stakeholder and public engagement, inclusiveness, and political commitments. The RSP builds on current safety initiatives and seeks to enhance road safety for all road users, irrespective of their mode of transportation.

Given the compelling data from other jurisdictions demonstrating the positive impact of ASE programs on public safety, Staff recommend accelerating the consideration of ASE as part of the Road Safety Plan (RSP). A core focus of the RSP is to identify a range of initiatives and treatments that address key safety emphasis areas across the City. ASE is being prioritized for potential implementation in school zones, where objective, data-driven evidence supports its effectiveness. Staff continue to work toward presenting the final RSP along with a corresponding 5-year capital plan to Council for endorsement in Fall 2025.

#### **OPTIONS/ DISCUSSION:**

The Provincial government has introduced a variety of flexible program options for municipalities to explore when deciding to implement an ASE program. The main objectives of ASE programs are to enhance road safety and reduce speeding, both of which are central to the ongoing efforts the City of Markham intends to make through the RSP.

Prior to implementing an ASE program, the City of Markham is required to secure formal approval from the province and complete the following prescribed requirements.

- 1. Establish Community Safety Zones (CSZ) Designations
  - Identify all public elementary and secondary schools within the City of Markham as CSZ, where there is an elevated safety risk for vulnerable road users.

Staff recommend the designation of all public Elementary and Secondary Schools situated on Markham roads as Community Safety Zones (CSZ), as outlined in the Bylaw amendment included within Attachment 1. In addition, staff further recommend Council delegate the authority to the Director of Engineering to determine the ASE installation locations throughout the City of Markham using a data-driven methodology for all locations with high safety concerns.

- 2. Enact a By-law to Establish a System of Administrative Monetary Penalties for Violations of Automated Speed Enforcement Systems in the City of Markham
  - The second step of an ASE program requires the City to enact a By-law which provides an administrative monetary penalty framework in alignment with O. Reg. 355/22. The By-law is a prerequisite for entering into the required ASE agreements with MTO and MAG. Included below is a summary of the By-law elements:
    - i. Enables the issuance of an AMPS ticket (called a Penalty Order or "PO") for a speeding violation captured by an ASE camera within 23 days of the violation.
    - ii. Sets out the requirements for information that must be included on the PO (including a unique file number, vehicle owner name and address, description, location and photograph of the violation, and an administrative penalty (fine), as well as payment and appeal options.).
    - iii. Sets out the way in which a PO is served and establishes the requirement for the PO to be paid within 30 days unless an appeal (AMPS Screening Review) is requested.
    - iv. Establishes the specific AMPS adjudication processes that apply should the PO be appealed, including the potential for a Screening Review to be conducted orally, electronically or in writing; the ability for the Screening Officer to confirm, vary or set aside the PO; the process for proceeding to the second stage of adjudication (Hearing Review); and hearing processes.
    - v. Sets out a process for requesting an extension to the 30-day time periods for requesting a Screening or Hearing Review.
    - vi. Establishes the information a Screening or Hearing Officer may consider when reviewing a PO.
    - vii. Penalty amounts for ASE infractions are set by the Province under O. Reg 355/22 and are not determined by the Municipality.
      - There are four components that make up the Total Penalty structure:

a) Rate of Speed Fee:

KM/HR OVER SPEED LIMIT	RATE OF PENALTY
1-19 km/hr.	\$5.00 per km
20-29 km/hr.	\$7.50 per km
30-49 km/hr.	\$12.00 per km
50 km/hr. or more	\$19.50 per km

b) <u>Victim Component Fee</u>: The Victim Component Fee is a Provincial charge related to a penalty with the proceeds directed to the Victims Justice Fund. The Victim Component Fee is determined based on the amount associated with the Rate of Speed penalty amount, as listed below.

PENALTY AMOUNT	VICTIM COMPONENT FEE
\$0 - \$50	\$10
\$51 - \$75	\$15
\$76 - \$100	\$20
\$101 - \$150	\$25
\$151 - \$200	\$35
\$201 - \$250	\$50
\$251 - \$300	\$60
\$301 - \$350	\$75
\$351 - \$400	\$85
\$401 - \$450	\$95
\$451 - \$500	\$110
\$501 - \$1000	\$125
\$1000+	25% of Penalty Amount

- c) <u>License Plate Search Fee</u>: This Ministry governed flat fee of \$8.25 is added to the total to cover the costs associated with retrieving the registered vehicle owner's information from the MTO (Ministry of Transportation of Ontario). Meaning the name and address of the person who is subject to the Penalty Order.
- d) <u>Administrative Fees</u>: Additional fees not included in the typical Total Penalty calculation can include the following:
  - Late Fee: When a penalty is past-due, the municipality can submit for plate denial to the Defaulted Fine Control Centre (DFCC) managed by MTO. The DFCC will add a \$20.00 late fee to the Total Penalty for each plate denial request submitted. The license plate holder must pay the new outstanding Total Penalty amount to the MTO and not the Municipality (to be recovered by the Municipality from MTO at a later date).

- <u>No-Show Fee</u>: A municipality may add a \$60.00/occurrence "No-Show Fee" to a penalty when the appellant fails to attend a requested and scheduled screening or hearing. This is implemented through the AMPS By-Law, as amended.
- e) <u>Penalty Calculation Example</u>
  - (a) Rate of Speed Fee + (b) Victim Component Fee + (c) License Plate Search Fee + (d) Administrative Fees = Total Penalty
  - Example: A vehicle traveling at 58 km/hr. in a posted 40 km/hr. zone (23 km/hr. over the posted speed limit)
  - The calculation would be as follows.
    - a. 18 km / hr. x \$5.00 rate = \$90.00 Rate of Speed Fee
    - b. + \$20.00 Victim Component Fee = \$110.00 Total
    - c. + \$8.25 License Plate Search Fee = \$118.25 Total

#### Total Speeding Infraction Cost = \$118.25

Staff recommend that Council adopt the Administrative Penalties for Contraventions Detected Using ASE Camera Systems By-law, as included within Attachment 2.

- 3. <u>Ministry of Transportation (MTO) and Ministry of Attorney General (MAG)</u> <u>Agreements</u>
  - Once AMPS ASE By-law is enacted, the third step is for the City to execute an agreement with MTO, to enable the JPC to have access to license plate registration information for the purposes of issuing POs and committing the City to maintain confidentiality of the information. Additionally, the required MTO agreement stipulates that the City is to submit annual and biannual data reports documenting the number of POs issued, contested, and paid.
  - The City will also need to sign a separate standardized agreement with MAG to establish the specifics of the City's commitment to remit the Victim Component of penalties to the province and provide monthly and semiannual reports on the details of Victim Components collected and outstanding. This agreement also sets out requirements to send plate denial requests to MTO via the Ministry's Defaulted Fine Control Centre if POs are unpaid, as well as other reporting requirements to the Ministry.

Staff recommend Council delegate authority to the City Treasurer and City Clerk to execute any agreement or document satisfactory to the City Solicitor, required to implement or administer the Automated Speed Enforcement program within the City of Markham, including but not limited to; the Town of Newmarket, Ministry of Transportation and Ministry of Attorney General.

#### 4. Joint Processing Centre (JPC)

- To implement ASE, the City must set up a Joint Processing Centre (JPC). The JPC is responsible for managing data captured by automated enforcement cameras and processing violations. Photographic evidence is transmitted electronically from the camera to the JPC, where a Provincial Offences Officer reviews and verifies the information. After confirming the violation, the JPC requests the vehicle owner's name and address from the Ministry of Transportation (MTO) and proceeds with issuing a ticket.
- The City of Markham may choose to open and operate its own JPC or contract with another JPC operator. Currently, the City of Toronto, York Region and the Town of Newmarket are operating, or are in the process of establishing JPCs.
  - i. <u>The City of Toronto</u> was the first municipality within Ontario to establish ASE, has been operating its Joint Processing Centre (JPC) since December 2019. The City had twelve (12) municipalities utilizing their Joint Processing Centre to process ASE tickets. To join the JPC, there is a one-time fee of \$90,000 along with a fix charge of \$20 per PO. Recently Toronto imposed volume limits on the number of tickets it can process. As a result, several municipalities have begun exploring the possibility of creating their own JPCs or collaborating with existing municipal JPCs. For instance, the City of Barrie, Brampton, and Ottawa have each established their own ASE Processing Centre, aiming to enhance control over infraction processing and facilitate the ASE program's growth.
  - ii. <u>The Region of York:</u> In late 2024, York Region launched its JPC to support the administration of its ASE program. The initial phase is focused on fulfilling their internal operational requirements; however, the framework has been designed with the potential to accommodate future participation from interested municipal partners. At this time, no additional details regarding operational logistics or cost components have been released.
  - iii. <u>The Town of Newmarket</u> currently operates a JPC, designed to serve both Newmarket and its municipal partners. This JPC offers partner municipalities the flexibility to customize the services they receive, with options to select specific program components such as public communication support, PO processing, MAG reporting, and AMPS adjudication. A processing fee is charged for Penalty Orders, with no joining fee. At present, Newmarket is providing JPC services to the City of Vaughan and the Town of Whitchurch-Stouffville and is in contract negotiations with five additional municipalities.

It is common practice for JPCs to require that municipalities who contract their services use the same camera vendor as the JPC operator. The ASE camera

vendor also provides software that enables communication between the JPC and the cameras. In both Toronto and Newmarket, the designated camera vendors were chosen through a competitive procurement process.

Staff recommend the City of Markham enter into an agreement to designate the Town of Newmarket as the City's Joint Processing Center (JPC), along with the City entering into Tri-Party Agreement with Newmarket and its camera vendor.

This recommendation is supported by Newmarket's ability to scale operations, its competitive processing costs, flexibility in service offerings, and the opportunity for Markham to retain full control over the operational management of the ASE program.

Additionally, it is recommended that the adjudication be managed within the City's established AMPS program to ensure cost efficiency and alignment with business priorities.

#### ASE Implementation Milestones

The implementation of an ASE program in selected CSZs on Markham roadways will provide an effective and scalable enforcement solution, enabling staff to adjust road safety strategies based on neighborhood and community requirements. This comprehensive initiative involves collaboration and input from staff across the organization. To facilitate the rollout of the City's ASE program, a cross-departmental team was established to work on various aspects of the program which is currently targeting a "go-live launch" in spring 2026.

The following provides Council with the high-level milestones staff are working towards.

- A. May 2025: Council Endorsement of the ASE Program including.
  - i. Amendments to Schedule 24 of Traffic By-law 106-71; designating all publicly operated elementary and secondary school zones as "Community Safety Zones (CSZ)"; and,
  - ii. Delegating authority to the Director of Engineering to identify and approve initial and future ASE installation locations, including adding additional cameras, subject to the annual budget process, with priority given to areas with significant safety concerns.
  - Enacting a By-law to Establish an Administrative Monetary Penalty System for Contraventions Detected Using ASE Systems in the City of Markham.
  - iv. Delegating authority to the City Treasurer and City Clerk to execute any agreement or document in a form satisfactory to the City Solicitor, which may be required to implement or administer the ASE program within the City, including but not limited to agreements with the Town of

Newmarket, ASE Camera Vendor, Ministry of Transportation and Ministry of Attorney General.

v. Approval of an in-year 2025 capital budget request of \$495,000 to support the implementation of the ASE program, with funding strategy to be identified and implemented by the City Treasurer.

#### B. Q2 / Q3 -2025: ASE Camera Operation and Location

- i. Complete an assessment of all publicly operated Elementary and Secondary School Zones, to be designated as CSZ, employing a datadriven approach for the initial selection for the first phase of the program.
- ii. A total of eight (8) fixed ASE cameras will be identified for deployment, with each ward receiving one (1) camera to ensure that the benefits of this program are equally distributed throughout City.
- iii. The ASE camera will be a fixed camera that will be operational 24/7 which will be frequently reviewed for program effectiveness and/or consider relocation based on improved driver speed compliance.
- iv. Finalize 2026 Operating Budget requirements for the ASE.

#### C. Q3-Q4 2025: Complete Regulatory & Contractual Requirements

- i. Obtaining necessary ASE authorizations with the Ministry of Transportation (MTO) and the Ministry of the Attorney General (MAG)
  - The MTO agreements authorize the use of license plate information gathered by ASE technology and vehicle owner details from the MTO licence plate database.
  - The MAG agreement deals with the financial component of the program including the municipality's responsibility to remit payment to the Provincial Victims' Justice Fund, use of the Default Fine Control Centre to recover unpaid fines by means of licence plate denial, and report finances to the province
- ii. Execute agreements to utilize the Town of Newmarket's Joint Processing Centre and its ASE Camera Vendor.
- iii. Complete Privacy Impact Assessment (PIA) Ontario's Information and Privacy Commissioner (IPC) requires municipalities who are undertaking an activity that may engage the public's privacy rights, such as an ASE program, to complete a PIA.

#### D. Q4 2025: Public Awareness & Communication Plan

i. Staff will develop and implement a comprehensive communication plan and create public messaging that promotes community trust and understanding of the new ASE Program. Proposed communications methods include the following:

- Media announcements informing residents, schools and the broader community of the program's pre & post implementation phases
- City Portal Dedicated ASE webpage with FAQs, ASE enforcement locations and Fact Sheets – Explaining how ASE works, penalties, and safety benefits, Dashboard reporting speed data, by location, at regular intervals.
- Social Media Campaigns
- ASE Brochures & Flyers Distributed at city buildings, libraries, schools, and community centers
- Councillor Newsletters to facilitate ongoing updates for residents, including various program milestones

#### E. 2026 Q1: ASE Implement Rollout

- i. Continuation of public awareness campaign
- ii. Installation of ASE "Coming Soon Signs" and "Community Safety Zone" signs for each of the eight (8) ASE camera locations
  - "Community Safety Zone" regulatory signs are required to formally designate and enforce these locations, and to facilitate the implementation of ASE cameras.
  - Due to the large quantity of signs necessary to manufacture and install for all CSZs, priority will be placed on signing the eight (8) ASE locations, with other CSZs to follow thereafter, as capacity permits. The By-law related to CSZ shall come into force and effect when signs have been erected.
  - The province has stipulated that "Municipal Speed Camera Coming Soon" warning signs must be installed at least ninety (90) days in advance of a camera's activation; and,
  - Later replaced with "Municipal Speed Camera In-Use" regulatory signs when activated at any given location
- iii. Installation and testing of the eight (8) ASE cameras (1 per ward)
- iv. Recruitment / Training of screening and hearing officers

#### F. Spring 2026: <u>ASE Go-Live</u>

i. Issuing PO notices to vehicle owners who exceed posted speed limits.

#### FINANCIAL CONSIDERATIONS

Markham's proposed ASE program is structured to support the broader objectives of the City's Vision Zero Road Safety Plan by promoting compliance with speed limits and enhancing mobility safety. Penalty revenue will be allocated to cover program expenses, with any potential surplus funds to be addressed through the annual budget process. Staff are unable to accurately predict penalty revenue due to the complex variables associated with driver behaviour. Through break-even analysis, staff believe the program will be fully cost recovered for the known capital and operating costs summarized below.

- Capital costs related to the ASE implementation will be incurred in 2025 and are related to camera installation, electrical infrastructure, the placement of regulatory signage, and the development of public awareness and marketing materials. Additionally, a Transportation Engineer position is required to oversee the program's technical aspects, including identifying current and future ASE locations, coordinating installations and liaising with the camera contractor for maintenance.
- Staff are requesting Council approve an in-year 2025 capital budget in the amount of \$495,000, with the funding strategy to be identified and implemented by the City Treasurer
- Operating costs identified below will not be incurred until 2026 when the ASE program goes live, and warning tickets or POs are issued:
  - i. <u>Joint Processing Centre (JPC) Cost</u>: The JPC is a fixed cost per PO infraction. Includes all costs associated with the review, mailing and payment processing of violations captured by the ASE camera and processed by the Newmarket JPC).
  - ii. <u>ASE Camera Lease</u>: Is a fixed cost estimated at \$25K per camera. The ASE camera rental contract fully covers all maintenance (including repair and/or replacement of any cameras subject to malfunction, misalignment or vandalism).
  - iii. <u>Technical & Adjudication Resource Costs</u>: Additional support required to facilitate the efficient management of non-JPC functions as noted below
    - Screening/Hearing Officer(s): to manage the adjudication of all disputes related to ASE-issued penalties in accordance with provincial regulations, and the Administrative Penalty System (AMPS) ASE By-law
- Staff will finalize the 2026 operating costs and incorporate them into the 2026 budget process.

#### HUMAN RESOURCES CONSIDERATIONS

Not applicable.

#### ALIGNMENT WITH STRATEGIC PRIORITIES:

Not applicable.

#### BUSINESS UNITS CONSULTED AND AFFECTED:

- 1. Engineering
- 2. Legislative Services / AMPS

3. Legal Services

- 4. Operations / Roads
- 5. Information Technology Services
- 6. Financial Services
- 7. Corporate Communications

#### **RECOMMENDED BY:**

Frank Clarizio Director, Engineering	Arvin Prasad Commissioner, Development
Service	

Kimberley Kitteringham City Clerk & Director, Legislative Services

Joseph Silva City Treasurer Services Trinela Cane Commissioner, Corporate

City Solicitor & People Services

Claudia Storto

#### ATTACHMENTS:

- 1. Community Safety Zone By-Law Amendment (By-law 106-71, Schedule 24)
- 2. Administrative Penalty System (AMPS) By-Law-XX
  - A. Schedule A Rate of Speed Fee
  - B. Schedule B Victim Component Fee
  - C. Schedule C Administrative Fees

Attachment 1: Community Safety Zone By-Law Amendment (By-law 106-71, Schedule 24)



#### The Corporation of the City of Markham Amending By-Law 2025-XX

#### BE IT ENACTED BY THE COUNCIL OF THE CORPORATION OF THE CITY OF MARKHAM THAT TRAFFIC BY-LAW 106-71 BE AND THE SAME IS HEREBY AMENDED AS FOLLOWS:

**WHEREAS** Schedule 24 of Traffic By-law 106-71, pertaining to "Community Safety Zones", be amended by adding the following.

COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4	COLUMN 5
LOCATION	<u>STREET</u>	<u>FROM</u>	<u>T0</u>	TIMES & DAYS
St. Rene Goupil - St. Luke Catholic School	Aileen Road	Green Lane	John Street	At All Times & Days
St. Rene Goupil - St. Luke Catholic School	Green Lane	Bayview Avenue	Kings College Road	At All Times & Days
Thornlea Secondary School / Willowbrook Public School	Willowbrook Road	Bayview Avenue	Green Lane	At All Times & Days
Baythorn Public School	Baythorn Drive	Normark Road	Donalbain Crescent	At All Times & Days
St. Anthony Catholic School	Kirk Drive	Thornybrae Drive	Banquo Road	At All Times & Days
Stornoway Crescent Public School	Stornoway Crescent	Romfield Circuit (west intersection)	Romfield Circuit (east intersection)	At All Times & Days
Woodland Public School	Royal Orchard Boulevard	Baythorn Drive	Kirk Drive	At All Times & Days
Thornhill Secondary School	Dudley Avenue	Elgin Street	Clark Avenue	At All Times & Days

E.J. Sand Public School	Henderson Avenue	Clark Avenue	Elgin Street	At All Times & Days
Henderson Avenue Public School	Henderson Avenue	Doncaster Avenue	Grandview Avenue	At All Times & Days
Johnsview Village Public School	Porterfield Crescent	Reith Way	Bowman Way	At All Times & Days
Bayview Fairways Public School	Bayview Fairways Drive	John Street	Sea Island Path	At All Times & Days
Bayview Fairways Public School	John Street	Aileen Road	Dawn Hill Trail	At All Times & Days
Bayview Glen Public School	Limcombe Drive	Laureleaf Road	Seinecliffe Road	At All Times & Days
Bayview Glen Public School	Laureleaf Road	Daffodil Avenue	100 metres south of Limcombe Drive	At All Times & Days
German Mills Public School / St. Michael Catholic Academy	Simonston Boulevard	Don Mills Road (south intersection)	Granada Court	At All Times & Days
Victoria Square Public School	Prince of Wales Drive	Gillings Street	Helford Street	At All Times & Days
Victoria Square Public School	Helford Street	Prince of Wales Drive	Duke of Cornwall Drive	At All Times & Days
Nokiidaa Public School	Russell Dawson Road	Woodbine Avenue	Murison Drive	At All Times & Days
Nokiidaa Public School	Murison Drive	Russell Dawson Road	Lebarr Road	At All Times & Days
Sir Wilfrid Laurier Public School	Stony Hill Boulevard	Victoria Square Boulevard	Hazelton Avenue	At All Times & Days
Sir Wilfrid Laurier Public School	Hazelton Avenue	Stony Hill Boulevard	Pillar Rock Crescent (south intersection)	At All Times & Days
Lincoln Alexander Public School	Hillmount Road	Moss Creek Boulevard	Willow Heights Boulevard	At All Times & Days

Lincoln Alexander Public School	Moss Creek Boulevard	Hillmount Road	Carter Place	At All Times & Days
Lincoln Alexander Public School	Willow Heights Boulevard	Hillmount Road	Edgewood Crescent (north intersection)	At All Times & Days
St. Augustine Catholic High School	Rodick Road	Macrill Road	Calvert Road	At All Times & Days
Ashton Meadows Public School	Calvert Road	Woodbine Avenue	Thackeray Court	At All Times & Days
St. Monica Catholic Elementary School	Calvert Road	Eyer Drive	Village Gate Drive	At All Times & Days
Buttonville Public School / Elementary School Catholic Sainte- Marguerite- Bourgeoys	John Button Boulevard	Buttonfield Road	Burr Crescen (south intersection)	At All Times & Days
St. Justin Martyr Catholic Elementary School	Hollingham Road	Lockridge Avenue	Conistan (E)	At All Times & Days
Coledale Public School	Coledale Road	Loweswater Avenue	300m south of Loweswater Avenue	At All Times & Days
Unionville High School	Apple Creek Boulevard	Warden Avenue	150m west of Town Centre Boulevard	At All Times & Days
Unionville High School	Town Centre Boulevard / Hollingham Road	Cox Boulevard	Halstead Drive	At All Times & Days
William Berczy Public School	Carlton Road	Village Parkway	Fred Varley Drive	At All Times & Days
Blessed John XXIII Catholic School	Krieghoff Avenue	Village Parkway	Fred Varley Drive	At All Times & Days
Parkview Public School	Fonthill Boulevard	Fred Varley Drive	Merchant Road	At All Times & Days

Unionville Public School	Main St Unionville	Toogood Pond	Rosemead Close	At All Times & Days
Bill Crothers Secondary School	Main St Unionville	Enterprise Boulevard	Richard Maynard	At All Times & Days
Bill Crothers Secondary School	Enterprise Boulevard	University Boulevard	Main St Unionville	At All Times & Days
Bill Crothers Secondary School	Bill Crothers Drive	Enterprise Boulevard	End Limit	At All Times & Days
St. Matthew Catholic Elementary School	Waterbridge Lane	Juniper Crescent (south intersection)	Foxmeadow Lane	At All Times & Days
Central Park Public School	Central Park Drive	West Side Drive	Havagal Crescent (south intersection)	At All Times & Days
Markville Secondary School	Carlton Road	McCowan Road	Central Park Drive	At All Times & Days
Unionville Meadows Public School	South Unionville Avenue	Harry Cook Drive	Zio Carlo Drive	At All Times & Days
Bur Oak Secondary School	Dogwood Street	Bur Oak Avenue	Galway Gate	At All Times & Days
St. Edward Catholic Elementary School / Ramer Wood Public School	Cairns Drive	Crandall Drive	Raymerville Drive (south intersection)	At All Times & Days
James Robinson Public School	Robinson Street	Galsworthy Drive	Windridge Drive	At All Times & Days
James Robinson Public School	Galsworthy Drive	Abercorn Road	Honeybourne Crescent (south)	At All Times & Days
Roy H. Crosby Public School	Drakefield Road	Lakevista Avenue	200m east of Lakevista Avenue	At All Times & Days
Edward T. Crowle Public School	Larkin Avenue	Fincham Avenue	Heisey Drive	At All Times & Days

Kateri Tekawitha Catholic School	Fincham Avenue	Meyer Circle	50m east of Emeline Crescent	At All Times & Days
Reesor Park Public School	Wootten Way	Sir Lancelot Drive	Sir Tristram Place (north intersection)	
Franklin Street Public School	Franklin Street	George Street	Church Street	At All Times & Days
Markham District High School	Church Street	Elm Street	Jack Court	At All Times & Days
William Armstrong Public School	Major Button's Drive	Wootten Way	James Speight Road	At All Times & Days
Sam Chapman Public School	Delray Drive	Donald Cousens Parkway	Gordon Weeden Road	At All Times & Days
Sam Chapman Public School	Alfred Paterson Drive	lannucci Crescent (east intersection)	Warton Court	At All Times & Days
Mount Joy Public School	Williamson Road	Jenmat Drive	Rachett Road	At All Times & Days
Mount Joy Public School	Bur Oak Avenue	Cathmar Drive	Balmano Road	At All Times & Days
Greensborough Public School	Bur Oak Avenue	Chancery Road	Ambercroft Street	At All Times & Days
Greensborough Public School	Alfred Paterson Drive	Wyndermere Court	Reston Ridge Street	At All Times & Days
Little Rouge Public School	Bur Oak Avenue	Evaridge Drive	Highbury Court	At All Times & Days
Little Rouge Public School	Country Glen Road	Northvale Road	Bur Oak Avenue	At All Times & Days
Little Rouge Public School	Northvale Rpad	Evaridge Drive	Ivy Stone Court	At All Times & Days
Bill Hogarth Secondary School	Bur Oak Avenue	White's Hill Avenue	Cornell Meadows Avenue	At All Times & Days

Bill Hogarth Secondary School	Almira Avenue	Walkerville Road	Bittersweet Street	At All Times & Days
Bill Hogarth Secondary School	Donald Sim Avenue	Walkerville Road	Disk Drive	At All Times & Days
St. Joseph Catholic Elementary School / Black Walnut Public School	Cornell Centre Boulevard	Morning Dove Drive	Lawrence Pilkington	At All Times & Days
St. Joseph Catholic Elementary School	White's Hill Avenue	Cornwall Drive	John Allan Cameron Street	At All Times & Days
Black Walnut Public School	John Allan Cameron Street	White's Hill Avenue	50m south of Autumn Glow Drive	At All Times & Days
Black Walnut Public School	Shady Oaks Avenue	Cornell Centre Boulevard	Rock Garden Street	At All Times & Days
Cornell Village Public School	Country Glen Road	Christian Reesor Park Avenue (north intersection)	Cornell Meadows Avenue	At All Times & Days
Cornell Village Public School	Cornell Common Road	Country Glen Road	200m west of Country Glen Road	At All Times & Days
St. Julia Biliart Catholic Elementary School	Bur Oak Avenue	Northside Road	Rainbow Valley Cres (west intersection)	At All Times & Days
St. Julia Biliart Catholic Elementary School	Swan Park Road	Neeley Road	Royal Crown Road	At All Times & Days
Rouge Park Public School	Riverlands Avenue	Donald Cousens Parkway	Cornell Rouge Boulevard	At All Times & Days
All Saints Catholic School / Castlemore Public School	Castlemore Avenue	150m west of The Bridle Walk	150m east of Ridgecrest Road	At All Times & Days
All Saints Catholic School	The Bridle Walk	Saxony Drive	Elmrill Road	At All Times & Days
Castlemore Public School	Ridgecrest Road	Glenhaven Street	Wiltshire Drive	At All Times & Days

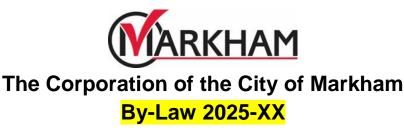
Pierre Elliot Trudeau High School	Bur Oak Avenue	Madison Heights Boulevard	Brock Avenue	At All Times & Days
Beckett Farm Public School	Beckett Avenue	Harbord Street	50m east of Brock Avenue	At All Times & Days
Beckett Farm Public School	Brock Avenue	Hua Du Avenue	Busch Avenue	At All Times & Days
Stonebridge Public School	Stonebridge Drive	Manorwood Drive	50m south of Wilfred Murison Avenue	At All Times & Days
Stonebridge Public School	Wilfred Murison Avenue	Barkwood Hollow	Oxfordshire Street	At All Times & Days
John McCrae Public School	Stricker Avenue	Hammersly Boulevard	Fred McLaren Boulevard	At All Times & Days
John McCrae Public School	Fred McLaren Boulevard	Staynor Crescent	Roy Rainey Avenue	At All Times & Days
Donald Cousens Public School	Mingay Avenue	Hammersly Boulevard	100m south of Fred McLaren Boulevard	At All Times & Days
Donald Cousens Public School	Fred McLaren Boulevard	Ralph Chalmers Avenue	Kindy Street	At All Times & Days
Fred Varley Public School	James Parrott Avenue	Astrid Terrace	Roy Rainey Avenue	At All Times & Days
Fred Varley Public School	Alexander Lawrie Avenue	Barnstone Drive	Thimbleweed Street	At All Times & Days
Sir Richard W. Scott Catholic Elementary School	Roxbury Street	Codlin Street	14 <sup>th</sup> Avenue	At All Times & Days
Boxwood Public School	Boxwood Crescent	Bluebell Drive	Havelock Gate	At All Times & Days
Cedarwood Public School	Elson Street	150m west of Tawney Road	200m east of Tawney Road	At All Times & Days
Legacy Public School	Rouge Bank Drive	Russell Jarvis Drive	250m west of Russell Jarvis Drive	At All Times & Days
Legacy Public School	Russell Jarvis Drive	Rouge Bank Drive	Juneberry Avenue	At All Times & Days

David Suzuki Public School	Riverwalk Drive	Coakwell Drive	50m east of Barter Street	At All Times & Days
David Suzuki Public School	Fieldside Street	Riverwalk Drive	Berger Avenue	At All Times & Days
Milliken Mills Public School / Mother Teresa Catholic School	Birchmount Road	Ferguson Gate	Harvest Moon Drive	At All Times & Days
Milliken Mills Public School / Mother Teresa Catholic School	Risebrough Circuit	Birchmount Road	Ferguson Gate	At All Times & Days
Highgate Public School	Highgate Drive	Birchmount Road	Clydesdale Road	At All Times & Days
St. Francis Xavier Catholic Elementary School	Highglen Avenue	Caldbeck Avenue	Hoake Trail	At All Times & Days
Randall Public School	Randall Avenue	Galbraith Crescent	100m east of Hillcroft Drive	At All Times & Days
Aldergrove Public School	Aldergrove Drive	Teddington Avenue	Kirton Court	At All Times & Days
St. Benedict Catholic Elementary School	Aldergrove Drive	Winston Road	Digby Crescent (north intersection)	At All Times & Days
Wilclay Public School	Wilclay Avenue	Cartmel Drive	Hillcroft Drive	At All Times & Days
Coppard Glen Public School	Coppard Avenue	Highglen Avenue	Claircrest Road	At All Times & Days
Armadale Public School	Coppard Avenue	Elson Street	William Honey Crescent (north intersection)	At All Times & Days
Middlefield Collegiate Institute	Highglen Avenue	Featherstone Avenue	150m east of Middlefield Road	At All Times & Days
Middlefield Collegiate Institute	Middlefield Road	Golden Avenue	150m north of Highglen Avenue	At All Times & Days
Ellen Fairclough Public School	Brando Avenue	Highglen Avenue	Golden Avenue	At All Times & Days

Markham Gateway Public School	Fonda Road	Golden Avenue	Ralph Court	At All Times & Days
Parkland Public School	Coxworth Avenue	Mary Pearson Drive	Elson Street	At All Times & Days
San Lorenzo Ruiz Catholic School	Roy Rainey Avenue	Wingrove Street	250m north of Bur Oak Avenue	At All Times & Days
San Lorenzo Ruiz Catholic School / Bur Oak Secondary School / Wismer Public School	Bur Oak Avenue	Trailsbrook Terrace	McKennon Street	At All Times & Days
Wismer Public School	Mingay Avenue	Raspberry Ridge Drive	150m north of Bur Oak Avenue	At All Times & Days

## READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS XX DAY OF XX 2025.

Kimberley Kitteringham City Clerk Frank Scarpitti Mayor



### A By-Law to establish a system of Administrative Monetary Penalties for violations of Automated Enforcement Systems in the City of Markham

**WHEREAS** Section 11 of the *Municipal Act, 2001*, S.O. 2001, c. 25 ("*Municipal Act, 2001*") authorizes municipalities to enact by-laws respecting spheres of jurisdiction including highways;

**AND WHEREAS** Section 21.1 of the *Highway Traffic Act*, R.S.O. 1990, c. H. 8, as amended, (*"HTA"*) provides that an administrative penalty may be imposed to promote compliance with the Act and the regulations on a person who belongs to a prescribed class, being persons who own a motor vehicle pursuant to Section 5(1) of Ontario Regulation 355/22 made pursuant to the *HTA* ("O. Reg 355/22"), for contraventions of those prescribed provisions set out in Section 2 of O. Reg. 355/22 (the "Prescribed Provisions");

**AND WHEREAS** Section 205.1 of the *HTA* authorizes the use of an ASE system in a community safety zone designated by a by-law passed under subsection 214.1(1) of the *HTA* where the prescribed rate of speed is less than 80 kilometers per hour, or in a school zone designated by a by-law passed under paragraph (a) of subsection 128(5) of the *HTA*;

**AND WHEREAS** Section 3 of O. Reg. 355/22 provides that a penalty order may prescribe the following contraventions for the purposes of imposing an administrative penalty pursuant to Section 21.1 of the Act: subsection 128(1) Speeding where evidence of the contravention is obtained through the use of an ASE system ; subsection 144(18) Red Light - fail to stop where evidence of the contravention is obtained through the use of a red light camera system; and subsections 175 (11.1 and 12.1) fail to stop for school bus where evidence of the contravention is obtained through the use of an automated school bus camera system;

**AND WHEREAS** O. Reg. 355/22 authorizes municipalities to pass By-laws imposing fees and charges under Section 391 of the *Municipal Act, 2001* in connection with services related to an administrative penalty imposed under Section 21.1 of the *HTA*;

**AND WHEREAS** the Council of the City considers it desirable and necessary to provide for a system of administrative penalties and administrative fees to regulate and enforce motor vehicle contraventions in relation to speeding, red light fail to stop and fail to stop for school bus via automated camera-based enforcement.

## NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF MARKHAM ENACTS AS FOLLOWS:

#### 1. TITLE

**1.1.** This by-law shall be known and cited as the "Administrative Penalties for Automated Enforcement By-law."

#### 2. DEFINITIONS

- **2.1.** In this By-law, the following terms shall have the following meanings:
  - i. **"Administrative Fee"** means a fee in respect of services related to an Administrative Penalty that may be imposed pursuant to Section 22(2) of O. Reg 355/22 and that is listed in Schedule "C" of this By-law;
  - ii. **"Administrative Penalty"** means a monetary penalty that is applicable to a Contravention, and which is calculated in accordance with Section 6 of O. Reg 355/22;
  - iii. "Authorized Person" means a person employed by the City that meets all the other criteria set out in Section 4 of O. Reg. 355/22, including that the person has been designated as a provincial offences officer by the MTO under subsection 1 (3) of the Provincial Offences Act ("POA") for the purpose of all or any of the classes of offences in those parts of the HTA listed in Section 4 of O. Reg. 355/22, and that the designation authorizes the person to issue a certificate of offence under Section 3 (2) of the POA for a Contravention;
  - iv. **"Authorized Representative"** means a person acting on behalf of an Owner in a process or proceeding pursuant to this By-law as identified in an Authorization to Act as Agent form;
  - v. "Camera System" means an ASE system authorized under Part XIV.1 of the HTA and described in O. Reg. 398/19, a red light camara system described in O. Reg. 277/99 of the HTA that may be used to evidence a contravention of subsection 144(18) of the HTA in accordance with Part XIV.2 of the HTA, and an automated school bus camera system authorized under Part XIV.3 of the HTA and described in O. Reg. 424/20;
  - vi. "City" means the Corporation of the City of Markham.
  - vii. "Clerk" means the City Clerk or their delegate or designate
  - viii. **"Community Safety Zone"** means that part of a highway, designated by by-law pursuant to the HTA and signed as a Community Safety Zone.

- ix. **"Contravention"** means a contravention of, or a failure to comply with a Prescribed Provision.
- x. "Council" means the Council of the City of Markham;
- xi. "Day" means any calendar day;
- xii. **"Financial Hardship"** means special or specified circumstances that partially or fully exempt a Person from paying a Penalty Notice, including any Administrative Fees so as to avoid undue monetary difficulties
- xiii. **"Hearing Officer"** means a person appointed by Council to conduct Hearing Reviews in accordance with this By-law;
- xiv. **"Hearing Review"** means the second stage of an appeal of a Penalty Order comprised of a review of a Screening Review Decision by a Hearing Officer described in paragraphs 4 to 7 of subsection 11 (1) of O. Reg. 355/22;
- xv. **"Hearing Review Decision"** means a notice which contains the decision of a Hearing Officer, delivered in accordance with Section 6.8 of this By-law;
- xvi. **"Holiday"** means a Saturday, Sunday, any statutory holiday in the Province of Ontario, or any Day the offices for the City are officially closed for business;
- xvii. "HTA" means the Highway Traffic Act, R.S.O. 1990, c. H. 8, as amended;
- xviii. "Ministry" means the Ontario Ministry of Transportation;
- xix. "Municipal Act" means the Municipal Act, 2001, S.O. 2001, c. 25, as amended;
- xx. **"O. Reg 355/22"** means Ontario Regulation 355/22 made pursuant to the HTA and titled "Administrative Penalties for Contraventions Detected Using Camera Systems";
- xxi. **"Owner"** in relation to a motor vehicle has the same meaning as set out in O. Reg. 355/22;
- xxii. **"Penalty Order"** means an order issued by an Authorized Person that imposes an administrative penalty for a Contravention of a Prescribed Provision pursuant to s. 21.1 of the HTA and O. Reg 355/22;
- xxiii. **"Prescribed Provision"** means those provisions of the HTA referred to in paragraphs 1, 2 and 4 of Section 2 of O. Reg. 355/22;

- xxiv. **"Request for Review by Hearing Officer"** means a request which may be made in accordance with Section 6 of this By-law for an appeal of a Screening Decision;
- xxv. **"Request for Review by Screening Officer"** means a request by a person who is subject to a Penalty Order made in accordance with Section 5 of this By-law for the first stage of an appeal by a person who is subject to a Penalty Order;
- xxvi. **"School Safety Zone"** means that part of a highway, designated by bylaw pursuant to the HTA and signed as a School Safety Zone;
- xxvii. **"Screening Officer"** means a person employed by the City to review Administrative Penalties and appeals by way of review of Penalty Orders;
- xxviii. **"Screening Review"** means the first stage of an appeal of a Penalty Order comprised of a review of the Penalty Order by a Screening Officer described in paragraphs 1 to 3 of subsection 11 (1) of O. Reg. 355/22.
- xxix. **"Screening Review Decision"** means a notice which contains the decision of a Screening Officer, delivered in accordance with Section 5.11 of this By-law.
- xxx. **"Victims' Justice Fund Component"** means that portion of an Administrative Penalty that is required to be credited to the victim's justice fund account in accordance with Section 19 of O. Reg 355/22, which amount is set out in Schedule "B" of this By-law.
- **2.2.** A reference in this By-law to any other by-law, legislation or regulation shall be deemed to be to a reference to that by-law, legislation, or regulation as amended or superseded.

#### 3. APPLICATION OF THIS BY-LAW

**3.1.** This By-law shall apply to Contraventions of any Prescribed Provision where evidence has been obtained through the use of a Camera System

#### 4. PENALTY ORDER

**4.1.** An Authorized Person that is satisfied that there has been a Contravention of a Prescribed Provision may, by Penalty Order, impose an Administrative Penalty on an Owner of the motor vehicle involved in the Contravention no later than twenty-three (23) Days after the Day on which the Contravention occurred.

- **4.2.** A Penalty Order shall be in a form prescribed by the Clerk and shall include the following information:
  - i. A unique file number.
  - ii. The provision contravened.
  - iii. The date and location of the Contravention.
  - iv. An identification of the motor vehicle that is involved in the Contravention.
  - v. The amount of the Administrative Penalty.
  - vi. A statement that the Owner of the motor vehicle must, no later than thirty (30) Days after the Day the Penalty Order is served on them, pay the Administrative Penalty unless they commence an appeal in accordance with Section 5 of this By-law.
  - vii. A statement that the Owner of the motor vehicle may, no later than thirty (30) Days after the Day the Penalty Order is deemed served, commence an appeal in accordance with Section 5 of this By-law; and
  - viii. Information regarding the appeal process including the manner in which to commence an appeal.
- **4.3.** A Penalty Order may include the following information:
  - i. A copy of a photograph or image of the motor vehicle involved in the Contravention.
  - ii. Statement(s) by the Authorized Person that are certified to be true in respect of the Contravention or in respect of the service of the Penalty Order.
- **4.4.** A Penalty Order may be served in accordance with Section 9 of this By-law.
- **4.5.** Every person who is subject to a Penalty Order shall pay the City within thirty (30) Days, the applicable Administrative Penalty and Administrative Fee, unless the person commences an appeal by submitting a Request for Review by Screening Officer.

#### 5. REVIEW BY SCREENING OFFICER

- **5.1.** A person who is served with a Penalty Order may commence an appeal of the Penalty Order by submitting a Request for Review by Screening Officer within thirty (30) Days after the date on which service of the Penalty Order is deemed to have been affected pursuant to Section 9.1 (b) of this By-law.
- **5.2.** A person or Authorized Representative may submit a Request for Review by a Screening Officer in the manner set out in the Penalty Order and in accordance with Section 10 of this By-law.

- **5.3.** A Request for Review by Screening Officer shall include the Penalty Order file number, the person's contact information including phone number, address, and electronic mail address as available, and the reason(s) for the appeal.
- **5.4.** Where a conflict of interest is identified, the Screening Officer shall administratively confirm the Penalty Order and submit a Request for Hearing Review and provide notice of the Hearing Review to the person or Authorized Representative. For greater certainty, a conflict of interest when identified includes the following:
  - i. Where the Screening Officer has professional or personal association with a person; or
  - ii. Where the Owner includes the City, or a professional or personal association to the City.
- **5.5.** The Screening Officer shall determine if the Screening Review is to be conducted orally, electronically or in writing and shall provide a notice of the Screening Review date, time and location to the person requesting the appeal in accordance with Section 9 of this By-law.
- **5.6.** Where the Screening Officer determines that the Screening Review is to be conducted in writing, the person shall be served with a notice of the Screening Review indicating that the review will be conducted in writing. The notice to the person shall include the methods of delivering all documents, evidence, submissions and any other information that the person believes should be considered by the Screening Officer to the City (methods of delivery as set out in Section 10 of this By-law), and the date by which all documents, evidence, submissions and any other information are to be delivered to the City.
- **5.7.** If a date and time is scheduled for a person to make oral submissions in respect of a Screening Review, the person shall attend at the scheduled date, time and location or electronic method.
- **5.8.** No witnesses shall be called in a Screening Review.
- **5.9.** The Screening Officer shall not make a decision unless the person has been given an opportunity to make submissions in the same manner in which the Screening Review is conducted.
- **5.10.** The Screening Officer may confirm, vary, or set aside the Penalty Order in accordance with Section 8 of this By-law, and shall do so as soon as practical after the review is complete.

- **5.11.** The Screening Officer shall serve a copy of the Screening Review Decision to the person appealing the Penalty Order in accordance with Section 9 of this By-law as soon as practical after the decision is made.
- **5.12.** If the Screening Review Decision does not result in the Penalty Order being set aside, the person who is subject to the Penalty Order shall pay the Administrative Penalty within 30 days after the Screening Review Decision is deemed to have been served on the person unless the person has made a Request for Review by Hearing Officer in accordance with Section 6 of this By-law.
- **5.13.** If a Screening Officer considers it fair and appropriate in the circumstances, the person may be approved for a plan of periodic payments that extends beyond the thirty (30)-Day deadline in accordance with Section 8 of this By-law.
- **5.14.** If a person, or Authorized Representative fails to attend at a date, time and location or electronic method for a scheduled Screening Review, or fails to provide any written appeal documents and submissions, the Screening Officer shall:
  - i. Deem the person to have abandoned the appeal;
  - ii. Confirm the Administrative Penalty; and
  - iii. Add \$60.00 to the Administrative Penalty pursuant to paragraph 3 of subsection 14(2) of O. Reg. 355/22.

#### 6. REVIEW BY HEARING OFFICER

- **6.1.** A person or Authorized Representative may submit a Request for Review by Hearing Officer within thirty (30) Days after the date on which the service of the Screening Review Decision is deemed to have been affected pursuant to Section 9 of this By-law.
- **6.2.** If a person or Authorized Representative has not submitted a Request for Review by Hearing Officer within thirty (30) Days, the Screening Review Decision shall be deemed final.
- **6.3.** A person or Authorized Representative may submit a Request for Review by a Hearing Officer, in the manner set out in the Screening Review Decision and in accordance with Section 10 of this By-law.
- **6.4.** A Request for Review by Hearing Officer shall include the Penalty Order file number, the person's contact information including phone number, address, and electronic mail address as available, and the reason(s) for the appeal.
- **6.5.** The Hearing Officer shall determine if the Hearing Review is to be conducted orally, electronically or in writing. A Notice of Hearing Review shall be served

by the City to the person requesting the appeal as soon as practicable in accordance with Section 9 of this By-law.

- **6.6.** The Hearing Officer shall not make a determination with respect to a review of the Screening Decision where a person or when applicable, a City representative appears, unless they have given the person and City representative an opportunity to be heard.
- **6.7.** The Hearing Officer may confirm, vary, or set aside the Penalty Order in accordance with Section 8 of this By-law, and shall do so as soon as practical after the review is complete.
- **6.8.** The Hearing Officer shall serve a copy of the Hearing Review Decision to the person requesting the appeal in accordance with Section 9 of this By-law as soon as practical after the decision is made.
- **6.9.** If the Hearing Review of a Penalty Order does not result in the Penalty Order being set aside, the person who is subject to the Penalty Order shall within thirty (30) Days following the date of the Hearing Review Decision pay the Administrative Penalty as set out in the Hearing Review Decision.
- **6.10.** If a Hearing Officer considers it fair and appropriate in the circumstances, the person may be approved for a plan of periodic payments that extends beyond the thirty (30)-Day due date in accordance with Section 8 of this By-law.
- **6.11.** If the person fails to appear at the time date and location for a scheduled Hearing Review, or fails to provide any written appeal documents and submissions, the Hearing Officer shall:
  - i. Deem the person to have abandoned the appeal;
  - ii. Confirm the Screening Decision and the Administrative Penalty as it may have been affected by the Screening Review Decision; and
  - iii. Add \$60.00 to the Administrative Penalty pursuant to paragraph 3 of subsection 14(2) of O. Reg. 355/22.
- **6.12.** The decision of a Hearing Officer is final and not subject to review, including review by any Court.

#### 7. TIME EXTENSION

**7.1.** A person or Authorized Representative may request a time extension of the thirty (30) day time period to request a Screening Review referred to in Section 5.1 above, or of the thirty (30) day time period to request a Hearing Review referred to in Section 6.1 above and either the Screening Officer or Hearing Officer, as the case may be, if they consider the extension fair an appropriate in the circumstances may grant an extension, even after the applicable thirty (30) day period has expired.

- **7.2.** A person or Authorized Representative may submit a request for time extension by submitting a completed Time Extension Form and delivering it to the City in accordance with Section 10 of this By-law.
- **7.3.** A request for a time extension to appeal, shall include the following:
  - i. Penalty Order file number;
  - ii. Person's contact information (phone number, address and electronic mail address as available).
  - iii. Reasons for which the time extension is being requested;
  - iv. Copy of any supporting documentation to support the reason for the time extension request; and
  - v. Reasons for having failed to request a Screening Review or Hearing Review within the time limit prescribed in this By-law.
- **7.4.** If a Screening Officer considers it fair and appropriate in the circumstances, they may extend the thirty (30)-Day period to request a Screening Review, and the time extension may be made even after the thirty (30)-Day period has expired.
- **7.5.** If a Hearing Officer considers it fair and appropriate in the circumstances, they may extend the thirty (30)-Day period to request a Hearing Review, and the extension may be made even after the thirty (30)-Day period has expired.

#### 8. DECISIONS OF THE SCREENING OR HEARING OFFICER

- **8.1.** In deciding whether to confirm, vary or set aside a Penalty Order, a Screening Officer shall determine whether it was reasonable for the Authorized Person to impose the Penalty Order.
- **8.2.** In deciding whether to confirm, vary or set aside a Penalty Order, a Hearing Officer shall determine whether the decision of the Screening Officer was reasonable.
- **8.3.** In making a determination, a Screening Officer or Hearing Officer, as the case may be, may consider the following information if available:
  - i. Photographs or images taken by the Camera System or enforcement system, as applicable.
  - ii. Statements, including certified statements made by the Authorized Person who imposed the Penalty Order.
  - iii. Documents, including certified documents and any Ministry or out of Province proof of ownership documents, setting out the name and address of the person who is subject to the Penalty Order, a description of the permit and the plate number of the motor vehicle.
  - iv. Submissions by the person requesting the appeal made either in writing or in the manner in which the appeal is conducted.

- v. Submissions by or on behalf of the City in which the Contravention that is the subject of the Penalty Order occurred, made either in writing or in the way the appeal is conducted; and
- vi. Any other information, materials or submissions considered to be credible or trustworthy in the circumstances.
- **8.4.** If a Screening Officer or Hearing Officer decides to vary the amount of an Administrative Penalty, they shall vary the amount in accordance with the following:
  - i. If the total amount of an Administrative Penalty is decreased, the Victims' Justice Fund Component shall be reduced proportionally to the decrease in the total penalty amount as set out in Schedule B of this Bylaw.
  - ii. If the total amount of the Administrative Penalty is decreased to zero (0), the Victims' Justice Fund Component is also zero (0).
  - iii. If a person fails to attend in-person as requested, at a date, time and location for a Screening or Hearing Review, the amount of the Administrative Penalty shall be increased by \$60.00 in accordance with Schedule C of this By-law, and this amount shall not affect the Victims' Justice Fund Component portion calculation.
  - iv. The Administrative Penalty shall not be increased other than in accordance with Section 8.4 (c) of this By-law.
- **8.5.** A person claiming financial hardship or seeking a plan of period payments under this By-law, shall provide documented proof of the financial hardship to the Screening Officer or the Hearing Officer, as applicable, and approval of a plan of periodic payment may be conditional on the payment of a specified amount of the Administrative Penalty and Victims' Justice Fund Component being made on or before a specified date.
- **8.6.** In respect to considerations for undue financial hardship, the person shall provide documented proof of financial assistance such as:
  - i. Old Age Security.
  - ii. Canada Pension.
  - iii. Guaranteed Income Supplement.
  - iv. Disability Pension.
  - v. Ontario Student Assistance Program; or
  - vi. Any other form of social assistance.
- **8.7.** Where an Administrative Penalty is set aside by a Screening Officer or Hearing Officer, any Administrative Fee(s) is also cancelled.

- **8.8.** A Screening Officer or Hearing Officer does not have the jurisdiction to consider questions relating to the validity of a statute, regulation or by-law or the constitutional applicability or operability of any statute, regulation or by-law.
- **8.9.** If before a final decision is made in respect of an appeal, a Screening Officer or Hearing Officer, becomes aware that contrary to subsection 21.1 (4) of the HTA, the person who is subject to the Penalty Order is charged with an offence under the HTA in respect of the same Contravention, the Screening Officer or Hearing Officer shall set aside the Penalty Order.

#### 9. SERVICE OF DOCUMENTS

- **9.1.** The service of any document, including a Penalty Order, Screening Review Decision or Hearing Review Decision issued pursuant to this By-law, when delivered in any of the following ways, is deemed served:
  - i. Immediately, when a copy is delivered to the person to whom it is addressed.
  - ii. On the seventh (7) Day following the Day a copy is sent by mail or courier to the person's last known address; or
  - iii. Immediately upon sending a copy by electronic mail to the person's last known electronic mail address.
- **9.2.** For the purposes of administration of this this By-law, a person's most recent address includes the address that appears on the Ministry's records in respect of the holder of the plate portion of the permit for the motor vehicle involved in the Contravention, and may include an electronic mail address provided by the person to the City as may be required by a form, practice or policy necessary to implement this By-law.
- **9.3.** If a person who is subject to a Penalty Order resides outside Ontario, or in the case of a corporation, has its principal place of business outside of Ontario, service may be effected on the person by mail or by courier to the address outside of Ontario, and service shall be deemed to be effected on the seventh (7) Day following the Day on which it was mailed or couriered.
- **9.4.** For the purpose of Section 9.2, the address may be determined from a document obtained from the government of any province or territory of Canada, or from the government of a state of the United States of America, or from a person or entity authorized by any such government to keep records of vehicle permits, number places or other evidence of vehicle ownership in that jurisdiction.

#### **10.NOTICES TO CITY**

**10.1.** Any notice or document to be delivered to the City provided for in this By-law shall be in writing and delivered to the Legislative Services Department, AMPS Division in any of the following manners:

- i. By completing and submitting an on-line form through the City's designated on-line portal set out on the City's website or on the Penalty Order.
- ii. Personally, by delivering a copy to the city during its regular business hours to the address set out on the City's website or on the Penalty Order.
- iii. By mail provided mailing ensures the notice or document is received by any due date stated addressed to the address set out on the City's website or on the Penalty Order; or
- iv. By e-mail at the e-mail address set out on the City's website or on the Penalty Order.

#### **11 ADMINISTRATION**

- **11.1** The Clerk, or any individual designated by the Clerk for this purpose in writing, shall administer this By-law and establish any additional practices and procedures necessary to implement this By-law and may amend such practices and procedures from time to time as the Clerk deems necessary, without amendment to this By-law provided that such practices and procedures are not in conflict, or inconsistent with any applicable statute or regulation.
- **11.2** The Clerk, or any individual designated by the Clerk for this purpose in writing, shall prescribe all forms and notices, including the Penalty Order, necessary to implement this By-law and may amend such forms and notices from time to time as the Clerk deems necessary, without amendment to this By-law, provided that the contents of such forms and notices are not in conflict, or inconsistent with the HTA or any Regulations.
- **11.3** An Administrative Penalty and/or any Administrative Fee(s), that is confirmed or reduced, or in respect of which the time for periodic payments has been extended, remaining unpaid after the date when it is due and payable, constitutes a debt to the City owed by the person.
- **11.4** Where an Administrative Penalty for Contravention of the HTA, and any applicable Administrative Fee(s) are not paid by the due date, the City may notify the Ministry, and the Ministry may refuse to issue or validate the permit of the Owner until the Administrative Penalty and any applicable Administrative Fee(s) are paid to the Ministry.
- **11.5** Where a person makes payments to the City of any Administrative Penalty and/or Administrative Fee(s), by negotiable instrument for which there are insufficient funds available in the account on which the instrument is drawn, the person shall pay to the City the NSF Fee set out in the City's Fees and Charges By-law 2012-137 as amended.

- **11.6** Any time limit that would otherwise expire on a Holiday is extended to the next Day that is not a Holiday.
- **11.7** When an Administrative Penalty is paid, the City shall arrange for the Victims' Justice Fund Component as determined in Schedule B of this By-law, to be credited to the provincial Victims' Justice Fund account before retaining any portion of the payment.
- **11.8** Any schedule attached to this By-law forms part of this By-law.

#### 12 SEVERABILITY

**12.1** Should any provision, or any part of a provision, of this By-law to be declared invalid, or to be of no force and effect, by a court of competent jurisdiction, it is the intent of the Council that a such provision, or any part of a provision, shall be severed from this By-law, and every other provision of this By-law shall be applied and enforced in accordance with its terms to the extent possible according to law.

#### READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS <mark>xx DAY OF</mark> <mark>xx</mark> 2025.

Kimberley Kitteringham City Clerk Frank Scarpitti Mayor

Attachment 2: Schedule A: Rate of Speed SCHEDULE "A"

ADMINISTRATIVE PENALTY FOR AUTOMATED ENFORCEMENT BY-LAW

Administrative Penalties for Speeding Contraventions Detected Using Camera Systems

#### RATE OF SPEED FEE

#### In accordance with Table 1 Ontario Regulation 355/22 Administrative Penalties for Contraventions Detected Using Camera Systems

#### In respect of a Contravention of subsection 128(1) of the HTA

COLUMN 1	COLUMN 2	COLUMN 3
TIER	KM/HR OVER MAXIMUM SPEED LIMIT	RATE OF PENALTY
1	1 - 19 km / hr.	\$5.00 per km
2	20 - 29 km / hr.	\$7.50 per km
3	30 - 49 km / hr.	\$12.00 per km
4	50 km / hr. or more	\$19.50 per km

#### SCHEDULE "B"

#### ADMINISTRATIVE PENALTY FOR AUTOMATED ENFORCEMENT BY-LAW

#### VICTIM COMPONENT FEE

In accordance with Table 2 Ontario Regulation 355/22 Administrative Penalties for Contraventions Detected Using Camera Systems

#### In respect of a Contravention of subsection 128(1) of the HTA

COLUMN 1	COLUMN 2	COLUMN 3
TIER	PENALTY AMOUNT IN ACCORDANCE WITH SCHEDULE A	VICTIM COMPONENT FEE AMOUNT
1	\$0 - \$50	\$10
2	\$51 - \$75	\$15
3	\$76 - \$100	\$20
4	\$101 - \$150	\$25
5	\$151 - \$200	\$35
6	\$201 - \$250	\$50
7	\$251 - \$300	\$60
8	\$301 - \$350	\$75
9	\$351 - \$400	\$85
10	\$401 - \$450	\$95
11	\$451 - \$500	\$110
12	\$501 - \$1000	\$125
13	\$1000+	25% of Penalty Amount

#### SCHEDULE "C"

#### ADMINISTRATIVE PENALTY FOR AUTOMATED ENFORCEMENT BY-LAW

#### ADMINISTRATIVE FEES

#### In accordance with Ontario Regulation 355/22 Administrative Penalties for Contraventions Detected Using Camera Systems

COLUMN 1	COLUMN 2	COLUMN 3
ITEM	FEE DESCRIPTION	FEE AMOUNT
1	Screening Review Appointment	\$60.00
2	No Show Fee	\$60.00
3	Hearing Review Appointment	\$8.25

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# Automated Speed Enforcement (ASE) Program

Enhancing Road Safety Through Technology

May 6, 2025

## Markham **Safer Streets Safer Communities** Vision **Saves Lives** Lero **Road Safety Plan**





- Introduction
- Background
- Municipal Programs
- Effectiveness
- ASE Implementation Requirements
- ASE Implementation & Next Steps
- Financial Considerations
- Recommendation



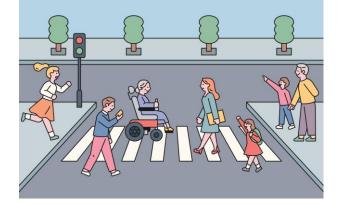


Strategic Plan



# Introduction - Automated Speed Enforcement (ASE)

- Automated Speed Enforcement (ASE) programs have been extensively implemented across various municipalities in Ontario, proving to be a streamlined and impactful method for enforcing speed limits.
- ASE aligns with Markham's Vision Zero Road Safety Plan, enhancing safety for pedestrians, cyclists, and drivers. By addressing speed-related risks, ASE supports the goal of reducing traffic injuries and fatalities, contributing to a safer community.
- Since May 2024, Engineering has been developing a Vision Zero Road Safety Plan (RSP) which focuses on reducing serious injuries and fatalities through a datadriven approach and strong public engagement.
- Drawing on compelling data that demonstrate the positive impact of ASE programs on public safety, Staff recommend accelerating the integration of ASE into the City's RSP and are seeking Council endorsement of an Automated Speed Enforcement (ASE) Program in the City of Markham.







# Background - Automated Speed Enforcement (ASE)

### How ASE Works

- 1. Speed Detection ASE system uses technology to detect vehicle speed.
- 2. Image Capture If a vehicle exceeds the speed limit, the system captures a photo.
- 3. Violation Processing Violation details (speed, time, location) are recorded.
- 4. Review & Processing Joint Processing Centre Provincial offences officers review the captured image details for violations.
- 5. Penalty Order: which contains a digitized copy of the image and an enlargement of the license plate, is sent only by mail to the registered plate holder.

### Penalties and Vehicle Owner Liability

• The registered vehicle owner is liable for penalties, regardless of who was driving the vehicle at the time of the violation. ASE penalties do not impact the driver's demerit points or driving record.





# Background - Automated Speed Enforcement (ASE)

• ASE has proven to be effective in many Ontario **municipalities** and there is no "one-size-fits-all" approach to deploying the type of ASE cameras (fixed or mobile).

### **Option 1 - Fixed ASE Camera Deployment**

Fixed ASE cameras offer a constant and visible deterrent and promote long-term speed compliance.



### **Option 2 - Mobile ASE Camera Deployment**

Mobile ASE cameras units are susceptible to vandalism, reducing effectiveness and increasing maintenance cost of the program.







# Background - Automated Speed Enforcement (ASE)

Set by Province (O. Reg 355/22), ASE penalties have four components:

- 1. Rate of Speed Fee (1–19 km/hr. over limit is charged <u>\$5.00</u> per km/hr. over)
- 2. Victim Component Fee
- 3. License Plate Search Fee: (Flat Fee: \$8.25 charged by MTO)
- 4. Administrative Fees:
  - i. Late Fee: \$20.00 (per plate denial fee set by MTO)
  - ii. No-Show Fee: \$60.00 (for missed hearing/screening dates)

### Example:

- A car is driving 58 km/hr. in a posted 40 km/hr. zone
  - = 18 km/hr. over X \$5.00 = \$90.00
  - + Victim Component Fee = \$20.00
  - + License Search fee = \$8.25
  - = \$118.25 Total Speeding Infraction Cost





# Municipal Programs - Automated Speed Enforcement (ASE)

- Currently, the Region of York has deployed a mix of fixed and mobile ASE cameras on regional roads.
- There are five fixed ASE cameras on Regional roads in Markham, as follows:

Regional Road	School
14th Avenue, West of McDowell Gate	Trillium School
Bayview Avenue, North of Willowbrook Road	Thornlea Secondary School
Highway 7, East of Robinson Street	St. Patrick Catholic Elementary School
Leslie Street, South of Highway 407	St. Robert Catholic High School
McCowan Road, North of Carlton Road	Markville Secondary School



Regional ASE Camera located on Yonge St, south of Elgin St near Thornhill Public School



Building Markham's Future Together





# Effectiveness - Automated Speed Enforcement (ASE)

### **ASE Improves Road Safety**

- Automated Speed Enforcement (ASE) has proven to be an effective tool in improving road safety by reducing speeding in high-risk areas such as school zones and community safety zones.
- The use of automated speed enforcement has resulted in better speed compliance, fewer collisions and less severity in the collisions that do occur.
- The presence of ASE also promotes long-term behavioral changes in drivers, encouraging greater compliance with posted speed limits.
- While results may vary depending on the location, many municipalities have successfully implemented ASE programs with positive outcomes.







# Effectiveness - Automated Speed Enforcement (ASE)

### **Key Outcomes from Ontario Municipalities**

- 1. City of Toronto
  - $\,\circ\,$  % of vehicles exceeding the speed limit decreased by 80%
  - $\,\circ\,$  Vehicle operating speed decrease by an average of 7 km/h in locations with an ASE device
  - ASE cameras decrease the number of occurrences of excessive speeding (driving 20 km/h or more over the limit was reduced by 87%)
- 2. City of Ottawa
  - ASE cameras increased compliance with the maximum posted speed limit by 200%
  - ASE cameras led to an 11% decrease in the 85th percentile speed (the speed at which 85% of the traffic is travelling or below)
  - ASE cameras decreased the number of motorists travelling at 15 km/h over the maximum posted speed limit by 72%







# Effectiveness - Automated Speed Enforcement (ASE)

### **Key Outcomes from Ontario Municipalities**

- 3. City of Mississauga
  - ASE has led to an average increase of 26% in motorists' compliance with posted speed limits, especially in hightraffic areas where speeding is a concern
  - The program has led to an average decrease of 8 km/h in vehicle operating speeds across various locations
  - The percentage of vehicles speeding by more than 20 km/h over the limit has dropped by 80%.
- 4. Region of York
  - Average speeds have decreased from 68 km/h to 56 km/h since enforcement began.
  - Speed limit compliance has increased by 26 per cent, from 16 per cent to 42 percent
  - $\circ~$  The Region has noted that ASE can reduce collisions by 48%







# **ASE Implementation Requirements**

Prior to launching an ASE program, the City must fulfill several prerequisites to ensure legal compliance and operational readiness.

These include:

- 1. Council endorsement of an ASE Program in Markham
- 2. Designating Community Safety Zones (CSZs);
- 3. Enacting a By-law for Administrative Monetary Penalties (AMPs) for ASE
- 4. Execution of key provincial agreements with Ministry of Transportation (MTO) and Ministry of the Attorney General (MAG)
- 5. Establishing a Joint Processing Centre (JPC)







# **ASE Implementation Requirements**

### What are Community Safety Zones (CSZ)?

- Community Safety Zones (CSZ) Designations aim to create safer environments for pedestrians by reducing speed limits and increasing enforcement, thereby lowering the risk of accidents and promoting safer streets for pedestrians, cyclists, and motorists.
- Under **Ontario's Highway Traffic Act** (HTA), municipalities have the authority to designate Community Safety Zones in areas where public safety is of special concern.
- The designation serves as a legal tool to enhance enforcement and deter unsafe driving behaviors in areas such as near schools, parks, and senior facilities.







To proceed with the ASE program, the City must enact a By-law establishing a System of Administrative Monetary Penalties (AMPs) for ASE violations. This is a required step before entering into agreements with the Ministry of Transportation (MTO) and the Ministry of the Attorney General (MAG).

Key elements of the By-law include:

- Authorizes issuance of a Penalty Order (PO) within 23 days of a speeding violation.
- Specifies mandatory PO content (e.g., file number, owner details, violation info, penalty amount, payment/appeal options).
- Outlines PO service and payment timelines (30 days unless appealed).
- Defines the AMPS adjudication process, including Screening and Hearing Reviews, and officer powers.
- Penalty amounts are set by the Province and consist of four components under O. Reg. 355/22.

Administrative Monetary Penalty System



Building Markham's Future Together

# **ASE Implementation Requirements**

The City must execute the following key provincial agreements with:

- 1. Ministry of Transportation (MTO)
  - The City must execute an agreement to access vehicle registration data for the purpose of issuing ASE infractions
  - The agreement also requires the City to submit annual and semi-annual reports detailing the number of Penalty Orders issued, disputed, and paid.
- 2. Ministry of the Attorney General (MAG)
  - A separate standardized agreement is required to formalize the City's obligation to remit the Victim Fine Surcharge to the province.
  - This includes monthly and semi-annual reporting on amounts collected and outstanding.
  - The agreement also outlines procedures for initiating plate denial requests through MAG's Defaulted Fine Control Centre for unpaid Penalty Orders.





NISTRY OF THE ATTORNEY GENERAL





### Joint Processing Centre (JPC) Requirement

- The City must also establish a Joint Processing Centre (JPC) responsible for managing ASE camera data and issuing penalty notices to vehicle owners.
- The City of Markham can either establish and operate its own JPC, or partner with another municipality that operates an existing JPC.
- Currently, the City of Toronto, Region of York and the Town of Newmarket are operating or are in the process of establishing JPCs.

### **Benefits of JPC Partnership**

- Avoids major upfront investments in equipment, software, and dedicated staffing.
- Leverages an operational system to facilitate an efficient ASE program.
- Gains support from trained personnel experienced in ASE ticket review and processing.





# **ASE Implementation Requirements**

• Currently, the City of Toronto, York Region and the Town of Newmarket are operating, or are in the process of establishing JPCs.

### Toronto JPC

- Launched December 2019 and served 12 municipalities
- One-time joining fee and a per-Penalty Order (PO) fee
- Volume caps imposed have prompted some municipalities (e.g., Barrie, Brampton, Ottawa) to establish their own JPCs

### York Region JPC

- Launched JPC in late 2024 and is currently only providing services for internal use only
- Additional operational, cost and possible expansion details have not yet been released

### Newmarket JPC

- No joining fee, customizable services, per-penalty order (PO) fee
- Currently providing JPC services to itself and Vaughan, Whitchurch-Stouffville, Georgina
- In contract discussions with 5 additional municipalities





# **ASE Implementation Next Steps**

### Q2 / Q3 -2025: ASE Implementation

- Council Endorsement of the ASE program in Markham
- Complete a comprehensive evaluation of all publicly operated Elementary and Secondary School Zones, utilizing data-driven criteria to identify CSZ candidate locations for the initial phase of the program
- A total of eight (8) fixed ASE camera locations will be identified for the initial rollout – one in each ward.
- The ASE camera will be installed at a fixed location and remain operational 24 hours a day, 7 days a week. The site will be subject to ongoing evaluation to assess the effectiveness of the program, with consideration given to relocating the camera should sustained improvements in driver speed compliance be observed
- Finalize 2026 Operating Budget requirements and amounts for the ASE program







### Q3 - Q4 2025: Complete Regulatory & Contractual Requirements

- Staff will obtain the necessary ASE authorizations with MTO and MAG
  - The MTO agreements authorize the use of license plate information gathered by ASE technology and vehicle owner details from the MTO licence plate database.
  - The MAG agreement deals with the financial component of the program including the responsibility to collect/remit payment to the Provincial Victims' Justice Fund, use of the Default Fine Control Centre to recover unpaid fines (licence plate denial), and report requirements to the Province.
- Execute agreements to utilize the Town of Newmarket's Joint Processing Centre and its ASE Camera Vendor.
- Complete Privacy Impact Assessment with Information and Privacy Commissioner (IPC).







# **ASE Implementation Next Steps**

Q4 2025: Public Communication & Engagement Strategy

- Staff will develop and execute a robust communications plan to inform and engage residents and the broader community of the ASE program's rollout. Key components will include:
  - Media Announcements: Public updates to raise awareness of the program before and after implementation.
  - City Website: A dedicated webpage featuring enforcement locations, FAQs (explaining how ASE works), penalties, and safety benefits.
  - Social Media Outreach: Ongoing digital campaigns to promote safety messaging and key program milestones.
  - **Printed Materials:** ASE brochures and flyers distributed through city facilities, libraries, schools, and community centers.
  - Councillor Newsletter Content: Program updates and key information highlights.







# **ASE Implementation Next Steps**

#### 2026 Q1: ASE Implement Rollout

- Continuation of public awareness campaign
- Installation of ASE "Coming Soon Signs" and "Community Safety Zone" signs for each of the eight (8) ASE camera locations
- Later replaced with "Municipal Speed Camera In-Use" regulatory signs when activated at any given location
- Installation and testing of the eight (8) ASE cameras (1 per ward)
- Recruitment / Training of screening and hearing officers





Spring 2026: <u>ASE Go-Live</u>



### **Financial Considerations**

- Markham's proposed ASE program is structured to support the broader objectives of the City's Vision Zero Road Safety Plan by promoting compliance with speed limits and enhancing mobility safety.
- Penalty revenue generated through the ASE program will be used to cover program expenses, with any surplus addressed through the annual budget process; while revenue is difficult to predict, staff anticipate full cost recovery for known capital and operating costs.
  - 1. Startup Costs will cover various aspects the implementation, including camera installation, signage, public engagement (marketing and communications), and a Transportation Engineering FTE position to facilitate technical aspects of the program operation.
  - 2. Operating Costs will not be incurred until 2026 when the ASE program goes live, and will include costs associated with JPC processing fees, camera leasing costs, regulatory signage and adjudication staff. The 2026 operating costs will be incorporated into the annual budget process.





# Recommendation

- 1. That the both the Report and Presentation entitled "Automated Speed Enforcement (ASE) Program be received;
- 2. That Council approve the implementation of an Automated Speed Enforcement (ASE) Program in the City of Markham;
- 3. That Council delegate authority to the City Treasurer and City Clerk to execute any agreement or document in a form satisfactory to the City Solicitor, required to implement or administer the ASE program within the City of Markham, including but not limited to agreements with the Town of Newmarket, ASE Camera Vendor, Ministry of Transportation and Ministry of Attorney General;
- 4. That Council delegate authority to the Director of Engineering to identify and approve the initial and future ASE installation locations, including adding additional ASE cameras, subject to the annual budget process, with priority given to areas with significant safety concerns;
- That Council enact an amendment to Traffic By-law 106-71, Schedule 24 (Community Safety Zones), identifying all publicly operated elementary and secondary school locations as Community Safety Zones within the City of Markham as outlined in Attachment 1;





# Recommendation

- 6. That Council enact the proposed By-law to establish a System of Administrative Monetary Penalties for Violations of Automated Speed Enforcement Systems in the City of Markham as outlined in Attachment 2;
- 7. That Council approve the in-year capital addition to Budget 2025 in the amount of \$495,000, with funding strategy to be identified and implemented by the City Treasurer;
- 8. That the City Clerk forward a copy of this report to the Regional Municipality of York (York Region), York Region's local municipalities, York Regional Police, York Region District School Board, York Region Catholic School Board, the Ministry of Transportation Ontario, and the Ministry of the Attorney General; and further,
- 9. That staff be authorized to and directed to do all things necessary to give effect to these resolutions.





# Thank you





Report to: Development Services Committee

Meeting Date: May 13, 2025

SUBJECT:RECOMMENDATION REPORT<br/>Designation of Priority Properties – Phase XVIIPREPARED BY:Evan Manning, Senior Heritage Planner, ext. 2296REVIEWED BY:Regan Hutcheson, Manager of Heritage Planning, ext. 2080

#### **RECOMMENDATION:**

- 1) THAT the Staff report, dated May 13, 2025, titled, "RECOMMENDATION REPORT, Designation of Priority Properties – Phase XVII", be received;
- 2) THAT the June 14, 2023, recommendation from the Heritage Markham Committee, in support of the designation of the following properties under Part IV, Section 29 of the *Ontario Heritage Act* (in accordance with Appendix 'B'), be received as information:
  - 10982 McCowan Road (Ward 6): "Pipher-Lewis House"
  - 11276 Kennedy Road (Ward 6): "John and Adeline Miller House"
  - 4180 Nineteenth Avenue (Ward 6): "Robson and Amanda Jewitt House"
  - 7635 Highway 7 East (Ward 5): "Justus and Mary Reynolds House"
  - 10484 Ninth Line (Ward 5): "Henry and Susan Wideman House"
  - 10760 Victoria Square Blvd (Ward 2): "Williams House"
- 3) THAT Council state its intention to designate 10982 McCowan Road (Ward 6): under Part IV, Section 29 of the *Ontario Heritage Act* in recognition of its cultural heritage significance;
- 4) THAT Council state its intention to designate 11276 Kennedy Road (Ward 6): under Part IV, Section 29 of the *Ontario Heritage Act* in recognition of its cultural heritage significance;
- 5) THAT Council state its intention to designate 4180 Nineteenth Avenue (Ward 6): under Part IV, Section 29 of the *Ontario Heritage Act* in recognition of its cultural heritage significance;
- 6) THAT Council state its intention to designate 7635 Highway 7 East (Ward 5): under Part IV, Section 29 of the *Ontario Heritage Act* in recognition of its cultural heritage significance;
- 7) THAT Council state its intention to designate 10484 Ninth Line (Ward 5): under Part IV, Section 29 of the *Ontario Heritage Act* in recognition of its cultural heritage significance;
- 8) THAT Council state its intention to designate 10760 Victoria Square Blvd (Ward 2): under Part IV, Section 29 of the *Ontario Heritage Act* in recognition of its cultural heritage significance;
- THAT if there are no objections to the designation in accordance with the provisions of the Ontario Heritage Act, the Clerk's Department be authorized to place a designation by-law before Council for adoption;
- 10) THAT if there are any objections in accordance with the provisions of the *Ontario Heritage Act*, the matter return to Council for further consideration;
- 11) AND THAT Staff be authorized and directed to do all things necessary to give effect to this resolution.

#### PURPOSE:

This report provides information on the seventeenth batch of "listed" properties recommended for designation under Part IV, Section 29 of the *Ontario Heritage Act* (the "Act") originally in response to Bill 23, in accordance with the May 3, 2023, Staff report adopted by Council and noted in the recommendations of this report.

#### BACKGROUND:

Markham has a robust Heritage Register that includes both listed and designated properties

There are currently <u>1718 properties</u> included on the *City of Markham's Register of Properties of Cultural Heritage Value or Interest* (the "Register"). These include a mixture of individuallyrecognized heritage properties and those contained within the city's four Heritage Conservation Districts ("HCD") located in Thornhill, Buttonville, Unionville, and Markham Village.

Individually-recognized heritage properties consist of both "listed" properties and those designated under Part IV of the Act (HCDs are designated under Part V of the Act). While Part IV-designated properties are municipally-recognized as significant cultural heritage resources, listing a property under Section 27(3) of the Act does not necessarily mean that the property is considered a significant cultural heritage resource. Rather it provides a mechanism for the municipality to be alerted of any alteration or demolition application for the property and time (60 days) for evaluation of the property for potential designation under Part IV of the Act. Once designated, the City has the authority to prevent demolition or alterations that would adversely impact the cultural heritage value of the property. These protections are not available to the City for listed properties. At the start of 2023, there were <u>316 listed properties</u> on the Register.

### Bill 23 has implications for the conservation of properties "listed" on municipal Heritage Registers

On November 28, 2022, Bill 23 (*More Homes Built Faster Act*), received Royal Assent. Section 6 of the legislation included amendments to the Act that requires all listed properties on a municipal heritage register to be either designated within a two-year period beginning on January 1, 2023, or be removed from the register. Should a listed property be removed as a result of this deadline, it cannot be "re-listed" for a five-year period. Further, municipalities will not be permitted to issue a notice of intention to designate a property under Part IV of the Act unless the property was already listed on a municipal register at the time a *Planning Act* application is submitted (i.e., Official Plan, Zoning By-Law amendment and/or Draft Plan of Subdivision).

### Bill 200 extended the timeline for designation of properties "listed" on municipal Heritage Registers

On June 6, 2024, Bill 200 (*Homeowner Protection Act*) received Royal Assent. Schedule 2 of Bill 200 amends the Act by extending the timeframe for municipalities to review "listed properties included in their heritage registries as of December 31, 2022. Municipalities now have until January 1, 2027, to issue a notice of intention to designate these properties before they must be removed from the register. Bill 200 has also introduced new rules clarifying how a municipality's voluntary removal of a listed property from its register before June 6, 2024, impacts its ability to relist the property.

Should a property not be designated prior to the aforementioned deadline and be removed from the register, a municipality would have no legal mechanism to deny a demolition or alteration request.

The same applies to properties that are not listed at the time a *Planning Act* application is submitted as they would not be eligible for designation under the Act.

#### Properties are to be assessed using Provincial Designation Criteria

Ontario Regulation 9/06, as amended, ("O.Reg. 9/06") prescribes criteria for determining a property's cultural heritage value or interest for the purpose of designation. The regulation provides an objective base for the determination and evaluation of resources of cultural heritage value, and ensures the comprehensive, and consistent assessment of value by all Ontario municipalities. Municipal councils are permitted to designate a property to be of cultural heritage value or interest if the property meets two or more of the prescribed criteria (excerpted from O.Reg. 9/06):

- 1. The property has design value or physical value because it is a rare, unique, representative or early example of a style, type, expression, material or construction method.
- 2. The property has design value or physical value because it displays a high degree of craftsmanship or artistic merit.
- 3. The property has design value or physical value because it demonstrates a high degree of technical or scientific achievement
- 4. The property has historical value or associative value because it has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community.
- 5. The property has historical value or associative value because it yields, or has the potential to yield, information that contributes to an understanding of a community or culture.
- 6. The property has historical value or associative value because it demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community.
- 7. The property has contextual value because it is important in defining, maintaining or supporting the character of an area.
- 8. The property has contextual value because it is physically, functionally, visually or historically linked to its surroundings.
- 9. The property has contextual value because it is a landmark.

#### **OPTIONS/ DISCUSSION:**

*The protection and preservation of heritage resources is consistent with City policies* Markham's Official Plan, 2014, contains cultural heritage policies related to the protection and conservation of heritage resources that are often a fragile gift from past generations. They are not a renewable resource, and once lost, are gone forever. Markham understands the importance of safeguarding its cultural heritage resources and uses a number of mechanisms to protect them. Council's policy recognizes their significance by designating individual properties under the Act to ensure that the cultural heritage values and heritage attributes are addressed and protected.

#### Provincial planning policies support designation

The new Provincial Planning Statement (PPS) issued under Section 3 of the *Planning Act* came into effect October 20, 2024, and replaces the Provincial Policy Statement, 2020. The PPS (2024) includes cultural heritage policies that indicate protected heritage property, which may contain built heritage resources or cultural heritage landscapes, shall be conserved. Designation provides a mechanism to achieve the necessary protection.

#### Designation acknowledges the importance of a cultural heritage resource

Designation signifies to an owner and the broader community that the property contains a significant resource that is important to the community. Designation does not restrict the use of the property or compel restoration. However, it does require an owner to seek approval for property alterations that are likely to affect the heritage attributes described in the designation by-law. Council can also prevent, rather than just delay, the demolition of a resource on a designated heritage property.

#### Culturally significant "listed" properties for Part IV designation have been identified

As described in the Staff report adopted by Council on May 3, 2023, Heritage Section staff have developed a matrix consisting of four criteria against which all listed properties have been evaluated to determine their degree of cultural heritage significance. This review found 52 "listed" properties ranked as "High", 78 ranked as "Medium", and 28 ranked as "Low" in terms of the cultural heritage value based on the evaluation criteria. Staff have prioritized those properties ranked as "High" and "Medium" for designation consideration under Part IV of the Act.

Staff propose to bring forward approximately 3-5 designation recommendations for Council consideration at any one time. The six heritage properties identified in this report constitute the seventeenth phase of recommended designations that have been thoroughly researched and evaluated using O.Reg. 9/06. Staff determined that those properties merit designation under the Act for their physical/design, historical/associative, and/or contextual value (refer to Appendix 'A' for images of the properties).

### Statements of Cultural Heritage Value of Interest have been prepared in accordance with Section 29(8) of the Act

These Statements of Significance include a description of the cultural heritage significance of the property and a list of heritage attributes that embody this significance. This provides clarity to both the City and the property owner as to which elements of the property should be conserved. Note that Part IV designation does not prevent future alterations to a property, but rather provides a guide to determine if the alterations would adversely impact the heritage significance of the property (refer to Appendix 'C'). The full research report prepared for each property included as Appendix 'D'.

#### Heritage Markham (the "Committee") supports the designations

As per the Section 29(2) of the Act, review of proposed Part IV designations must be undertaken by a municipal heritage committee (where established) prior to consideration by Council. On June 14, 2023, the Committee reviewed the listed properties evaluated for designation by Staff and supported proceeding with designation (refer to Appendix 'B').

#### Staff have communicated with affected property owners

Staff have contacted and provided educational material to affected property owners regarding the impact of Part IV designation, including the relevant Statements of Significance, which helps owners understand why their property is proposed for designation at this time, what is of heritage value of the property, and provides answers to commonly asked questions (e.g., information about the heritage approvals process for future alterations and municipal financial assistance through tax rebates and grant programs). Property owners also have appeal rights to the Ontario Land Tribunal ("OLT") should they wish to object to designation. For additional information, see the bulleted list in the last section.

Staff note that the material sent to the owners has been undertaken as a courtesy to provide advance notice of an upcoming meeting where Council will consider whether to initiate the designation process for the property. It is not formal notice of the intension to designate as required by the Act which can only be done by Council. The objective of the advance notice is to begin a conversation about the future potential designation of the property.

#### Deferral of the Notice of Intention of Designate is not recommended

Staff have thoroughly researched and carefully selected the properties proposed for designation. The properties recommended for designation are, in the opinion of Staff, the most <u>significant</u> heritage properties currently listed on the Heritage Register. This position is substantiated by the detailed research undertaken by Staff for each property. Also, to allow a review of the proposed designation material, owners are typically provided over 50 days including the 30-day official objection period required by the Act.

Staff welcome the opportunity to work with property owners to address their concerns whenever feasible prior to Council adoption of a designation by-law. For example, modifications have included scoping the impact of the designation by-law to the immediate area surrounding a heritage resource through the use of a Reference Plan should it be contained within a larger parcel or refining the identified heritage attributes, where warranted. Staff maintain the objective is to be a cooperative partner in the designation process and ensure that good heritage conservation and development are not mutually exclusive. While Bill 200 extended the deadline for designation, Staff have the necessary time and resources to designate all significant listed properties by the deadline as originally created by Bill 23 and do not recommend delaying the protection of our cultural heritage resources.

#### The Process and Procedures for Designation under Part IV of the Act are summarized below

- Staff undertake research and evaluate the property under O.Reg. 9/06, as amended, to determine whether it should be considered a significant cultural heritage resource worthy of Part IV designation;
- Council is advised by its municipal heritage committee with respect to the cultural heritage value of the property;
- Council may state its Intention to Designate the property under Part IV of the Act and is to include a statement explaining the cultural heritage value or interest of the property and a description of the heritage attributes of the property;

- Should Council wish to pursue designation, notice must be provided to the owner and the Ontario Heritage Trust that includes a description of the cultural heritage value of the property. A notice, either published in a local newspaper or posted digitally in a readily accessed location, must be provided with the same details (i.e. the City's website);
- Following the publication of the notice, interested parties can object to the designation within a 30-day window. If an objection notice is received, Council is required to consider the objection and make a decision whether or not to withdraw the notice of intention to designate;
- Should Council proceed with designation, it must pass a by-law to that effect within 120 days
  of the date in which the notice was published. There are notice requirements and a 30-day
  appeal period following Council adoption of the by-law in which interested parties can serve
  notice to the municipality and the OLT of their objection to the designation by-law. Should no
  appeal be received within the 30-day time period, the designation by-law comes into full force.
  Should an appeal be received, an OLT hearing date is set to examine the merits of the
  objection and provide a final decision.

#### FINANCIAL CONSIDERATIONS:

There has been a significant increase in the number of designation by-laws adopted by Council in response to recent amendments to the Act through Bill 23. As a result, there may be an increase in the number of OLT appeals relative to previous years, along with the potential need to secure additional funds from Council to support Staff preparation and attendance at the OLT. Should existing funding sources be found inadequate, staff will advise Council through a future Staff report.

#### HUMAN RESOURCES CONSIDERATIONS:

Not Applicable.

#### ALIGNMENT WITH STRATEGIC PRIORITIES:

The protection and preservation of cultural heritage resources is part of the City's Growth Management strategy.

#### **BUSINESS UNITS CONSULTED AND AFFECTED:**

Heritage Markham, Council's advisory committee on heritage matter, was consulted on the designation proposals. Clerks Department/Heritage Section will be responsible for future notice provisions. An appeal to the OLT would involve staff from the Planning and Urban Design (Heritage Section), Legal Services, and Clerks Department.

#### **RECOMMENDED BY:**

Giulio Cescato, RPP, MCIP Director of Planning and Urban Design Arvin Prasad, MPA, RPP, MCIP Commissioner of Development Services

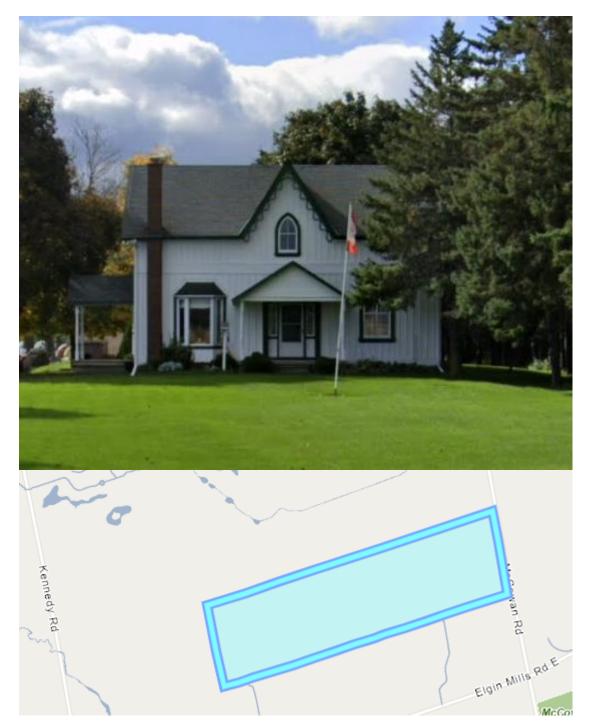
#### **APPENDICES:**

Appendix 'A': Images of the Properties Proposed for Designation Appendix 'B': Heritage Markham Extract Appendix 'C': Statements of Significance

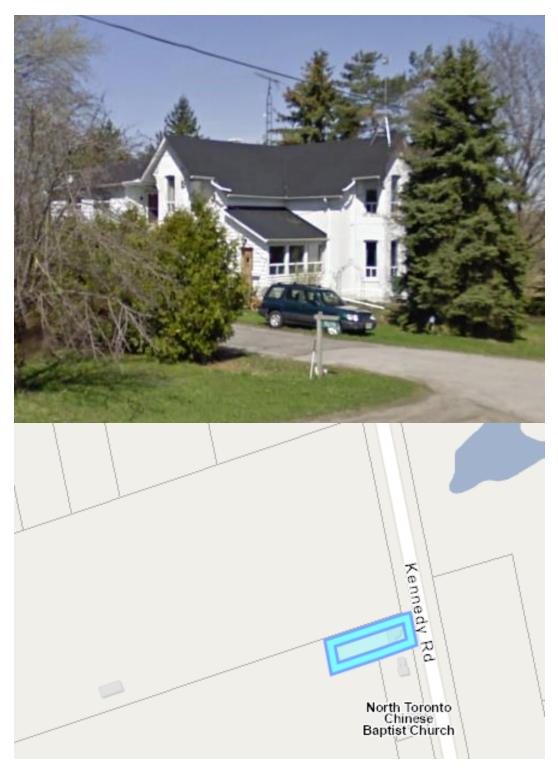
Appendix 'D': Research Reports

#### **APPENDIX 'A': Images of the Properties Proposed for Designation**

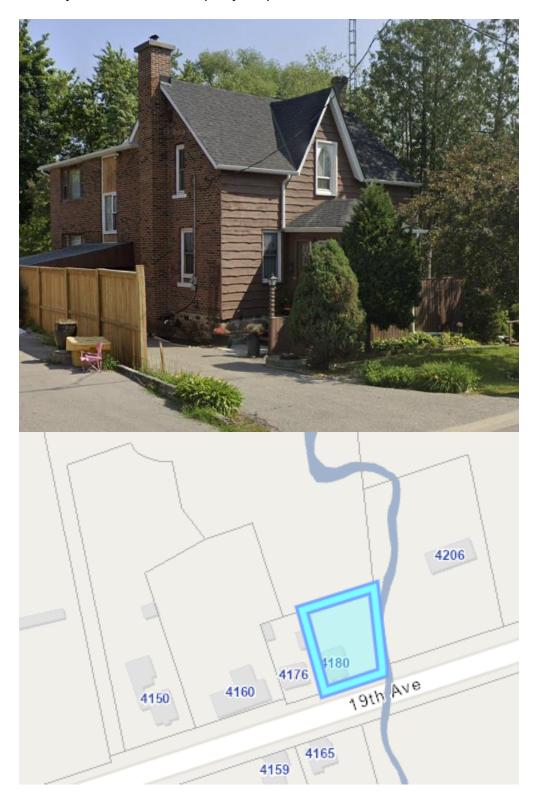
<u>10982 McCowan Road (Ward 6): "Pipher-Lewis House"</u> Primary Elevation and Property Map



# <u>11276 Kennedy Road (Ward 6): "John and Adeline Miller House"</u> Primary Elevation and Property Map



#### <u>4180 Nineteenth Avenue (Ward 6): "Robson and Amanda Jewitt House"</u> *Primary Elevation and Property Map*



# <u>7635 Highway 7 East (Ward 5): "Justus and Mary Reynolds House"</u> Primary Elevation and Property Map



#### **10484 Ninth Line (Ward 5): "Henry and Susan Wideman House"** *Primary Elevation and Property Map*



# <u>**10760 Victoria Square Blvd (Ward 2): "Williams House"**</u> *Primary Elevation and Property Map*



#### APPENDIX 'B': Heritage Markham Extract

#### HERITAGE MARKHAM EXTRACT

Date: June 23, 2023

To: R. Hutcheson, Manager, Heritage Planning E. Manning, Senior Heritage Planner

EXTRACT CONTAINING ITEM # 6.1 OF THE SEVENTH HERITAGE MARKHAM COMMITTEE MEETING HELD ON June 14, 2023

#### 6. PART FOUR - REGULAR

#### 6.1 PROPOSED STREAMLINED APPROACH FOR HERITAGE MARKHAM CONSULTATION

#### DESIGNATION OF PRIORITY PROPERTIES LISTED ON THE CITY OF MARKHAM'S REGISTER OF PROPERTIES OF CULTURAL HERITAGE VALUE OR INTEREST IN RESPONSE TO BILL 23 (16.11)

File Number:

n/a

Evan Manning, Senior Heritage Planner, introduced this item advising that it is related to a proposal for a streamlined approach for the designation of priority listed properties which requires consultation with the municipal heritage committee. Mr. Manning provided an overview of the evaluation criteria used to evaluate the physical heritage significance of the properties listed on the Heritage Register and displayed images of all the evaluated properties organized into "High", "Medium", and "Low" as it relates to their perceived heritage significance. Mr. Manning stressed that Heritage Section Staff wish to designate as many properties as possible but noted that it was important to establish priorities given the two-year deadline to designate.

Regan Hutcheson noted that these rankings were established based only upon appearance. Mr. Hutcheson confirmed that further research will be conducted into properties are part of the designation process.

Staff further explained that they were recommending a streamlined Heritage Markham consultation process to satisfy the requirements of Section 29(2) of the Ontario Heritage Act, and that was the purpose of reviewing all the ranked properties at this meeting. No further review with Heritage Markham Committee will occur if the Committee agrees with this approach concerning the designation of the identified properties in the Evaluation Report.

The Committee provided the following feedback:

- Questioned how the number of listed properties was reduced from over 300 to the 158 that were evaluated using the criteria shown in the presentation package. Staff noted that, for example, properties that are owned by the Provincial or Federal government were excluded from evaluation as they are not subject to the protections afforded by Part IV designation. Municipally-owned properties were removed as were cemeteries. This, along with other considerations, reduced the number of properties evaluated for designation;
- Questioned what will happen to the lowest ranked properties. Staff noted research efforts were being focused on the highest ranked properties and that if time permits, these properties would be researched. If designation is not recommended by staff, the specific properties will return to Heritage Markham Committee for review;
- Questioned why heritage building that were previously incorporated into developments are generally not considered a high priority for designation. Staff noted that these properties can be protected through potential future Heritage Easement Agreements should they be subject to a development application after "falling" off the Heritage Register;
- Requested that the Committee be kept up-to-date on the progress of the designation project. Staff noted that the Committee will be updated on a regular basis as the designation project progresses.

Staff recommended the proposed streamlined Heritage Markham review approach be supported.

#### **Recommendations:**

THAT Heritage Markham supports designation of the properties included in the Evaluation Report under Part IV of the <u>Ontario Heritage Act</u>;

AND THAT if after further research and evaluation, any of the identified properties are not recommended by staff to proceed to designation, those properties be brought back to the Heritage Markham Committee for review.

#### Carried

#### **APPENDIX 'C': Statements of Significance**

#### STATEMENT OF SIGNIFICANCE

Pipher-Lewis House

10982 McCowan Road

c.1860

The Pipher-Lewis House is recommended for designation under Part IV, Section 29 of the <u>Ontario Heritage Act</u> as a property of cultural heritage value or interest, as described in the following Statement of Significance.

#### **Description of Property**

The Pipher-Lewis House is a one-and-a-half storey frame dwelling located on the west side of McCowan Road, north of Elgin Mills Road, east of the historic community of Cashel. The house faces east.

#### **Design Value and Physical Value**

The Pipher-Lewis House has design value and physical value as an altered representative example of a vernacular farmhouse in the Ontario Classic style. The Ontario Classic is a house form that was popular from the 1860s to the 1890s. The design was promoted in architectural pattern books of the time. These vernacular dwellings were often decorated with features associated with the picturesque Gothic Revival style, as is the case with the Pipher-Lewis House, with its pointed-arched window and curvilinear bargeboards in its centre gable. Ontario Classic dwellings were symmetrically balanced, with a centrally placed front door flanked by a window on either side, a hold-over from the long-standing conservative formality of the Georgian architectural tradition, and a steep centre gable above the entrance. Alterations to the Pipher-Lewis House illustrate how dwellings undergo changes to suit the needs and tastes of different owners over time. In this case, the changes have left the essential architectural character of the original building largely intact.

#### Historical Value and Associative Value

The Pipher-Lewis House has historical value as it makes legible the contributions made by descendants of early settler families to the agricultural development of their community, and for its association with the Pennsylvania German Mennonite Pipher family, whose patriarch, Samuel Pfeiffer, came to Markham Township in 1801. It has further historical and associative value for its association with the Lewis family who operated a dairy farm there from 1926 to the 2000s. The eastern 130 acres of Markham Township Lot 27, Concession 6, were purchased by Joseph Pipher Sr., a son of Samuel Pfeiffer, in 1840. This property was leased to others before it became the farm of Joseph Pipher Jr. and his wife, Elizabeth (Long) Pipher when they married. A frame farmhouse in board and batten siding was constructed as their home between 1856 and 1860. In 1926, the farm was purchased by Ambrose Lewis,

beginning a long association with the Lewis family with this property. From the 1980s to 2019, the Lewis farm was the location of an annual demonstration of vintage farm equipment and agricultural practices.

#### **Contextual Value**

The Pipher-Lewis House has contextual value because it is physically, functionally, visually and historically linked to its surroundings as the farmhouse that served this property for over 150 years, where it has stood since c.1860. In this role, the property has historical linkages to the agricultural foundation of Markham Township, a driver of economic and population growth for much of its history.

#### Heritage Attributes

Character-defining attributes that embody the cultural heritage value of the Pipher-Lewis House are organized by their respective Ontario Regulation 9/06 criteria, as amended, below:

Heritage attributes that convey the property's design value and physical value as an altered, representative example of a vernacular farmhouse in the Ontario Classic style:

- Rectangular plan and one-and-a-half storey height of the main block;
- One-storey rear kitchen wing;
- Fieldstone foundation;
- Wood board-and-batten siding;
- Medium pitched gable roof with projecting, open eaves;
- Steeply pitched centre gable with curvilinear bargeboards and arched two-over-two window;
- Three bay configuration of the primary (east) elevation with front doorcase fitted with a single-leaf door and multi-paned sidelights with panelled aprons;
- Single-leaf door on the south gable end;
- Six-over-six single-hung windows;
- Gable-roofed front and side porches supported on square wood Classical columns;
- South side porch with its roof being an extension of the gable roof of the rear wing, supported on slender, square posts.

#### Heritage attributes that convey the property's historical value and associative value, representing the theme of the contribution of later generations of early settler families to the agricultural development of their community, and for its association with the Pipher and Lewis families:

• The dwelling is a tangible reminder of the Pipher and Lewis families that historically resided here.

# Heritage attributes that convey the property's contextual value as a building that is physically, functionally, visually or historically linked to its surroundings:

• The location of the building facing east, where it has stood since c.1860, making legible the agricultural foundation of Markham Township.

Heritage attributes that convey the property's contextual value as a building that is important in defining, maintaining and supporting the character and extent of the historic crossroads hamlet of Cashel:

• The location of the building on its original site, facing east, in a highly visible location proximate to a series of other municipally recognized heritage resources in the vicinity of Cashel. Together these resources maintain the legibility of Cashel as a crossroads settlement dating from the nineteenth century.

Attributes of the property that are not considered to be of cultural heritage value, or are otherwise not included in the Statement of Significance:

- Bay window on primary (east) elevation;
- Modern window on south gable end, to the left of the side door.
- Brick chimneys;
- Barn and other accessory buildings.

#### STATEMENT OF SIGNIFICANCE

#### John and Adeline Miller House

11276 Kennedy Road

c.1895

The John and Adeline Miller House is recommended for designation under Part IV, Section 29 of the <u>Ontario Heritage Act</u> as a property of cultural heritage value or interest, as described in the following Statement of Significance.

#### **Description of Property**

The John and Adeline Miller House is a two-storey painted brick dwelling located on the west side of Kennedy Road, north of the historic crossroads hamlet of Cashel. The house faces east.

#### **Design Value and Physical Value**

The John and Adeline Miller House has design value and physical value as a representative example of a late Victorian rural dwelling rendered in the vernacular Queen Anne Revival style. The American version of the Queen Anne Revival style, the most eclectic style of the Victorian period, was popular in late nineteenth century Markham Township. Designs were offered in pattern books that featured spacious dwellings with picturesque, irregular massing, complex rooflines with multiple gables, projecting bays, deep verandas, and multiple textures in cladding materials. The main design principle was balance rather than symmetry. Many examples in Markham have ornate fretwork decoration in gables and on porches and verandas. The Miller House is a restrained example, with the irregular massing, vertical emphasis, picturesque roofline, and ornamented gables characteristic of the Queen Anne Revival. Its essential historical fabric and design intent remain largely intact, notwithstanding reversable changes such as the painting of the brick, window replacement within original openings, and an enclosed porch.

#### Historical Value and Associative Value

The John and Adeline Miller House has historical value and associative value, representing the theme of urban development, specifically the expansion of the rural hamlet of Cashel in the mid to late nineteenth century. The crossroads hamlet of Cashel, first known as Crosby's Corners, was mainly settled by Scottish and Scots-Irish immigrants in the early nineteenth century. The community was an early focus of Presbyterian worship in Markham Township, owing to the presence of Reverend William Jenkins. Melville Presbyterian Church was constructed on a rise of land north of the crossroads hamlet in 1848. By the mid-nineteenth century, a number of dwellings were constructed on the eastern portion of Markham Township Lot 29, Concession 5, in the vicinity of the church. In 1882, John Miller, the son of Scottish immigrant and local tenant farmer Walter Miller, purchased the former house and property of Henderson Bell, a weaver associated with Cashel. John Miller and his wife, Adeline (Cook) Miller, initially resided in a frame dwelling on the property and later

constructed a two-storey brick house c.1895. John Miller was an elder and long-time caretaker at Melville Presbyterian Church (later Melville United Church). The property remained in the Miller family until 1937.

#### **Contextual Value**

The John and Adeline Miller House is of contextual value for being physically, functionally, visually and historically linked to its site to the north of the core of the historic crossroads hamlet of Cashel, where it has stood since c.1895. It is historically linked to the former Melville Presbyterian Church, located nearby at 11248 Kennedy Road, where John Miller served as an elder and long-time caretaker.

#### Heritage Attributes

Character-defining attributes that embody the cultural heritage value of the John and Adeline Miller House are organized by their respective Ontario Regulation 9/06 criteria, as amended, below:

Heritage attributes that convey the property's design value and physical value as a representative example of a late Victorian rural dwelling rendered in the vernacular Queen Anne Revival style:

- L-shaped plan;
- Two-storey height;
- Fieldstone foundation;
- Brick veneered walls with projecting plinth, radiating arches over window openings, and string courses;
- Cross-gabled roof with projecting open eaves and decorative fretwork brackets and grilles;
- Two-storey canted bay windows on south and east gable ends;
- Tall, narrow window openings with segmental arches and projecting lugsills.

Heritage attributes that convey the property's historical value and associative value, representing the theme of urban development, specifically the expansion of the rural hamlet of Cashel in the mid to late nineteenth century:

 The dwelling is a tangible indication of the expansion of the rural crossroads hamlet of Cashel in the mid to late nineteenth century, in the vicinity of the former Melville Presbyterian Church.

Heritage attributes that convey the property's contextual value because it is physically, functionally, visually or historically linked to its surroundings:

• The location of the building on its original site, facing east, proximate to the core of the historic crossroads hamlet of Cashel, and north of the former Melville Presbyterian Church.

Heritage attributes that convey the property's contextual value as a building that is important in defining, maintaining and supporting the character and extent of the historic crossroads hamlet of Cashel:

• The location of the building on its original site, facing east, in a highly visible location proximate to a series of other municipally recognized heritage resources in the vicinity of Cashel. Together these resources maintain the legibility of Cashel as a crossroads settlement dating from the nineteenth century.

Attributes of the property that are not considered to be of cultural heritage value, or are otherwise not included in the Statement of Significance:

- Modern replacement windows within original openings;
- Enclosed front porch;
- Painted finish applied to brick walls;
- Rear addition;
- Attached garage.

#### STATEMENT OF SIGNIFICANCE

#### Robson and Amanda Jewitt House

#### 4180 Nineteenth Avenue

#### c.1892

The Robson and Amanda Jewitt House is recommended for designation under Part IV, Section 29 of the <u>Ontario Heritage Act</u> as a property of cultural heritage value or interest, as described in the following Statement of Significance.

#### **Description of Property**

The Robson and Amanda Jewitt House is a one-and-a-half storey frame and brick dwelling located on the north side of Nineteenth Avenue, on the west side of Bruce Creek, in the historic mill hamlet of Almira. The house faces south.

#### Design Value and Physical Value

The Robson and Amanda Jewitt House has design value and physical value as a representative example of a village dwelling in the Ontario Classic style. The Ontario Classic is a house form that was popular from the 1860s to the 1890s with many examples constructed on farms and in villages throughout Markham Township. A design for a "cheap country dwelling house" appeared in an edition of the journal *The Canada Farmer* in 1865 which no doubt helped to popularize this style. These vernacular dwellings were often decorated with features associated with the Gothic Revival style. In this case, a pointed-arch window enlivens the steep centre gable of the dwelling's primary (south) elevation. Although the exterior cladding has been updated and a large addition has been added to the rear, the essential features of the Ontario Classic house form remain prominent and intact.

#### Historical Value and Associative Value

The Robson and Amanda Jewitt House has historical value and associative value, representing the theme of urban development, specifically the nineteenth century development of the historic mill hamlet of Almira centred around the combined grist mill and woolen mill established by Benjamin Bowman on Bruce Creek in 1844. Amanda (Woodward) Jewitt, the spouse of farm labourer Robson Jewitt, purchased property to the east of the mill complex in 1892. Robson Jewitt was an English immigrant from Yorkshire who came to Canada in 1881. The Jewitt family either remodeled and enlarged a modest millworker's cottage or built an entirely new dwelling in the early 1890s. Amanda Jewitt moved to Southwestern Ontario to be nearer to her married children several years after the death of Robson Jewitt in 1935. The property was sold out of the family in 1944.

#### **Contextual Value**

The Robson and Amanda Jewitt House has contextual value as one of a grouping of older buildings that are important in defining, maintaining and supporting the character and extent

of the historic community of Almira. The property is historically related to the nearby site of the Amira Mills at 4160 Nineteenth Avenue.

#### Heritage Attributes

Character-defining attributes that embody the cultural heritage value of the Robson and Amanda Jewitt House are organized by their respective Ontario Regulation 9/06 criteria, as amended, below:

Heritage attributes that convey the property's design value and physical value as a representative example of a village dwelling in the Ontario Classic style:

- Rectangular plan;
- One-and-a-half storey height;
- Medium-pitched gable roof with projecting eaves and steep centre gable;
- Three bay configuration of the primary elevation with central principal entrance within an enclosed porch;
- Pointed-arch window opening in steep centre gable;
- Flat-headed rectangular window openings with two-over-two paned windows.

Heritage attributes that convey the property's historical value and associative value, representing the theme of the nineteenth century development of the historic mill hamlet of Almira centred around the combined grist mill and woolen mill established by Benjamin Bowman on Bruce Creek in 1844:

• The dwelling is a tangible reminder of the nineteenth century development of the historic mill hamlet of Almira.

# Heritage attributes that convey the property's contextual value as a building that is important in defining, maintaining and supporting the character and extent of the historic mill hamlet of Almira:

• The location of the building on its original site, facing south, within the historic mill hamlet of Almira, where it has stood since c.1892. Its continued presence helps define the historic extent of Almira and maintains its legibility as a community dating from the nineteenth century.

# Attributes of the property that are not considered to be of cultural heritage value, or are otherwise not included in the Statement of Significance:

- Modern wood and brick exterior wall cladding;
- External brick chimney on west gable end;
- Modern windows within old window openings;
- Enclosed front porch;
- Rear addition and carport.

Meeting Date: May 13, 2025

#### STATEMENT OF SIGNIFICANCE

#### Justus and Mary Reynolds House

7635 Highway 7

c.1840

The Justus and Mary Reynolds House is recommended for designation under Part IV, Section 29 of the <u>Ontario Heritage Act</u> as a property of cultural heritage value or interest, as described in the following Statement of Significance.

#### **Description of Property**

The Justus and Mary Reynolds House is a two-storey frame dwelling located on the south side of Highway 7 on the western edge of the historic hamlet of Locust Hill. The house faces north.

#### **Design Value and Physical Value**

The Justus and Mary Reynolds House has design value and physical value as a locally rare example of a two-storey frame farmhouse in the Georgian architectural tradition, dating from the second quarter of the nineteenth century. The dwelling exhibits the formality and symmetry typical of Georgian architecture with the exception of the one-storey eastern addition which is not of nineteenth century construction. The two-storey height is an indication that this was a superior class of residence in its day when the typical Markham farmhouse was one-and-a-half storeys in height. The essential lines and some of the details of the c.1840 dwelling are still discernable despite the mid-twentieth century Arts and Crafts Movement aesthetic, an interesting remnant of an intermediate stage in the building's development.

#### Historical Value and Associative Value

The Justus and Mary Reynolds House has historical value and associative value, representing the theme of immigration to Markham Township, particularly the arrival of the Reynolds family who were United Empire Loyalists fleeing the American Revolution. Samuel Reynolds and his wife, Margaret Van Rensselaer, were from Dutchess County, New York. During the American Revolution, Samuel Reynolds joined the Royal Standard with the Dutchess County Company of New York. As Loyalists, the Reynolds family first went to New York City in 1777, and then to Grand Lake, New Brunswick in 1783, before coming to Markham Township in approximately 1800. They settled on Lot 10, Concession 10, for which they received the Crown patent in 1813. In the 1830s, Samuel Reynolds sold off parcels of the property to his sons. The youngest son, Justus Reynolds, purchased 60 acres of the eastern half of Lot 10 in 1838, and an additional 9 acres in the western half that same year. The dwelling at 7635 Highway 7, thought to date from c.1840, is located in a portion of the 9-acre parcel. The property remained in the ownership of Justus Reynolds until 1877.

#### Contextual Value

The Justus and Mary Reynolds House has contextual value for being historically linked to its location on the western edge of the historic hamlet of Locust Hill where it has stood since c.1840. The property has additional contextual value for being historically linked to the former site of the Locust Hill Wesleyan Methodist Church, and the remaining cemetery, established on land donated by the Reynolds family in 1855. The property is also historically linked to the William Reynolds House at 7482 Highway 7 which was constructed in the early nineteenth century by Justus Reynold's older brother.

#### Heritage Attributes

Character-defining attributes that embody the cultural heritage value of the Justus and Mary Reynolds House are organized by their respective Ontario Regulation 9/06 criteria, as amended, below:

Heritage attributes that convey the property's design value and physical value as an altered, but locally rare example of a full two-storey frame farmhouse in the Georgian architectural tradition, dating from the second quarter of the nineteenth century:

- Two-storey height and rectangular plan of the original dwelling;
- Symmetrical placement of altered window openings on the ground floor of the front wall;
- Existing window openings on the second storey of the front wall.
- Existing rectangular window openings on the west gable end wall;
- Existing rectangular window openings on the second storey of the east gable end wall;
- Glazed and paneled front door, and its flanking sidelights;
- Medium-pitched gable roof with overhanging, boxed eaves and wide eave returns;
- Gable-roofed, bracketed canopy over the front entrance.

Heritage attributes that convey the property's historical value and associative value, representing the theme of immigration to Markham Township, particularly the arrival of United Empire Loyalists following the American Revolution, as the former residence of Justus and Mary Reynolds:

• The dwelling is a tangible reminder of the Reynolds family that historically resided on this property from c.1800 to 1877.

# Heritage attributes that convey the property's contextual value as a building that is historically linked to its surroundings:

• The location of the building facing north, on the western edge of the historic hamlet of Locust Hill, where it has stood since c.1840. Its continued presence helps define the historic extent of Locust Hill and maintains its legibility as a community dating from the nineteenth century.

Attributes of the property that are not considered to be of cultural heritage value, or are otherwise not included in the Statement of Significance:

• Board and batten and horizontal vinyl cladding;

- One storey east addition and rear vestibule;
- Concrete foundation;
- Modern windows;
- Brick chimneys;
- Accessory building.

Meeting Date: May 13, 2025

#### STATEMENT OF SIGNIFICANCE

#### Henry and Susanna Wideman House

10484 Ninth Line

c.1850

The Henry and Susanna Wideman House is recommended for designation under Part IV, Section 29 of the <u>Ontario Heritage Act</u> as a property of cultural heritage value or interest, as described in the following Statement of Significance.

#### **Description of Property**

The Henry and Susanna Widewman House is a one-and-a-half storey fieldstone dwelling located on the west side of Ninth Line, in the vicinity of the historic community of Milnesville. The house faces south.

#### **Design Value and Physical Value**

The Henry and Susanna Wideman House has physical and design value as a representative example of a mid-nineteenth century fieldstone farmhouse in the vernacular Georgian architectural tradition. It is a modestly scaled example of its type with its rational form embellished with bold brick door and window surrounds, cut stone quoins, and a bold wood cornice. The large size of the ground floor windows is noteworthy. The design of the Wideman House is in keeping with the tendency of many Pennsylvania German Mennonite families to build their dwellings in the formal, conservative Georgian tradition.

#### Historical Value and Associative Value

The Henry and Susanna Wideman House has historical value as its associated with the early religious diversity of Markham Township, namely Pennsylvania German Mennonites who arrived in the early nineteenth century. Henry Wideman came to Markham Township from Buck's County, Pennsylvania in 1803 and settled on Lot 24, Concession 8. He was one of the first ordained Mennonite minister in Upper Canada and the first in Markham. His son, Christian Wideman, received the Crown patent for the family homestead in 1824. In 1843, he sold 65 acres of the south-east part of the property to his son, Henry Wideman, grandson of Reverend Henry Wideman. By 1851, a one-and-a-half storey fieldstone farmhouse was constructed on the property. The Wideman family resided on the property until the early 1880s.

#### **Contextual Value**

The Henry and Susanna Wideman House has contextual value for being physically, functionally, visually and historically linked to its surroundings as one of a number of nineteenth century farmhouses located in the general vicinity of the historic rural community of Milnesville, and because it is physically, functionally, visually and historically linked to the farm property where it has stood since c.1850. The property is historically linked to the Samuel Wideman House at 10541 Highway 48, on the western part of Lot 24, Concession 8.

#### Heritage Attributes

Character-defining attributes that embody the cultural heritage value of the Henry and Susanna Wideman House are organized by their respective Ontario Regulation 9/06 criteria, as amended, below:

Heritage attributes that convey the property's design value or physical value as a representative example of a mid-nineteenth century fieldstone farmhouse in the vernacular Georgian architectural tradition:

- Rectangular plan;
- One-and-a-half storey height;
- Medium-pitched gable roof with eave returns and wood cornice;
- Three-bay composition of the primary (south) elevation;
- Single-leaf door centred on the primary elevation;
- Rectangular window openings with cambered arches and projecting lugsills;
- One-storey sidewing with gable roof, clapboard siding, and single-hung windows with two over two panes.

Heritage attributes that convey the property's high degree of craftsmanship or artistic merit:

• Fieldstone walls with cut stone quoins and red brick door and window surrounds.

Heritage attributes that convey the property's historical value for its association with the early religious diversity of Markham Township, namely the arrival of Pennsylvania German Mennonites in the early nineteenth century, as the former residence of the Wideman family:

• The dwelling is a tangible reminder of two generations of the Wideman family that historically resided here.

Heritage attributes that convey the property's contextual value because it is physically, functionally, visually or historically linked to its surroundings:

• The location of the building, facing south, where it has stood since c.1850, making legible the historically significant role of agriculture in the development of Markham Township.

Attributes of the property that are not considered to be of cultural heritage value, or are otherwise not included in the Statement of Significance:

- Modern doors and windows within existing openings;
- Enclosed front porch;
- Brick chimneys.

Meeting Date: May 13, 2025

#### STATEMENT OF SIGNIFICANCE

Williams House

#### 10760 Victoria Square Boulevard

c.1898

The Williams House is recommended for designation under Part IV, Section 29 of the <u>Ontario</u> <u>Heritage Act</u> as a property of cultural heritage value or interest, as described in the following Statement of Significance.

#### Description of Property

The Williams House is a two-storey frame dwelling located on the west side of Victoria Square Boulevard, north of Elgin Mills Road, in the historic crossroads hamlet of Victoria Square. The house faces east.

#### **Design Value and Physical Value**

The Williams House has design value and physical value as a representative example of a vernacular village dwelling of frame construction dating from the late nineteenth century. Its sense of symmetry is rooted in the Georgian architectural tradition that continued to influence vernacular domestic architecture in Markham Township well past the end of the Georgian period. The restrained design of the Williams House represents the transition from the ornate designs of the Late Victorian period to the simplicity of residential design that began to emerge in the Edwardian period. The enclosed porch is a sympathetic alteration of the early twentieth century.

#### Historical Value and Associative Value

The Williams House has historical value for its association with the theme of urban development, specifically the late nineteenth century period of development of the historic crossroads hamlet of Victoria Square. This was the former residence of Martha Williams who purchased the property in 1899. The house appears to have been constructed during the brief ownership of non-residents Thomas and Fanny Boynton from 1898 to 1899. Martha Williams was married to George Henry Williams, a labourer, who did not reside in the household. The Williams family, associated with the Tunkard Church, were long-time owners. The house was built on Lot 5, Plan 404. This small plan of subdivision on the southeastern quarter of the Heise farm was created in 1875. Christopher Heise contributed to the development of Victoria Square by severing lots from his property and selling them to allow for the establishment of businesses, a temperance hall, and village residences.

#### **Contextual Value**

The Williams House has contextual value as one of a grouping of nineteenth and early twentieth century buildings that are important in defining, maintaining and supporting the character and extent of the historic crossroads hamlet of Victoria Square.

#### Heritage Attributes

Character-defining attributes that embody the cultural heritage value of the Williams House are organized by their respective Ontario Regulation 9/06 criteria, as amended, below:

Heritage attributes that convey the property's design value and physical value as a vernacular village dwelling of frame construction dating from the late nineteenth century:

- Rectangular plan of the main block;
- Two-storey height;
- Frame construction;
- Medium-pitched gable roof with projecting, open eaves;
- Enclosed shed-roofed front porch with single-leaf door flanked by sidelights;
- Regularly placed flat-headed rectangular window openings, tall and narrow in proportion.

Heritage attributes that convey the property's historical value and associative value, representing the theme of urban development, specifically the late nineteenth century period of development of the historic crossroads hamlet of Victoria Square:

• The dwelling is a tangible indication of the late nineteenth century period of development within Victoria Square.

Heritage attributes that convey the property's contextual value as a building that is important in defining, maintaining and supporting the character and extent of the historic crossroads hamlet of Victoria Square:

• The location of the building on its original site, facing east, in a highly visible location within the historic crossroads hamlet of Victoria Square. Its continued presence helps define the historic extent of Victoria Square and maintains its legibility as a community dating from the nineteenth century.

Attributes of the property that are not considered to be of cultural heritage value, or are otherwise not included in the Statement of Significance:

- Aluminum siding;
- Modern windows within existing openings;
- Non-functional shutters;
- Modern door within the existing opening;
- Rear additions;
- Detached garage.

Meeting Date: May 13, 2025

### APPENDIX 'D': Research Reports

Provided under separate cover

# **APPENDIX 'D': Research Reports**

### **RESEARCH REPORT**



# Pipher-Lewis House East Part Lot 27, Concession 6 10982 McCowan Road c.1860

#### Heritage Section City of Markham Planning & Urban Design 2023

#### History

The Pipher-Lewis House is located on the eastern half of Markham Township lot 27, Concession 6, northwest of the Markham Fairgrounds.

King's College, the forerunner of the University of Toronto, received the Crown patent for the entire 200 acres of Markham Township Lot 27, Concession 6, in 1828. This was formerly a Crown Reserve lot. King's College sold to Benjamin Oberholsen in 1832 who sold the property in two parts. The larger eastern portion, consisting of 130 acres, was sold to Joseph Pipher Sr. of Dickson Hill in 1840.

Joseph Pipher Sr. was a son of Samuel Pfeiffer and Barbara (Labar) Pfeiffer, Pennsylvania German Mennonites who came to Markham Township in 1801. The Pfeiffer's were listed as residing on Lot 27, Concession 7 in William Berczy's census of Markham settlers taken in 1803. Berczy did not include the name of Samuel Pfeiffer's wife. Three children were listed: Margaretha, age 14, John, age 12, and Joseph, age 3. The spelling of the family name was later changed to "Pipher."

The property purchased in 1840 by Joseph Pipher Sr. was directly across the road from the farm of his father. Samuel Pfeiffer died in 1842. Joseph Pipher Sr. did not reside on

this property. He lived on Lot 29, Concession 8, Dickson Hill, a property he purchased in 1826. According to census records, Joseph Pipher Sr. was a farmer born in Canada in 1800. His first wife was Catherine Kleiser who died in 1836. His second wife was Leah Kaiser. In 1861, the family constructed a fine two-storey stone house that still stands at 33 Dickson Hill Road.

The property on Lot 27, Concession 6 (the subject property) later became the farm of Joseph and Catherine Pipher's son, Joseph Pipher Jr., born in 1834. At the time of the 1851 census, at the age of 17, Joseph Pipher Jr. was unmarried and living with his parents on Lot 29, Concession 8. By the time of the 1861 census, Joseph Pipher Jr. was married, and lived on Lot 27, Concession 6 with his wife Elizabeth (Long) Pipher, and their two young daughters, in a two- storey frame house. The frame farmhouse at 10982 McCowan Road is estimated to have been constructed between 1856-1860.

Joseph Pipher and Elizabeth (Long) Pipher had at least 7 children. The Pipher family was originally Mennonite, but changed to the Methodist Church over time, as shown in census records. After his father's death in the late 1860s, Joseph Pipher Jr. became the owner of the farm on Lot 27, Concession 6. At the time of the 1891 census, two daughters were living in their household: the widowed Ellen Robinson, and Josephine, who was unmarried. Their dwelling was described as a two-storey wood house containing 10 rooms.

When Joseph and Elizabeth Pipher retired from farming in about 1895, they moved to a new house at 1 Peter Street in the community of Mount Joy, north of Markham Village. In 1919, the executors of Joseph and Elizabeth Pipher's estate sold the farm property to John. H. Hargraves, who in turn sold to Thomas Hargraves in 1924. In 1926, the farm was sold to Ambrose Lewis, beginning a long history of ownership by the Lewis family. In 1957, the farm passed from Gordon Lewis to brothers Murray Lewis and Harry Lewis. Harry John Lewis and his wife, Esther Mae (Reesor) Lewis, operated a dairy farm on this property. The farm was sold out of the family in 2019.

Of particular historical interest concerning the Lewis farm was an annual event held in the summer each year from the 1980s to 2019 where vintage agricultural implements of all kinds were operated as a demonstration of old-time farming technology. Most of the equipment was horse-drawn, carefully restored to operating condition, and painted in original colours. The yearly pageant of old-time farming provided much inspiration to the late Murray Pipher, a local artist and a member of this old Markham family. His depiction of rural scenes, farm life and farm animals are very much admired by people familiar with his paintings in acrylic. His paintings depict a vanishing way of life, the family farm, and truly capture the feeling of the people, animals and places in a way that will preserve them forever.

#### Architecture

The Pipher-Lewis House is a one-and-a-half storey frame dwelling on a fieldstone foundation, sided in wood board and batten. The main block has a rectangular plan shape. There is a rear kitchen wing offset to the south, on the rear wall. The board and

batten siding is divided by a wide horizontal band between the ground floor and the second storey. This band indicates the former presence of a veranda that once wrapped around the front and south sides of the house. The northern end of the band on the front wall shows the distinctive curved outline of a bellcast roof.

The medium-pitched gable roof has projecting, open eaves. There is a steep centre gable on the primary (east) elevation that contains a small, pointed-arched, 2/2 window. The gable is trimmed with delicate, curvilinear bargeboards. There is a single-stack red brick chimney at the north end of the roof, and an exterior red brick chimney on the front wall, set close to the south corner of the building. Both of these chimneys date from the modern era.

On the front or east wall is a gable-roofed porch that shelters the front entrance. The porch is supported on heavy, square, full-height wood columns in the Edwardian Classical style. The south side entrance is sheltered by a similar, but smaller porch. There is a shed-roofed veranda on the south wall of the kitchen wing, in the ell. The veranda roof is supported on slender, plain wood posts.

The house has a 3-bay front with a centre doorcase containing a single-leaf door flanked by three-paned sidelights with panelled aprons below. To the right of the door is a single-hung window with 6/6 panes. On the left side of the door is a modern bay window in the approximate location of where the original, smaller window opening was once located.

On the south gable end ground floor level there is a single-leaf door on the right, within the side porch, and a modern, horizontally-oriented window on the left. On the upper storey, there are two, single-hung 6/6 windows.

Architecturally, the Pipher-Lewis House is an altered, representative example of the Ontario Classic style, as defined by Marion MacRea and Anthony Adamson in *The Ancestral Roof – Domestic Architecture of Upper Canada* (1963):

"The little vernacular house, still stubbornly Georgian in form and wearing its little gable with brave gaiety, became the abiding image of the province. It was to be the Ontario Classic style."

The Ontario Classic is a house form that was popular from the 1860s to the 1890s with many examples constructed on farms and in village throughout Markham Township. The design was promoted in architectural pattern books, and a design for "a cheap country dwelling house" of this type appeared in an edition of the journal, *The Canada Farmer*, in 1865. These vernacular dwellings were often decorated with features associated with the picturesque Gothic Revival style, as was the case with the Pipher-Lewis House, with its pointed-arched window and curvilinear bargeboards in its centre gable. The essential form of the Ontario Classic was symmetrically balanced, with a centrally-placed front door flanked by a window on either side, a hold-over from the long-standing, conservative formality of the Georgian architectural tradition, and a steep

centre gable above the entrance. A one-and-a-half storey height and a T-shaped plan were typical, with the rear portion of the "T" being a single-storey kitchen wing.

The alterations to the Pipher-Lewis House, particularly the addition of Edwardian Classical porches and a modern bay window, illustrate how dwellings undergo changes to suit the needs and tastes of different owners over time. In this case, the changes have left the original architectural character of the building largely intact.

#### Context

The Pipher-Lewis House is located on a farm to the east of the historic crossroads hamlet of Cashel. The property is a complete farmstead that includes a gambrel-roofed barn and other outbuildings. It is one of a number of nineteenth century farmhouses that remain in this area of Markham which is currently rural, but will in time become part of the City's urban fabric. To the south of this property is Peaches United Church, an historic place of worship. The Markham Fairgrounds is located to the south-east, on the opposite side of McCowan Road.

#### Sources

Deed Abstract for Markham Township Lot 27, Concession 6.

Canada Census: 1851, 1861, 1871, 1881, 1891.

Directories of Markham Township: Mitchell (1866), Nason (1871), 1892 Directory.

Maps of Markham Township: McPhillips (1853-54), Tremaine (1860), Historical Atlas of the County of York, Ontario, 1878.

Property Files for 10982 McCowan Road and 33 Dickson Hill Road.

Murray Pipher, Artist website pipher.ca

Markham Historical Society Newsletters *Remember Markham:* Summer 2014 and Fall 2019.

Champion, Isabel (ed.). *Markham 1793-1900.* Markham: Markham Historical Society, Second Edition, Revised, 1989. Pages 30 and 327.

The Reesor Family in Canada 1804-2000. Page 311-312.

# Compliance with Ontario Regulation 9/06, as amended – Criteria for Determining Cultural Heritage Value or Interest

The property has design value or physical value because it is a rare, unique, representative or early example of a style, type, expression, material or construction method.

The Pipher-Lewis House has design value and physical value as an altered, representative example of a vernacular farmhouse in the Ontario Classic style.

The property has historical or associative value because it has direct association with a theme, event, belief, person, activity, organization or institution that is significant to a community.

The Pipher-Lewis House has historical and associative value, representing the theme of the continuing contribution of later generations of early settler families to the agricultural development of their community, and for its association with

the Pennsylvania German Pipher family, whose patriarch, Samuel Pfeiffer, came to Markham Township in 1801. It has further historical and associative value for its association with the Lewis family who operated a dairy farm there from 1926 into the 2000s.

The property has contextual value because it is physically, functionally, visually or historically linked to its surroundings.

The Pipher-Lewis House has contextual value as the farmhouse that historically served this property for over 150 years, where it has stood since c.1860. The dwelling is in a highly visible location proximate to a series of other municipally recognized heritage resources in the vicinity of Cashel. Together these resources maintain legibility of Cashel as a crossroads settlement dating from the nineteenth century.

# **RESEARCH REPORT**



## John and Adeline Miller House Southeast Quarter Lot 29, Concession 5 11276 Kennedy Road c.1895

#### Heritage Section City of Markham Planning & Urban Design, 2024

#### History

The John and Adeline Miller House is located on a portion of the southeast quarter of Markham Township Lot 29, Concession 5, in the vicinity of the historic hamlet of Cashel.

George Mustard received the Crown patent for the entire 200 acres of Markham Township Lot 29, Concession 5, in 1839. According to William Berczy's 1803 census of Markham settlers, George Mustard was associated with this property as early as 1801. In 1803 he was listed as residing there.

George Mustard's history is well documented in historical records. He was a son of Alexander Mustard of Farness County, Scotland. His brother, James Mustard, left Scotland in 1795 and reached Markham Township in 1801 via Pennsylvania. He and his wife, Elizabeth (Gordon) Mustard settled on Lot 29, Concession 6. They were also listed in Berczy's 1803 census. James and George Mustard were strong supporters of the Presbyterian Church, attending St. Helen's Church at Cashel and later, Melville Church. George Mustard donated a parcel of land for Melville Presbyterian Church and Cemetery in 1849.

At the time of the 1851 census, George Mustard was a widower, age 82. He lived in a one-storey log house on Lot 29, Concession 5. His son, William Mustard, also resided on the property in a separate household with his wife, Anna or Annie (Graham) Mustard and their four young children. An additional Mustard family household on Lot 29 was that of James G. Mustard, another son of George Mustard. He lived in a one-storey frame dwelling with his wife, Jane (Gibson) Mustard and their young son, George. They resided on the eastern part of the farm.

George Mustard sold the western half of Lot 29, Concession 5 to his son William Mustard in 1853. William Mustard constructed a stone farmhouse on the property c.1862, which still stands at 11303 Warden Avenue.

George Mustard Sr. died in 1853. The George McPhillips map of Markham Township dated 1853-54 shows James Mustard's name on the northeast quarter of Lot 29, Concession 5, and his brother Alexander Mustard's name on the southeast quarter. Based on Markham Township directories, Alexander Mustard did not reside on the property during this time period.

From the land records, it appears that after the death of George Mustard Sr., Alexander Mustard became the owner of the northeast quarter of Lot 29, Concession 5, and his brother James G. Mustard the southeast quarter.

A weaver named Henderson Bell (1804-1880) became associated with a half-acre parcel on the eastern half of Lot 29, Concession 5 by the mid-nineteenth century. He was associated with the hamlet of Cashel, and was listed in a directory of the community in Mitchell's directory of 1866. At the time of the 1851 census, Henderson Bell, his second wife Jane, and their four children, all born in Ireland and members of the Presbyterian Church, were residing on the property as tenants of James G. Mustard.

In 1860, Henderson Bell purchased the half-acre parcel from James G. Mustard and his wife. At the time of the 1861 census, Henderson Bell was a widower residing with his children Mary, Maria, Margaret and John in a one-storey frame dwelling. In 1863, Henderson Bell sold the property to his daughter Mary Ann Bell (1846-1930). Although the property was sold, Henderson Bell continued to reside there with his unmarried daughter, as indicated in the 1871 census. Henderson Bell died in 1880 in Springfield, Elgin County, Ontario.

In 1882, Mary A. Bell sold her property in Markham Township to John Miller (1843-1919). At the time of the 1871 census, Scots Presbyterian immigrants Walter Miller and Janet (Burke) Miller were tenants on 50 acres of Lot 29, Concession 5. In the same household were their four unmarried adult children Walter, Margaret, John and William, all born in Ontario. Their neighbours were Henderson Bell and his daughter, Mary Ann, and Jane Briggs, a widow. John Miller, son of Walter and Jane Miller, was the same John Miller that purchased the Bell property in 1882.

When the 1881 census was taken, John Miller was employed as a labourer. He had married in 1877. His wife's name was Adeline (Cook) Miller (1853-1937). They resided on the eastern part of Lot 10, Concession 5, in the vicinity of Unionville. No children were listed.

At the time of the 1891 census, John and Adeline Miller were living on the half-acre property on Lot 29, Concession 5 in the Cashel area. Their home was described as a two-storey wood building containing six rooms. This may have been the frame house previously occupied by Henderson Bell and his daughter Mary Ann, perhaps improved with a second storey from its previous single-storey state as described in the 1861 census. John and Adeline Miller may have constructed a completely new dwelling on the property in the mid-1890s, based on its architectural detailing, which resembles that of other Markham examples from that general time period. A detailed examination of the underlying structure of the existing house at 11276 Kennedy Road would be necessary to fully understand the origin of the structure, to determine if an older phase of construction is embedded within it.

The present two-storey brick-veneered dwelling at 11276 Kennedy Road reflects the architectural tastes of late nineteenth century Markham Township. The MPAC date of construction is 1880, which predates the Miller period of ownership and is therefore subject to question as to its accuracy.

Taking all of the above information into consideration, a tentative date of construction for the John and Adeline Miller House in its present form is c.1895, based on its architectural detailing.

John Miller was an Elder of Melville Presbyterian Church, ordained in 1914 and serving until his death in 1919. He also served as the church caretaker for many years, according to a history of Melville Church published in 1945.

John Miller willed the property to his wife Adeline in 1919. Her estate sold to Jane Breckon in 1937. John and Adeline Miller were interred at Melville United Church Cemetery, not far from this property. A number of owners followed: Viola Henry (1954), Clarence and Edith Wideman (1956), Dorothy Bell (1976), June Rose Henry (1984), Patrica Rose English (2000) and Robert Bisset and Janice Saville (2003). A large twostorey frame addition was made to the rear of the house at some point after the Miller period of ownership.

#### Architecture

The John and Adeline Miller House is a two-storey brick veneered dwelling with an Lshaped plan. There are two-storey canted bay windows on both the south and east gable ends, and an enclosed later porch within the street-facing ell. At the rear of the heritage building is a large, two-storey frame addition with a hip roof. A two-car garage made of painted concrete block is attached to the south wall of the rear addition.

The heritage structure rests on a fieldstone foundation. The brickwork, laid in running bond, has been painted for many years, based on photographs in the City of Markham's files. The colour of the brick beneath the paint is not known. The brickwork is ornamented with a projecting brick plinth, radiating segmental brick arches over window openings, and a string course between the level of the ground floor and second floor on the bay windows. There is also a string course below the level of the eaves.

The steeply-pitched cross-gable roof has wide, projecting, open eaves. No historic chimneys remain. The eaves have a cutaway profile on the south and east gable ends that extend to roof over the bay windows. The gable ends are ornamented with fretwork brackets that visually support a grille of plain, upright wood slats. In other Markham examples of late nineteenth century houses of this style, the gable ornamentation extends into the upper angle of the gable. It is possible that some decorative woodwork on this house has been removed over time. No archival photographs have been located to show the Miller House prior to its current state.

The enclosed front porch is an obvious later addition and conceals the principal entrance. Based on the style and period of the building, there was likely an open porch withing the ell at one time.

Window openings are tall and narrow in proportion, with projecting lugsills, typical of the late nineteenth century period of construction. The window openings are segmentally-headed, suggesting that the original windows were also segmentally-headed. At present, the old openings contain modern replacement windows. Decorative window shutters visible in the photograph used in this report have been removed but were not of an historic nature.

The John and Adeline Miller House is a representative example of a late Victorian rural dwelling rendered in the vernacular Queen Anne Revival style. The Queen Anne Revival style was popular in late nineteenth century Markham Township for houses in village and in rural areas, with examples in frame and brick. It was the most eclectic style of domestic architecture in the nineteenth century, originating in England and adopted by American architects who created their own interpretation suited to American tastes. The American version of the Queen Anne Revival influenced domestic architecture in neighbouring Canada. Designs were offered in pattern books that featured spacious dwellings with picturesque, irregular massing, complex rooflines with multiple gables, projecting bays, deep verandas and multiple textures in cladding materials. Some designs featured corner towers. The main design principle was balance rather than symmetry. Many examples in Markham have ornate fretwork decoration in gables and on porches and verandas.

The Miller House is a restrained example, with the irregular massing, vertical emphasis, picturesque roofline and ornamented gables characteristic of the Queen Anne Revival.

Its essential historical fabric and design intent remain largely intact, notwithstanding changes such as the painting of the brick, window replacement within old openings, and a modern-era enclosed porch. All of the changes are reversable. The large rear addition and attached garage do not seriously affect the integrity of the mid-1890s structure because of their position at the back of the late Victorian dwelling.

#### Context

The John and Adeline Miller House is just north of the former Melville United Church (11248 Kennedy Road, in the process of designation under the <u>Ontario Heritage Act</u>) and its former manse (11264 Kennedy Road). The property is situated to the north of the historic crossroads hamlet of Cashel, and a little to the south of the historic mill hamlet of Almira. The Upper Unionville Golf Club is situated directly across the road from the subject property. The Miller House stands on its original site. There are no associated historic accessory structures remaining on the property.

#### Sources

Deed abstracts for Markham Township Lot 29, Concession 5.

Canada Census: 1851, 1861, 1871, 1881, 1891, 1901.

Markham Township Directories: Walton (1837), Brown (1846-47), Rowsell (1850-51), Mitchell (1866), 1892 Directory.

Maps of Markham Township: McPhillips (1853-54), Tremaine (1860), and Historical Atlas of the County of York, Ontario (1878).

Research Reports on 11303 Warden Avenue and 11288 Kennedy Road, containing research on Lot 29, Concession 5, Heritage Section, City of Markham Planning & Urban Design.

Mustard Family File, Heritage Section.

"William Mustard." *History of Toronto and County of York, Ontario, Volume II: Biographical Notices.* Toronto: C. Blackett Robinson, 1885. Page 300.

"Death of N. Mustard Recalls an Historic Family Background." *The Stouffville Tribune*. February 10, 1944.

John Miller and Adeline Cook, Find-a-Grave Website.

Bruce, Alexander D. Historical Sketch of Melville Church and its Presbyterian

Background from 1801. Markham: Privately published, 1945. Pages 26 and 41.

Champion, Isabel (ed.) *Markham 1793-1900.* Markham: Markham Historical Society, Second Edition, Revised, 1989, Pages 76, 77, 142, 206, 207, 326

Second Edition, Revised, 1989. Pages 76-77, 142, 206-207, 326.

### **RESEARCH REPORT**



### Robson and Amanda Jewitt House West Half of East Half, Lot 31, Concession 5 4180 Nineteenth Avenue c.1892

#### Heritage Section City of Markham Planning & Urban Design 2023

#### **History**

The Robson and Amanda Jewitt House is located on the western half of the east half of Markham Township Lot 31, Concession 5.

The property upon which the house at 4180 Nineteenth Avenue stands was originally part of a Clergy Reserve, consisting of the 200 acres of Lot 31, Concession 5, leased to John Klein as early as 1804. In 1850, Benjamin Bowman received the Crown patent for the western 40 acres of the eastern half of Lot 31, later adding to his holdings in the centre of the Township lot by receiving the Crown patent for the eastern 50 acres of the western half of Lot 31 in 1862. Bruce Creek, a tributary of the Rouge River runs through the 40-acre parcel which created an opportunity for a mill in that location. This characteristic of the property is likely what led Benjamin Bowman to select it.

Walton's Directory of 1837 lists Benjamin Bowman as residing on Lot 31, Concession 5, several years prior to his formal acquisition of the property from the Crown. It is likely that he was leasing the land at that time, but what is not precisely known is when he initially settled there or began work on his mills. The 1851 census tells us that Benjamin Bowman, a clothier by trade (i.e. cloth or clothing manufacturer), was born in Ireland and was a member of the Free Presbyterian Church. He was 55 years of age and married to Jane (Dowling) Bowman, age 50, also born in Ireland. John Bowman, their eldest son, was a miller, and his younger brothers Robert and Benjamin were employed with their father as clothiers. Another son, Scott, was a farmer. The traditional date of construction of the Almira flour and woolen mills is 1844 with Benjamin Bowman credited as the builder. The mill was a two-and-a-half storey brick building.

The 1861 census listed four residences on the Bowman property: a two-storey brick house occupied by Benjamin Bowman, at that time a merchant (and local Postmaster) rather than a clothier, and three frame houses, one occupied by Scott Bowman, a farmer, another occupied by John Bowman, a clothier, and the last occupied by Joseph Cook, also a clothier. It was typical to have a miller's residence, and also mill worker's cottages for the employees, in connection with milling operations in the historical development of Ontario communities. The establishment of a mill in association with a river or stream was often the impetus for the emergence of settlements in the early days of the Province, as was the case in Almira.

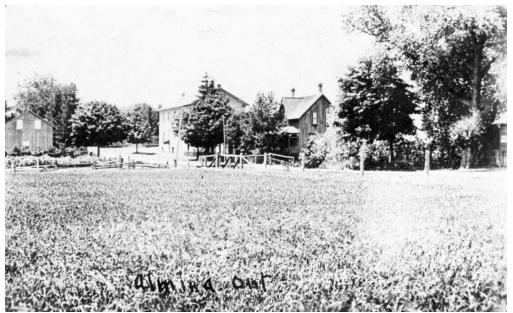
One of the three frame dwellings noted in the 1861 census may have been on the site of 4180 Nineteenth Avenue. The MPAC date of construction is 1851. The house immediately to the west at 4167 Nineteenth Avenue was made up of two separate buildings joined together at some point in their history, perhaps to create a double house, or a larger single residence.

Benjamin Bowman died in 1862. The mill property passed to Benjamin and Jane Bowman's son, John. John Bowman operated the business for a period of time, then sold to William Spofford in 1869. William Spofford sold to Alfred Spofford in 1877. In 1880, the mill property was purchased by Samuel Boyer Lehman who operated the Amira Mills under the name S. B. Lehman & Sons until 1943 when the building was severely damaged by fire. A remnant of a later addition to the c.1844 mill, renovated and expanded, stands at 4160 Nineteenth Avenue. That property is designated under Part IV of the <u>Ontario Heritage Act</u> as a property of cultural heritage value or interest.

Samuel Lehman sold a quarter acre portion of the mill property to Amanda Jewett (usually spelled "Jewitt") in 1892. This property possibly contained one of the three frame dwellings noted in the 1861 census. Amanda (Woodard) Jewitt was married to Robson Jewitt, an English immigrant who came to Canada in 1881. He was born in Settle, North Yorkshire. Four Jewitt brothers emigrated to North America in the late nineteenth century, but Robson Jewitt was the only one to permanently settle in Canada. His parents were Isaac Jewitt and Mary (Robson) Jewitt. Isaac Jewitt was an English farmer who later became an employee of a railway.

Amanda Jewitt was the daughter of Amos Woodard and Sarah (Wideman) Woodard. After Amos Woodard died, Sarah married Jacob Horner. When Robson and Amanda Jewitt were first married in 1891, they lived in the household of Jacob and Sarah Horner on a rural property, Lot 32, Concession 2, west of Almira.

Robson Jewitt was a farm labourer, according to the 1901 census. At that time, Robson and Amanda Jewitt had three young children, Edwin, Elizabeth, and Elsie. Sarah Horner, a widow by that time, lived in the same household. The Jewitt family either remodeled and enlarged a modest millworker's cottage on their property or built an entirely new dwelling in the early 1890s. An archival photograph in the collection of the Markham Museum, taken before the mill was damaged by fire in 1943, shows the house at 4180 Nineteenth Avenue before it was updated by later owners. At that time, the house had vertical tongue and groove wood siding and a full-width, hipped-roofed front veranda.



House at 4180 Nineteenth Avenue (right) and the Almira Mills (centre) in a photograph taken before the mill was damaged by fire in 1943 (Source: Markham Museum Archival Collection)

In the 1911 census, Robson and Amada Jewitt had the same three children but at that time, Amanda Jewitt's widowed mother Sarah Horner and her widowed grandmother, Susie (Susannah) Wideman, also lived in the same household. Robson Jewitt's occupation was "labourer."

Robson Jewitt died in 1935. Amanda Jewitt sold the property in 1944 and moved to Southwestern Ontario to be nearer to her married children. The property subsquently passed through the ownership of the Painter, King, Chymbur and Slater families. The current appearance of the house likely dates from the most recent period of ownership by the Chymbur-Slater family, 1962 to present.

#### Architecture

The Robson and Amanda Jewitt House is a one-and-a-half storey wood and brick-clad frame dwelling with an irregular plan shape. The oldest part of the house is the front, or southerly portion, which has a rectangular plan and rests upon a raised fieldstone foundation. A substantial two-storey addition has been made to the rear, and a small vestibule has been added to the front wall, sheltering the front door. The rear addition extends past the east wall of the oldest part of the house.

The front wall of the house is clad in wide, horizontal wood siding with a rustic, wavy edge. The effect is cottage-like in character. The sidewalls are clad in brown and red modern-era brick. It is not known if the siding on the front wall covers similar brick. The vestibule is a modern-era frame structure with a hipped roof. The vertical wood cladding of the vestibule extends to the east to form a privacy screen around the front entrance

The roof of the front portion of the house is a medium-pitched gable with overhanging, open eaves. There is a steep centre gable on the front slope that until recently was trimmed with a modest display of curvilinear bargeboard in the peak. The centre gable contains a pointed-arched Gothic Revival window behind a flat-headed storm window. The original two-over-two paned window has been replaced with a modern unit. Until recently, two historic chimneys remained on each gable end of the roof. The lower portion of the westerly chimney was likely removed the last time the roof cladding was replaced. Windows flanking the enclosed front porch that shelters the principal entrance are flat-headed and have two-over-two panes. They appear to be recent replacements. Similar windows are seen on the east and west gable ends.

In terms of the historical development of this house, an examination of the underlying structure would be required to determine if the structure was built around a midnineteenth century mill worker's cottage. The most likely area to reveal this type of information would be the structure of the main floor, possibly visible in the basement.

Architecturally, the Robson and Amanda Jewitt House is a representative example of the Ontario Classic style, as defined by Marion MacRea and Anthony Adamson in *The Ancestral Roof – Domestic Architecture of Upper Canada* (1963):

"The little vernacular house, still stubbornly Georgian in form and wearing its little gable with brave gaiety, became the abiding image of the province. It was to be the Ontario Classic style."

The Ontario Classic is a house form that was popular from the 1860s to the 1890s with many examples constructed on farms and in villages throughout Markham Township. The design was promoted in architectural pattern books and a design for "a cheap country dwelling house" of this type appeared in an edition of the journal, *The Canada Farmer*, in 1865. These vernacular dwellings were often decorated with features associated with the picturesque Gothic Revival style, as was the case with the Robson and Amanda Jewitt House, with its pointed-arched window and curvilinear bargeboards in its centre gable. The essential form of the Ontario Classic was symmetrically

balanced with a centrally-placed front door flanked by a window on either side, a holdover from the long-standing, conservative formality of the Georgian architectural tradition, and a steep centre gable above the entrance. A one-and-a-half storey height and a T-shaped plan were also typical with the rear portion of the "T" usually a singlestorey kitchen. In this case, the kitchen wing has been replaced by a large, two-storey modern-era addition.

If the first phase of this house was indeed an older millworker's cottage in the Georgian architectural tradition, it would be a similar situation as the George Pingle Jr. House at 4022 Major Mackenzie Drive, which started as a low, one-and-a-half storey Georgian tradition frame dwelling c.1842 that had its knee walls raised and a steeper roof added in the 1890s.

The archival photograph, showing vertical tongue and groove siding and a full-width, hipped-roofed front veranda, could allow the future restoration of some of the original features of the Robson and Amanda Jewitt House.

#### Context

The Robson and Amanda Jewitt House is one of a grouping of older buildings that define the character and extent of the historic community of Almira. It has contextual value due to its location in the centre of the hamlet of Almira, two properties to the east of the former site of the Almira Mills. The property is historically related to the site of the Almira Mills at 4160 Nineteenth Avenue, designated under By-law 2005-76, and the Almira Mill Worker's Cottage at 4176 Nineteenth Avenue, next door to the west. At one time, all of these were part of the mill property.

#### Sources

Abstract Index of Deeds for Markham Township Lot 31, Concession 5.

Canada Census: 1851, 1861, 1871, 1881, 1891, 1901, 1911.

Jewitt, Wideman and Horner family research by Fred Robbins, Stouffville Historian. Stouffville Tribune Newspaper Archives.

Find-a-Grave: Robson and Amanda Jewitt – Heise Hill.

Markham Museum Archival Photograph Collection.

Almira Mill Worker's Cottage, 4176 Nineteenth Avenue, Research Report, Heritage Section, City of Markham, 2011.

Champion, Isabel (ed.). *Markham 1793-1900.* Revised edition. Markham: Markham District Historical Society, 1989. Pages 121, 122, 225.

Keith, Fern in *More Pioneer Hamlets of York.* Kitchener: Pennsylvania-German Folklore Society, 1985. Pages 16-18.

# Compliance with Ontario Regulation 9/06, as amended – Criteria for Determining Cultural Heritage Value or Interest

The property has design value or physical value because it is a rare, unique, representative or early example of a style, type, expression, material or construction method.

The Robson and Amanda Jewitt House is a representative example of a village dwelling in the Ontario Classic style.

The property has historical or associative value because it has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community.

The Robson and Amanda Jewitt House has historical or associative value as the home of Robson and Amanda Jewitt, and for its association with the Almira Mills property, an important local industry founded by Benjamin Bowman in 1844 and later owned by Samuel Boyer Lehman.

The property has contextual value because it is important in defining, maintaining or supporting the character of an area.

The Robson and Amanda Jewitt House is one of a grouping of older buildings that define the character and extent of the historic community of Almira. The property is historically related to the site of the Almira Mills at 4160 Nineteenth Avenue to the west, designated under under Part IV of the <u>Ontario Heritage Act</u>, and the Almira Mill Worker's Cottage at 4176 Nineteenth Avenue.

## **RESEARCH REPORT**



# Justus and Mary Reynolds House West Half Lot 10, Concession 10 7635 Highway 7 c.1840

Heritage Section City of Markham Planning & Urban Design 2023

#### History

The Justus and Mary Reynolds House is located on a portion of the western half of Markham Township Lot 10, Concession 10, in the historic hamlet of Locust Hill.

Samuel Reynolds, U.E.L. (1755-1843), received the Crown patent for the entire 200 acres of Lot 10, Concession 10, Markham Township, in 1813. He also leased Lot 9, Concession 10, from the Crown in 1803. Lot 9 was directly south of Lot 10. Samuel Reynolds and his wife, Margaret Van Rensselaer (also known as Peggy) were from Dutchess County, New York. During the American Revolution, Samuel Reynolds joined the Royal Standard with the Dutchess County Company of New York. As Loyalists, the Reynolds family first went to New York City in 1777, and then to Grand Lake, New Brunswick in 1783, having been displaced as refugees of the American Revolution. In 1779 or 1780, Samuel Reynolds petitioned the Crown for a land grant, and received Lot 10, Concession 10, Markham Township.

Samuel and Margaret Reynolds arrived in Markham Township about 1800. They were listed on William Berczy's 1803 census of Markham settlers on this property. The family included their five sons John, Azariah (also known as Asa), William, Henry, and Justus (also known as Justice, depending on the source).

In the 1830s, Samuel Reynolds sold off different parts of Lot 10, Concession 10, to his sons Azariah and Justus. Asa Reynolds purchased 50 acres, partly in the eastern half of the lot, and partly in the west, in 1832. Justus Reynolds purchased 60 acres of the eastern half of Lot 10 in 1838, and an additional 9 acres in the western half that same year. The dwelling at 7635 Highway 7 is located in a portion of the 9-acre parcel. The two parcels were not contiguous. The 60 acres were located at the far eastern end of Lot 10, while the 9 acres were notched out of the far western end of Lot 10.

William Reynolds inherited the family homestead, minus the 9 acres owned by his brother Justus, after the death of Samuel Reynolds in 1843. In 1855, William Reynolds donated an acre of land for a Wesleyan Methodist chapel and cemetery. William Reynolds also owned land in the eastern half of Lot 11, Concession 9, where an early fieldstone house still stands at 7482 Highway 7.

It may be that the two-storey frame house at 7635 Highway 7 was a later residence of Samuel and Margaret Reynolds which was intended to be passed down to their youngest son Justice. This might be why it was separated from the larger portion of the western half of Lot 10 in the late 1830s which was intended for an older son, William. A construction date of c.1840 is proposed by this research, but the dwelling, or a possible first phase of it, may be older.

Justus Reynolds was born in Nova Scotia in 1798. He married Mary Holden in 1827. Mary Holden was the Irish-born daughter of Sinclair Holden, a prominent early merchant in Markham Village, who came to Markham from Belfast, Ireland in the early 1820s and is said to have built the first house in the village. Justus and Mary Reynolds had one child, Jane, who married William Clarry and lived on Lot 20, Concession 7, north of Mount Joy after starting out in a log house on a portion of Lot 10, Concession 10.

In 1872, Justus Reynolds sold his 60 acres on the eastern half of Lot 10, Concession 10, to Albert Sinclair Clarry, a son of William and Jane (Reynolds) Clarry. The Albert Clarry House still stands at 165 Locust Hill Lane, a property within the Rouge National Urban Park.

In 1877, Justus Reynolds sold the 9-acre property containing the family home former to William Marr Button of The St. Claire Farm. According to the 1881 census, Samuel Cole, a farmer of German origin, born in New Brunswick, resided on the property. In 1885, Button sold to Jane Clarry who moved into the former Reynolds family home with five of her children after the death of her husband. In the 1891 census, the house was noted as a two storey frame building containing 8 rooms.

In 1891, Jane Clarry transferred ownership to her son, William W. Clarry. William and Sarah Clarry sold to David Dawson in 1910 who sold only two years later to Georgina Wilby. Georgina Wilby was married to Russell L. Wilby. They were long-time owners. They moved the old house back from the road and onto a new foundation after Hurricane Hazel in 1954. Georgina Wilby transferred the property to Anthony and Maria Engel in 1978.

# Architecture

The Justus and Mary Reynolds House is a two-storey frame dwelling clad in mixed materials. The two-storey main block has a rectangular plan and rests on a modern concrete foundation. Within the basement, large, hewn sills and heavy log joists left in the round are visible, an indication of the structure's great age. A single-storey addition extends from the east gable end, and a small frame vestibule is located on the rear wall.

The lower half of the building has wood, board and batten siding. The upper half is clad in horizontal vinyl. The main block has a 3-bay front and is 2 bays on the west gable end. The gable roof is medium-pitched with wide, projecting, boxed eaves and wide eave returns. There are small, single-stack brick chimneys on each gable end. The chimneys are in a traditional position but have a mid-twentieth century character in terms of materials and proportions.



7635 Highway 7 – Front (north) elevation (Source: City of Markham)

The house faces north. A glazed and panelled single-leaf wood door is centred on the front wall with single-paned sidelights. The entry is sheltered by a bracketed, gable-roofed canopy that has an early twentieth century character. The door appears to be of early nineteenth century origin. On either side of the entry are wide, modern three-part windows without pane divisions, an obvious alteration that required the widening of the original window openings in this location. On the second floor there are three windows, rectangular in shape, containing modern casement windows without pane divisions. The central window looks like it is a reduced version of what was once most likely a window opening matching those on either side. On the west gable end, the window openings do

not appear to have been altered, but they all contain modern casement windows without pane divisions. The arrangement of window opening follows a formal symmetry.

When viewed from the front, the Justus and Mary Reynolds House has the appearance of a mid-twentieth century, suburban, two-storey house. The west gable end is where the early-to-mid-nineteenth century character of the building becomes apparent in the treatment of the eaves and the shape and arrangement of the windows. Prior to the present claddings, the exterior wall finish was stucco.

Originally, the design of the Justus and Mary Reynolds House was Georgian in character. Georgian houses were built throughout Markham Township from the earliest period of European and American settlement into the 1860s. Typically, these houses were constructed as replacements of older log houses erected by early settlers. This style of conservative, symmetrical domestic architecture following a standardized formula of design and proportion was based on principles established by the sixteenth century Italian architect Andrea Palladio as interpreted by British architects in the 1700s. The Georgian tradition first came to North America via Britain's New England colonies then came to Canada with the arrival of Loyalists and later British immigrants. The use of the style continued in Canada long after the Georgian period had ended. This mode of design was adaptable and versatile, readily suited to the smallest of worker's cottages to the most pretentious of residences. The aesthetic appeal of Georgian tradition houses was based on symmetry, proportion, and both quality of construction and materials rather than decorative details.

In this example, a Georgian character of formality and symmetry remains, except for the addition to the east end. The full two-storey height is an indication that this was a superior class of residence in its day when the typical Markham farmhouse was one-and-a-half storeys. The essential lines and some of the details of the c.1840 dwelling are still discernable despite the mid-twentieth century remodeling. The bracketed canopy over the front entry is indicative of the Arts and Crafts Movement popular in the early twentieth century, an interesting remnant of an intermediate stage in the building's development.

# Context

The Justus and Mary Reynolds House is located in a semi-rural area to the west of the hamlet of Locust Hill. The Locust Hill United Church, an historic place of worship built in 1890 and designated under Part IV of the <u>Ontario Heritage Act</u> (By-law 15-96), is located on the opposite side of Highway 7. The historic cemetery associated with the church is next door to the subject property to the east. This property is historically related to the William Reynolds House at 7482 Highway 7, constructed in the early nineteenth century by Justice Reynold's older brother, William.

Also on the property at 7635 Highway 7, to the west of the dwelling, there is a one-anda-half storey frame accessory building with a gable front facing Highway 7. The building has a residential unit on the second floor. It appears to be an old structure, possibly dating from the late nineteenth century, however, it has not been closely examined to verify its age or original purpose.

# Sources

Deed Abstracts for Lots 9 and 10, Concession 10, and Lot 11, Concession 9. Canada Census: 1851, 1861, 1871, 1881, 1891.

Directories of Markham Township: Walton (1837), Brown (1846-47), Rowsell (1850-51), Mitchell (1866), Nason (1877).

Maps of Markham Township: McPhillips (1853-54), Tremaine (1860) and Historical Atlas of the County of York (1878).

Reynolds Family File, Markham Museum.

Cemetery Transcriptions, Locust Hill United Church, Markham Museum.

City of Markham Heritage Section Property Files with Research: 7635 Highway 7, 7482 Highway 7, 165 Locust Hill Lane, and 9900 Markham Road.

Champion, Isabel (ed.). *Markham 1793-1900.* Markham: Markham Historical Society, Second Edition, Revised, 1989. Pages 160 and 246.

Armstrong, Mrs. R. J. "Locust Hill." *Pioneer Hamlets of York.* Kitchener: Pennsylvania German Folklore Society of Ontario, 1977. Pages 63 and 64.

Historical Sketch of Locust Hill United Church – Centennial 1856-1956. Page 2.

# Compliance with Ontario Regulation 9/06, as amended – Criteria for Determining Cultural Heritage Value or Interest

The property has design value or physical value because it is a rare, unique, representative or early example of a style, type, expression, material or construction method.

The Justus and Mary Reynolds House is an altered, but locally rare example of a full two-storey frame farmhouse in the Georgian architectural tradition, dating from the second quarter of the nineteenth century.

The property has historical value or associative value because it has direct association with a theme, event, belief, person, activity, organization or institution that is significant to a community.

The Justus and Mary Reynolds House has historical value and associative value, representing the theme of immigration to Markham Township, particularly the arrival of United Empire Loyalists following the American Revolution, for its direct association with the Reynolds family of Dutchess County, New York.

# The property has contextual value because it is physically, functionally, visually or historically linked to its surroundings.

The Justus and Mary Reynolds House has contextual value for being historically linked to its location on the western edge of the historic hamlet of Locust Hill, where it has stood since c.1840. Its continued presence helps define the historic extent of Locust Hill and maintains its legibility as a community dating from the nineteenth century.

# **RESEARCH REPORT**



# Henry and Susanna Wideman House South-east Part Lot 24, Concession 8 10484 Ninth Line c.1850

# Heritage Section City of Markham Planning & Urban Design 2024

# History

The Henry and Susanna Wideman House at 10484 Ninth Line is located on the southeast part of Markham Township Lot 24, Concession 8. This lot was leased by the Crown to Pennsylvania-German immigrant Henry Wideman (originally spelled 'Weidman') in 1803, the year of his arrival in Markham Township. Henry Wideman (1757-1810) came from Buck's County, Pennsylvania with his wife, Catherine Van Hoben and their children. He was one of the first ordained Mennonite clergymen in Upper Canada, and the first in Markham Township. Tragically, Henry Wideman was killed by a falling tree while clearing the road allowance in front of his lot. The Wideman Church on Highway 48 was named for him.

Henry and Catherine Wideman's son, Christian Wideman, arrived in Markham Township in 1805, two years after his parents. He married Maria Kauffman. Christian Wideman received the Crown patent for the family homestead in 1824 and is listed on Lot 24 Concession 8 in Walton's Directory of 1837. Christian Wideman sold the southeast 65 acres of Lot 24 (the location of 10484 Ninth Line) to his son Henry Wideman (1810-1871) in 1843. This Henry Wideman should not be confused with Henry Wideman Jr., the son of Henry Wideman Sr. and Catherine (Van Hoben) Wideman, who lived on Lot 28, Concession 7 in the area of Dickson Hill. In 1844, Christian Wideman sold the larger 135-acre westerly portion of the farm to Samuel Wideman, another son.

At the time of the 1851 census, farmer Henry Wideman and Susan (Lehman) Wideman, his second wife, were living in a stone house on Lot 24, Concession 8. In the same household were Catherine, Henry Wideman's 16 year old daughter from his first marriage, younger children Daniel age 9, and Peter age 6, Andrew Miller, a laborer and Matilda Hare, a servant. At the time of the 1861 census, the Wideman residence was described as a one-and-a-half storey stone house. The difference in the description of the stone house between the 1851 and 1861 census is due to enumerators for the 1851 census not always taking half storeys into account.

Henry Wideman was still living when the 1871 census was taken. He was age 60 at the time, but died that same year. His youngest son, Peter Wideman, age 24, farmed the property. In 1878, the estate of Henry Wideman assigned the farm to the London and Canada Loan and Savings Company, who sold to John McCreight in 1879. According to the 1881 census, Peter Wideman and his widowed mother Susannah continued to reside on the property. John McCreight lived on Lot 4, Concession 7, in the south east quarter of Markham Township.

John McCreight, an Irish Presbyterian immigrant, initially farmed in the north-east part of Scarborough Township. He and his Ontario-born wife, Sarah (Daniels) McCreight raised a family on a small farm located on Lot 11, Concession 5, near the present-day intersection of Steeles Avenue East and Morningside Avenue. In 1869, John McCreight purchased a 50-acre farm on the western part of Lot 8, Concession 9, Markham Township, just north of the hamlet of Box Grove. In the late 1870s, John and Sarah McCreight and several members of their family moved to Lot 4, Concession 7, a small farm located on the east side of today's McCowan Road to the north of Steeles Avenue. Their oldest son, Andrew, his brother Thomas, and sister Isabella, all unmarried, moved to the farm at Box Grove. James McCreight, another of the sons of John and Sarah McCreight, moved to the former Wideman farm at some point between the 1881 and 1891 census. James McCreight's wife was also named Sarah. John McCreight willed the farm to his son in 1892.

James M. McCreight (the son of James McCreight Sr.) and his wife Viola McCreight sold the property to Thomas J. H. Allen in 1948, after which it was owned by a series of others until 1969 when the farm was sold to real estate investors.

#### Architecture

The Henry and Susanna Wideman House is a one-and-a-half storey fieldstone farmhouse with a rectangular plan. The house is oriented to face south rather than Ninth Line. The foundation places the ground floor several steps above grade which provides for a basement lit by small windows. The principal entrance is contained with an enclosed shed-roofed porch of twentieth century design. A one-storey frame side wing extends from the east gable end wall of the main block, offset to the north.

The walls are made from coursed, split random rubble. The local fieldstone consists of grey limestone, black basalt and grey and pink granite, glacial material likely gathered from the surrounding fields and stream beds. Alternating cut stone quoins decorate the corners, and red brick was used for tall splayed arches and quoin-like margins around door and window openings. The arches have a slight camber.

The medium-pitched gable roof has projecting, boxed eaves and eave returns. The wood cornice is decorated with simple, robust Classical mouldings. A shed-roofed dormer, a twentieth-century addition, is centred on the rear roof slope. There is a single-stack red brick chimney centred on the roof ridge, and an exterior single-stack red brick chimney that has been added to the east gable end wall.

The main block has a three-bay front. There is a centrally-placed single-leaf door within the enclosed porch. Flat-headed rectangular window openings with projecting concrete lugsills flank the front door and porch. The window openings are unusually wide in proportion compared with typical examples of similar stone houses from this period in Markham. Modern single-hung windows with one-over-one panes are found within these and all other window openings on the main block. Based on the age of the building, the original windows would have been multi-paned, perhaps eight-over-eight. The rear wall is also composed of three-bays, but the position of the door and flanking windows is asymmetrical. The back door has been partially bricked in and presently contains a small window high on the wall, perhaps an indication of a kitchen counter and sink.



Rear view of 100484 Ninth Line (Source: City of Markham)

Windows on the west gable end wall are regularly placed. There are two wide windows on the ground floor and two smaller windows above. On the east gable end, a single

wide window is positioned in front of where the side wing joins the wall, and two small windows, regularly placed, on the second floor.

The frame side wing is sided in clapboard and has a medium-pitched gable roof without eave returns. It appears to be a later addition, perhaps constructed in the late nineteenth century as a summer kitchen and woodshed. The windows on the side wing are flat-headed, rectangular single hung style, with two-over-two panes.

The Henry and Susanna Wideman House is a representative example of a midnineteenth century fieldstone farmhouse in the vernacular Georgian architectural tradition, an approach to domestic architecture that continued long after the Georgian period ended in 1830. It is a modestly-scaled example of its type, with its simple form embellished with bold brick door and window surrounds, cut stone quoins, and a bold wood cornice. The large size of the ground floor windows is noteworthy. The design of the Wideman House is in keeping with the tendency of many Pennsylvania German Mennonite families to build their dwellings in the formal, conservative Georgian tradition as noted in *Markham 1793-1900:* 

"The typical Pennsylvania German farmhouse, on the other hand, was Georgian in design – an even trade from English neighbours. As the Pennsylvania Germans migrated, they took with them this farmstead plan, now American rather than European, westward as far as lowa and north into Upper Canada, so into Markham Township."

#### Context

The Henry and Susanna Wideman House is located in a rural setting in the general vicinity of the historic rural community of Milnesville. The farmstead is set back a considerable distance from the road and is therefore not readily visible from Ninth Line. A tributary of Little Rouge Creek runs to the west of the dwelling, adjacent to the CN railway that is part of the Stouffville Line of GO Transit.

The bank barn associated with the farmhouse is of interest. It is a gambrel-roofed barn on a raised fieldstone foundation, fairly typical of the late nineteenth and early twentieth century Markham, except for its weathered clapboard siding. This type of siding is indicative of an early date of construction and therefore the barn could be contemporary with the dwelling. It appears that in the late nineteenth or early twentieth century, the barn was raised onto a fieldstone foundation and given a gambrel roof to replace the gable roof typical of pre-1890s barns. The vertical barnboard in the gable ends reflects the suspected modification to the original roofline.

The Henry and Susanna Wideman House is historically linked to the Samuel Wideman House on the western part of Lot 24, Concession 8 (10541 Highway 48), designated under Part IV of the <u>Ontario Heritage Act</u> (refer to By-law 2009-21).



Barn at 10484 Ninth Line (Source: City of Markham)

# Sources

Deed Abstracts for Markham Township Lot 24, Concession 8.

Canada Census: 1851, 1861, 1871, 1881, 1891, 1901 and 1921.

Directories of Markham Township: Brown (1846-47), Rowsell (1850-51), Mitchell (1866), Nason (1871), 1892 Directory and 1918 Directory.

Maps of Markham Township: McPhillips (1853-54), Tremaine (1860) and Historical Atlas of the County of York, Ontario (1878).

Wideman and McCreight Family Files, Heritage Section, City of Markham Planning & Urban Design.

Property File for 10484 Ninth Line, Heritage Section, City of Markham Planning & Urban Design.

Champion, Isabel (ed.) *Markham 1793-1900.* Markham: Markham Historical Society, Second Edition, Revised, 1989. Pages 31, 55-56, and 147.

# Compliance with Ontario Regulation 9/06, as amended – Criteria for Determining Cultural Heritage Value or Interest

The property has physical value or design value because it is a rare, unique, representative or early example of a style, type, expression, material or construction method.

The Henry and Susanna Wideman House has physical and design value as a representative example of a mid-nineteenth century fieldstone farmhouse in the vernacular Georgian architectural tradition.

The property has design value or physical value because it displays a high degree of craftsmanship or artistic merit.

Fieldstone walls with cut stone quoins and red brick door and window surrounds.

The property has historical value or associative value because it has direct associations with a theme, event, person, activity, organization or institution that is significant to a community.

The Henry and Susanna Wideman House has historical value for its association with the early religious diversity of Markham Township, namely the arrival of Pennsylvania German Mennonites in the early nineteenth century, as the former residence of the Wideman family.

The property has contextual value because it is physically, functionally, visually or historically linked to its surroundings.

The Henry and Susanna Wideman House has contextual value for being physically, functionally, visually and historically linked to its surroundings as one of a number of nineteenth century farmhouses located in the general vicinity of the historic rural community of Milnesville, and because it is physically, functionally, visually and historically linked to the farm property where it has stood since c.1850. The property is historically linked to the Samuel Wideman House at 10541 Highway 48, on the western part of Lot 24, Concession 8.

# **RESEARCH REPORT**



# Williams House Lot 5, Plan 404 10760 Victoria Square Boulevard, Victoria Square c.1898

# Heritage Section City of Markham Planning & Urban Design, 2024

# History

The Williams House is located on Lot 5, Plan 404, which is on part of the eastern half of Markham Township Lot 26, Concession 3, in the historic crossroads community of Victoria Square.

John Kennedy (also known as John Canada) received the Crown patent for the entire 200 acres of Markham Township Lot 26, Concession 3, in 1805. He was noted on this property in William Berczy's 1803 census of Markham settlers.

In 1805, John Kennedy sold to Jacob Heise. Jacob Heise and his siblings Christian, Joseph, and Magdalene arrived in Markham Township in 1804. Their parents were John Heise and Barbara (Yordy) Heise of Lebanon County, Pennsylvania. The Heise family belonged to a Christian sect related to the Mennonites, known by various names including Dunkards, Tunkers or River Brethren. A number of families from Pennsylvania that followed this faith settled in north-west Markham and in part of Vaughan Township in the early 1800s.

Jacob and Hannah Heise had four children: Barbara, Jacob, Abraham, and John. Jacob Heise Jr., born in Somerset, Pennsylvania, married Mary Steckley, the daughter of John

Steckley Sr., Bishop of the Tunker Church. They had several children, one of whom as Christian Heise, also known as Christopher. Christopher Heise acquired the eastern 75 acres of his father's farm on Lot 26, Concession 3, in 1867. He and his wife Leah (Rhodes) Heise lived in a brick farmhouse further west on the property that still stands at 2730 Elgin Mills Road East. Christopher Heise helped develop the northwest quarter of Victoria Square by selling lots and building houses at the crossroads.

In 1875, Christopher Heise had Public Land Surveyor Peter S. Gibson create Plan 404, a plan of building lots on a portion of the south-east corner of Lot 26, Concession 3. Some buildings had already been constructed within the area of Plan 404 by the time the plan of subdivision was created.

In 1898, Christopher and Leah Heise sold Lot 5, Plan 404 to Thomas F. Boynton, a farmer who lived on the eastern half Lot 26, Concession 2. Today that property is the site of Richmond Green, a large public park in the City of Richmond Hill.

In 1899, Thomas and Fanny Boynton sold the property in Victoria Square to Martha Williams. An increase in value between 1898 and 1899 suggests that the property had been improved during the Boynton period of ownership, therefore a date of construction of c.1898 is proposed for the existing two-storey frame dwelling at 10760 Victoria Square Boulevard. However, it is possible that the Heise family may have built the house as a speculative venture shortly before selling to Thomas F. Boynton. In any case, the design of the dwelling suggests a late nineteenth century date of construction. The Municipal Property Assessment Corporation, commonly referred to as MPAC, dates the building to 1900.

Martha (Bestard) Williams (1858-1952) was born in Vaughan Township. Her parents were John Bestard and Mary (Schell) Bestard. John Bestard was born in England and Mary Bestard was born in Ontario. In 1877, Martha Bestard married George Henry Williams in Vaughan. His parents were Jacob Williams and Fanny (Bride) Williams. At the time of the 1891 census, Martha was listed as Martha Bestard, a married woman, in her parents' household on Lot 32, Concession 2, Markham Township. Curiously, in the same household was labourer George Williams, a married man, and his four children. Based on the available information, it appears that there was some issue in their marriage, yet they resided in the same dwelling.

According to the 1901 census, Martha Williams was a married woman, 42 years of age, with an English background. By this time the family lived in their own household in Victoria Square. Although she was listed as married, her husband was not listed as residing in the household. It is interesting to note that her occupation was listed as "Farmer" because the property was too small to farm, and because women were not typically described as farmers in terms of occupation during this time. Four unmarried children were included in the household: Annie M., 22; John H., 20, a farm labourer; Jacob G., 18, a farm labourer; and Mary A., 16, a dress maker.

The Williams family were of the Tunker faith, an Anabaptist sect historically and doctrinally related to the Mennonites. Tunker families came to Markham Township from Pennsylvania in the early nineteenth century along with Mennonite families. They were typically Pennsylvania Germans. Martha Williams was likely a member of the Tunker church through marriage given her English background.

Martha Williams was noted in later census records as a widow. In 1941, she sold her property to Mary A. Stoutenburgh, her married daughter, for a nominal \$1.00. Mary A. Stoutenburgh died about 1952. Her executors sold the property out of the family in 1963.

#### Architecture

The Williams House is a two-storey frame dwelling covered in green and white aluminum siding. The nature of the earlier siding is not known as no archival photographs have been found to show the building's earlier appearance. The main block of the house has a rectangular plan with a small, enclosed porch sheltering the principal entrance. The foundation material is unknown. The medium pitched gable roof has projecting, open eaves. No historic chimneys remain.

A two-storey rear wing extends across the entire rear wall of the main block. It is mainly clad in aluminum siding except for the southern ground floor wall of a shed-roofed extension within the south-facing ell which is brick veneered. At the west end of the rear wing is a single bay attached garage with its door facing south. Since the roof peak of the rear wing is slightly higher than the roofline of the main block, this part of the dwelling appears to be a later addition that perhaps replaced an older kitchen wing.

The main block has a three-bay front on the ground floor level. The principal entrance is concealed within the enclosed porch. The porch has a shed roof with pent eaves on the sides and is entered through a door flanked by narrow sidelight on the south wall. A pair of flat-headed windows is located on the east wall of the porch facing the street. A single window is located on the north wall. The second floor of the main block has two window openings aligned above the ground floor windows. Window openings are typically tall, narrow and flat-headed. Modern replacement windows are contained within the old openings, flanked by non-functional louvered shutters. The proportions of the window openings and the period of construction suggest that the original windows likely had one-over-one panes.

On the sidewalls of the main block there are two windows centred on the walls with the ground floor and second floor window openings vertically aligned.

Windows in the rear addition are modern in proportion and contrast with the style of the window openings in the main block.

The Williams House is a representative example of a frame village dwelling of the late nineteenth century. Its sense of symmetry is rooted in the Georgian architectural tradition that continued to influence vernacular domestic architecture well past the end

of the Georgian period in 1830. The restrained design of the Williams House represents the transition of domestic architecture from the ornate designs of the late Victorian period to the simplicity that began to emerge in the Edwardian period. At one time the front porch was likely open. It may have replaced a veranda typical of the late 1890s, but any evidence of a possible veranda, if it existed, would be concealed by the aluminum siding that covers the building.

#### Context

Victoria Square is a former Heritage Conservation District Study Area that contains 44 properties, 22 of which are listed on the *City of Markham Register of Property of Cultural Heritage Value or Interest.* Of these properties, two are individually designated under Part IV of the <u>Ontario Heritage Act</u>. A number of other properties are currently in the process of being designated.

The Williams House is one of a grouping of late nineteenth and early twentieth century buildings that are important in defining, maintaining and supporting the character and extent of the historic crossroads hamlet of Victoria Square.

#### Sources

Abstract Index of Deeds for Markham Township Lot 26, Concession 3. Abstract Index of Deeds for Lot 5, Plan 404. Canada Census 1891,1901, 1911, and 1921. Victoria Square Heritage Conservation District – Historical Background and Inventory. Su Murdoch Historical Consulting, 2010. Pages 14-15, 23-27, 132-133. Find-a-Grave search for Martha Williams. Genealogical Research by Fred Robbins, Stouffville Historian.

# Compliance with Ontario Regulation 9/06, as amended – Criteria for Determining Cultural Heritage Value or Interest

The property has design value or physical value because it is a rare, unique, representative or early example of a style, type, expression, material or construction. The Williams House has design value and physical value as a representative example of a frame village dwelling of the late nineteenth century.

The property has historical value or associative value because it has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community

The Williams House has historical value and associative value, representing the theme of urban development, specifically the late nineteenth century development of the crossroads hamlet of Victoria Square.

The property has contextual value because it is important in defining, maintaining or supporting the character of an area.

The Williams House has contextual value as one of a number of nineteenth and early twentieth century buildings that help to define the character and extent of the historic crossroads hamlet of Victoria Square.



Report to: Development Services Committee

SUBJECT:	RECOMMENDATION REPORT Scardred 7 Company Ltd. Application for Redline Revision to a Draft Plan of Subdivision (19TM-18011) and Extension of Draft Plan Approval to facilitate the creation of a townhouse block on the northern portion of 4038 and 4052 Highway 7 (Ward 3) File PLAN 24 180309
PREPARED BY:	Melissa Leung, MCIP, RPP, Senior Planner, Central District, ext. 2392
<b>REVIEWED BY:</b>	Sabrina Bordone, MCIP, RPP, Manager, Central District, ext. 8230 Stephen Lue, MCIP, RPP, Senior Development Manager, ext. 2520

# **RECOMMENDATION:**

- 1) THAT the May 13, 2025, report titled, "RECOMMENDATION REPORT, Scardred 7 Company Ltd., Application for Redline Revision to a Draft Plan of Subdivision (19TM-18011) and Extension of Draft Plan Approval to facilitate the creation of a townhouse block on the northern portion of 4038 and 4052 Highway 7 (Ward 3), File PLAN 24 180309", be received;
- 2) THAT the Redline Revision to Draft Plan of Subdivision 19TM-18011 be approved in principle, subject to the conditions set out in Appendix 'A' of this report;
- 3) THAT the Director of Planning and Urban Design, or designate, be delegated authority to issue the Revised Draft Plan Approval, subject to the conditions set out in Appendix 'A', as may be amended by the Director of Planning and Urban Design, or designate;
- THAT the Revised Draft Plan Approval for Draft Plan of Subdivision 19TM-18011 will lapse after a period of three (3) years from the date of Council approval if a Subdivision Agreement is not executed within that period;
- 5) THAT Council assign servicing allocation for a maximum of 619 residential units;
- 6) THAT the City reserves the right to revoke or reallocate the servicing allocation should the development not proceed within a period of three (3) years from the date that Council assigned servicing allocation;
- THAT York region be advised that servicing allocation for 619 residential units has been granted;
- 8) AND THAT Staff be authorized and directed to do all things necessary to give effect to this resolution.

**PURPOSE:** 

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The report recommends approval of the Redline Revision to a Draft Plan of Subdivision application ("Redline Revision") and the Extension of Draft Plan Approval submitted by M. Behar Planning and Design Ltd. (the "Agent"), on behalf of Scardred 7 Company Ltd. (the "Owner") to create a development block to facilitate 49 townhouse units (the "Proposed Development") on the lands municipally known as 4038 and 4052 Highway 7 (the "Subject Lands"). Staff note that the inforce Official Plan and Zoning was approved on May 15, 2024, to permit the Proposed Development. Staff further note that the approval of extensions to draft approved plans of subdivision is delegated to the Director of Planning and Urban Design, as per the City's Delegation of Approval Authority By-law 2023-39. Staff opine that the Application represents good planning, has regard to Section 51(24) of the <u>Planning Act</u>, and is in the public interest.

# Application History and Process to Date:

- <u>June 29, 2021</u>: Council enacted site-specific Zoning By-law 2021-49 and draft approved an associated Draft Plan of Subdivision application ("Previous Draft Plan") for 20 single detached lots on the northern portion of the Subject Lands (shown as "Block 1" in Figure 5)
- <u>June 1, 2023</u>: the southern portion of the Subject Lands (shown as "Block 2" in Figure 5) was approved at the Ontario Land Tribunal (the "OLT") for a 12-storey residential building with ground floor commercial uses
- <u>February 1, 2024</u>: City Staff received complete applications for an Official Plan and Zoning Bylaw Amendment (File PLAN 23 146079) to permit a townhouse development on Block 1, as the Owner no longer intended to pursue the 20 single-detached lot development
- <u>March 19, 2024</u>: the <u>statutory Public Meeting</u> was held. No oral submissions were made. One written submission that was received, inquiring about potential for parks and community spaces on the Subject Lands. At the statutory Public Meeting, the Development Services Committee (the "DSC") passed a motion to have the applications finalized and enacted without further notice
- <u>May 15, 2024</u>: Council adopted Official Plan Amendment No. 52 ("OPA 52") and enacted Site-Specific Zoning By-law 2024-83 ("By-law 2024-83")
- June 24, 2024: The approval for the Previous Draft Plan lapsed
- <u>November 6, 2024</u>: City Staff received a complete application for a Major Redline Revision to a Draft Plan of Subdivision and Extension of Draft Plan Approval
- <u>March 4, 2025</u>: City Staff received a revised Redline Revised Draft Plan of Subdivision, which is the subject of this report
- <u>March 6, 2025</u>: The 120-day period set out in the *Planning Act* before the Owner can appeal the Application to the OLT for a non-decision expired

According to Bill 23, statutory Public Meetings are no longer required for Draft Plan of Subdivision applications. As such, the Application is being brought to the DSC for recommendation, subject to conditions in Appendix 'A'.

# If the DSC approves the Application, then the planning process will include the following next steps:

- a) Staff issues Draft Plan Approval
- b) The Owner must clear the final conditions of Draft Plan of Subdivision, enter into a Subdivision Agreement with the City, and register the Draft Plan of Subdivision

c) Owner would submit applications for Site Plan, Part Lot Control, and Draft Plan of Condominium

# BACKGROUND:

# **Location and Area Context**

The 2.42 ha (5.98 ac) Subject Lands, where the Redline Revision applies only to the northern 1.03 ha (2.55 ac) portion, are located on the north side of Highway 7 and east of Village Parkway (see Figures 1 and 2). The Subject Lands are vacant with an existing vacant commercial building on the southern portion of the property and a former surface parking area on the northern portion. Figure 3 shows the surrounding land uses.

# The Previous Draft Plan was Draft Approved in 2021 and has since lapsed

The Subject Lands are part of Draft Plan of Subdivision 19TM-18011, which was Draft Approved in 2021 (File SU 18 180309) to facilitate the creation Tomor Drive, Alfredo Street, and William Meleta Drive, along with 20 single-detached lots fronting William Meleta Drive, a future development block, and the future road widening of Highway 7 (see Figure 4). The three-year period for the Applicant to satisfy the draft plan conditions and enter into a Subdivision Agreement lapsed on June 24, 2024.

The Applicant no longer intends to pursue the 20 single-detached lot development and received Council approval to permit a townhouse development on the northern portion of the lands on May 15, 2024. As such, the Applicant has submitted a Redline Revision and Extension of Draft Plan Approval to facilitate the changes as approved by Council and as detailed in the proposal section below.

# PROPOSAL:

Figures 5 and 6 shows the proposed townhouse development block on the northern portion of the lands, which in effect eliminates the previously draft approved 20 single-detached lots and reconfigures William Meleta Drive (a new north-south public road), as the townhouse blocks will be serviced by a private condominium road. The southern portion of the Previous Draft Plan will remain generally unchanged, save and except for minor adjustments to the daylight triangle dimensions that resulted in minor changes to the area of Alfredo Street, the Apartment Development Block, and the 0.3 m reserve. Table 1 compares the changes made to the plans.

TABLE 1: Previous Draft Plan vs. Current Redline Revision				
Land Use	Previous Draft Plan (see Figure 4)	Current Redline Revision (see Figure 5)		
Townhouse Block	N/A	49 units   1.033 ha (2.552 ac)		
Single Detached Lots	20 units   0.773 ha (1.910 ac)	Removed		
Apartment Block	570 units   0.826 ha (2.041 ac)	Unchanged   0.825 ha (2.038 ac)		
Public Road (future William Meleta Drive extension)	0.106 ha (0.262 ac)	Unchanged		
William Meleta Drive	0.399 ha (0.986 ac)	0.138 ha (0.341 ac)		
Tomor Drive	0.094 ha (0.232 ac)	Unchanged		

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TABLE 1: Previous Draft Plan vs. Current Redline Revision				
Land Use	Previous Draft Plan (see Figure 4)	Current Redline Revision (see Figure 5)		
Alfredo Street	0.160 ha (0.395 ac)	0.159 ha (0.393 ac)		
Highway 7 Widening	0.016 ha (0.039 ac)	Unchanged		
0.3 m Reserve	0.002 ha (0.005 ac)	0.003 ha (0.007 ac)		

# **DISCUSSION:**

Staff consider the Draft Plan of Subdivision appropriate, as it conforms to the 2014 Official Plan as amended by OPA 52, the in-force Zoning By-law 177-96, as amended by By-law 2024-83, and has regard to Section 51(24) of the <u>Planning Act</u>. The Proposed Development is consistent with matters of Provincial interest and conforms to Provincial, Regional, and Municipal plans.

#### **CONCLUSION:**

Staff reviewed the Application in accordance with the provisions of the Provincial, Regional, and Municipal plans and are satisfied that the Proposed Development has regard to the <u>Planning Act</u>, represents good planning, and is in the public interest. Therefore, Staff recommend that the proposed Draft Plan of Subdivision be approved subject to the recommendations of this report and conditions in Appendix 'A'.

# FINANCIAL CONSIDERATIONS:

Not Applicable.

# HUMAN RESOURCES CONSIDERATIONS:

Not Applicable.

# ALIGNMENT WITH STRATEGIC PRIORITIES:

The Application aligns with the City's strategic priorities in the context of growth management and municipal services to ensure safe and sustainable communities.

# **BUSINESS UNITS CONSULTED AND AFFECTED:**

The Application was circulated to internal City departments and external agencies. The City and external agency requirements have been reflected in the conditions of Draft Plan of Subdivision approval (See Appendix 'A': Conditions of Draft Plan of Subdivision Approval).

# **RECOMMENDED BY:**

Giulio Cescato, MCIP, RPP Director of Planning and Urban Design Arvin Prasad, MCIP, RPP Commissioner of Development Services

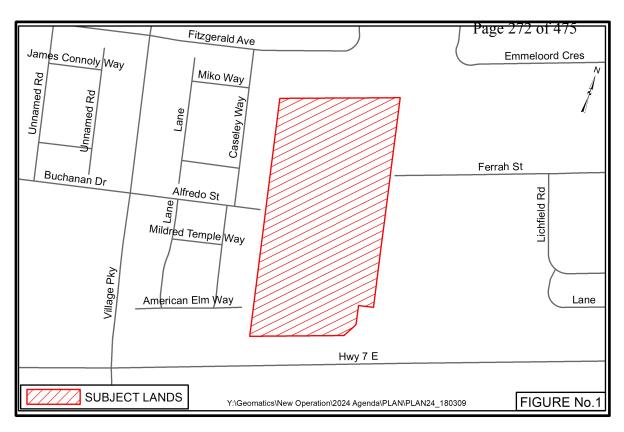
# ATTACHMENTS:

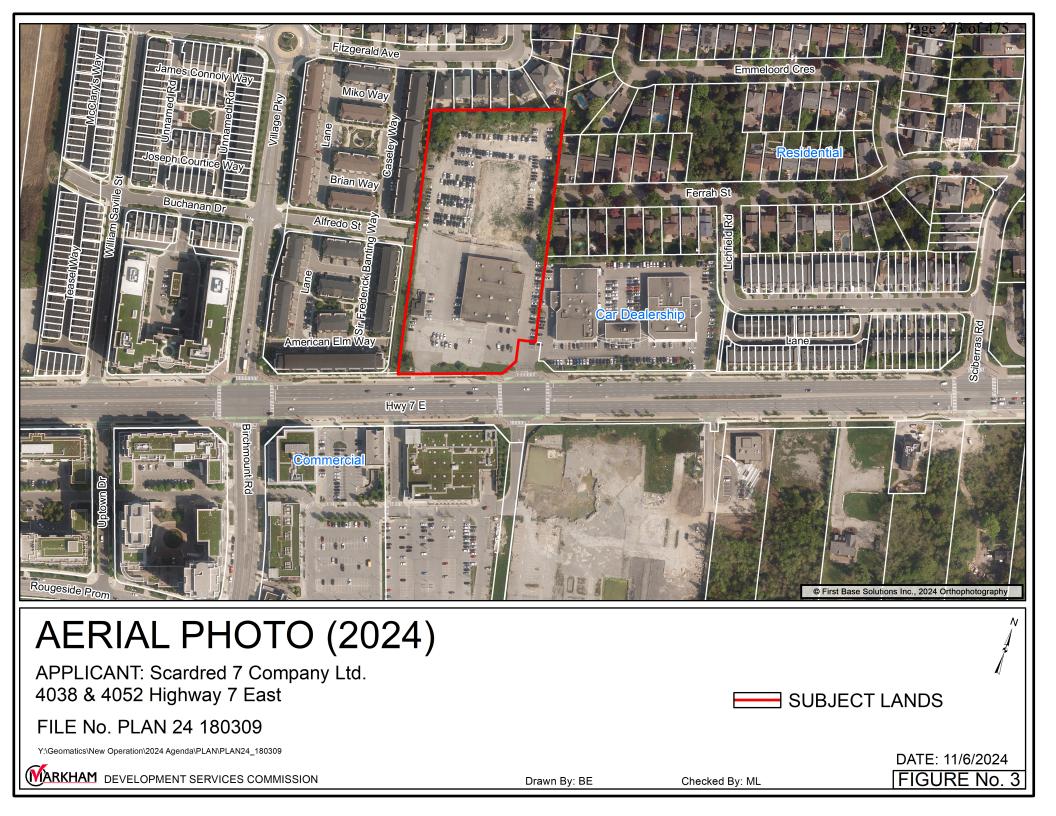
Figure 1: Location Map Figure 2: Aerial Photo and Context Figure 3: Area Context and Zoning Page 5

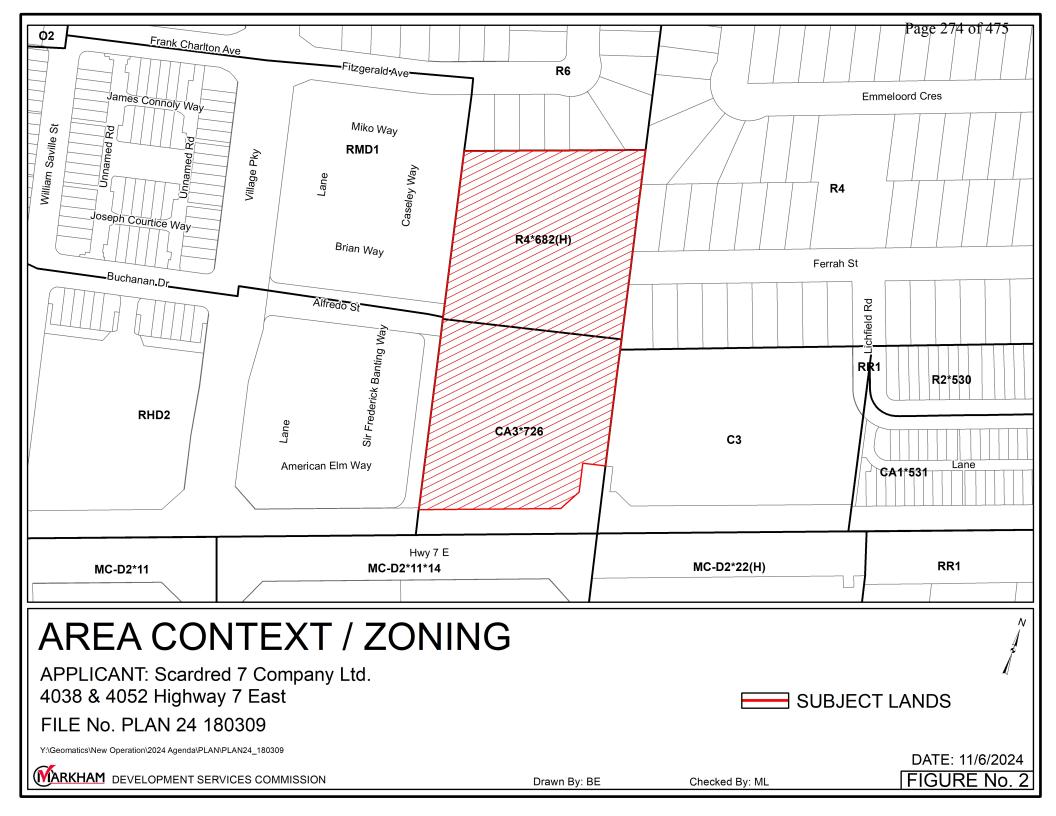
Figure 4: Previous Draft Plan of Subdivision Figure 5: Current Revised Draft Plan of Subdivision Figure 6: Conceptual Site Plan for Block 1 Appendix 'A': Conditions of Draft Plan of Subdivision Approval

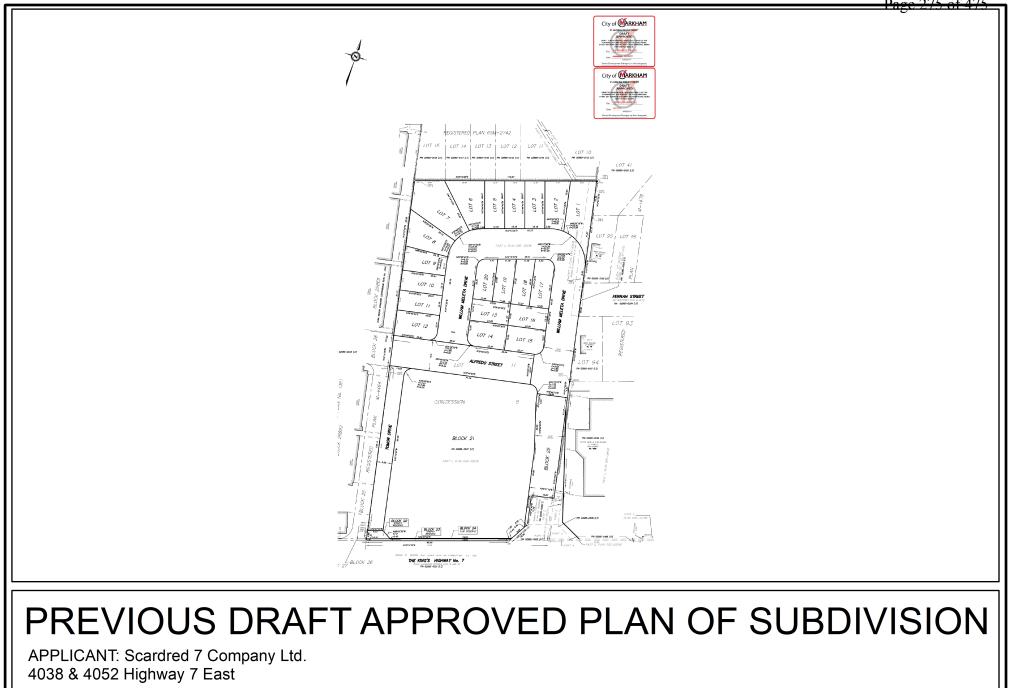
# AGENT:

Chris Pereira c/o M. Behar Planning & Design Limited 25 Valleywood Drive, Unit 23, Markham, ON Tel: (905) 470-6273 x222; Email: <u>chris@mbpd.ca</u>









#### FILE No. PLAN 24 180309

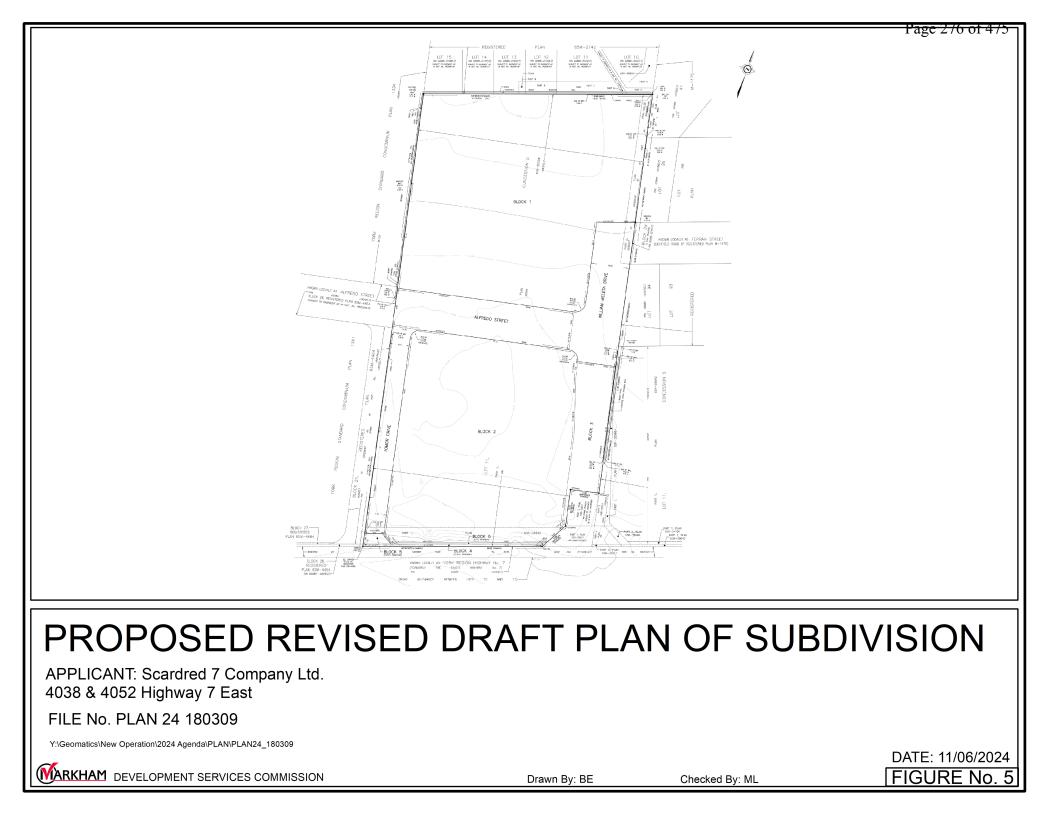
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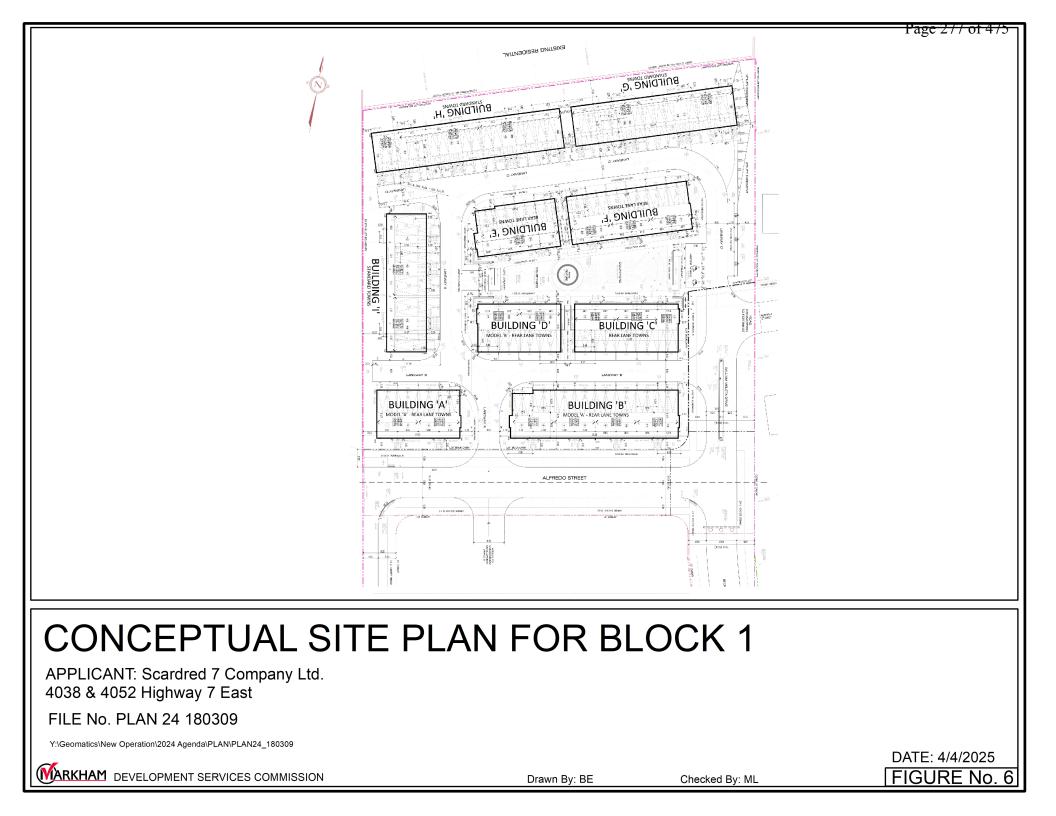
MARKHAM DEVELOPMENT SERVICES COMMISSION

Drawn By: BE

Checked By: ML

DATE: 11/06/2024 FIGURE No.





# Appendix A: Conditions of Draft Plan of Subdivision Approval

# THE CONDITIONS OF THE COUNCIL OF THE CITY OF MARKHAM (THE "CITY") TO BE SATISFIED PRIOR TO RELEASE FOR REGISTRATION OF DRAFT PLAN OF SUBDIVISION 19TM-18011 [SCARDRED 7 COMPANY LIMITED] (THE "OWNER") ARE AS FOLLOWS:

#### 1.0 General

- 1.1 Approval shall relate to a Draft Plan of Subdivision prepared by J.D. Barnes Limited, dated February 25, 2025, identified as Reference No. 23-21-914-00-DPos (the "Draft Plan") incorporating the following redline revisions:
  - Modifying 20 single detached lots into one development block, and
  - The reconfiguration of William Meleta Drive

The City of Markham notes a superseded past approval related to a Draft Plan of Subdivision prepared by Spreight, Van Nostrand & Gibson Ltd. with a Survey Certificate from D.A. Wilton, dated May 26, 2021, identified as Job No. 190-0019, last revised May 26, 2021, as a result of revisions to the above noted "Draft Plan".

- 1.2 This Draft Approval shall apply for a maximum period of three (3) years from date of issuance by the City, and shall accordingly lapse on **May 13**, **2028**, unless extended by the City upon application by the Owner.
- 1.3 The Owner shall enter into a Subdivision Agreement with the City with terms and conditions satisfactory to the City.
- 1.4 The Owner agrees to obtain required approvals from the Regional Municipality of York (the "Region") and any other applicable public agencies, to the satisfaction of the Commissioner of Development Services.
- 1.5 Prior to the earlier of the execution of a Pre-Servicing or Subdivision Agreement within this Draft Plan of Subdivision, the Owner shall prepare and submit to the satisfaction of the City of Markham, all technical reports, studies, and drawings, including but not limited to, traffic studies, functional traffic designs, stormwater management reports, functional servicing reports, design briefs, detailed design drawings, noise studies, servicing and infrastructure phasing plan, etc., to support the Draft Plan of Subdivision. The Owner agrees to revise the Draft Plan of Subdivision, as necessary, to incorporate the design and recommendations of the accepted technical reports, studies, and drawings.
- 1.6 The Owner shall implement the designs and recommendations of the accepted technical reports/studies submitted in support of the Draft Plan of

Subdivision including, but not limited to, traffic studies, functional traffic design study, stormwater management reports, functional servicing reports, design briefs, detailed design drawings, noise studies, to the satisfaction of the City, and at no cost to the City.

The Owner agrees to revise the Draft Plan of Subdivision as necessary to incorporate the recommendations to implement or integrate any recommendations from the above studies, and drawings.

- 1.7 The Owner shall design and construct all required relocations of, and modifications to existing infrastructure, including but not limited to, watermains, light standards, utilities, stormwater management facilities and roads to the satisfaction of, and at no cost to, the City.
- 1.8 The Owner shall agree in the Subdivision Agreement to pay to the City, all required fees, in accordance with the City's Fee By-Law 211-83, as amended by Council from time to time.
- 1.9 The Owner shall agree in the Subdivision Agreement or Pre-Servicing Agreement, whichever comes first, to submit financial security for each phase the Draft Plan of Subdivision, as required by the City, prior to the construction of municipal infrastructure required to service that phase of development.
- 1.10 The Owner covenants and agrees to enter into a Construction Agreement and/or Encroachment Agreement or any other agreement deemed necessary to permit construction of services, roads, stormwater management facilities or any other services that are required external to the Draft Plan of Subdivision (or site plan) and that are required to service the proposed development, to the satisfaction of the Director of Engineering and the City Solicitor.

# 2.0 Roads – Transportation Engineering and Development Engineering

- 2.1 The road allowances within the Draft Plan shall be named to the satisfaction of the City and York Region (the "Region").
- 2.2 The Owner shall covenant and agree to design and construct all municipal roads in accordance with City standards and specifications.
- 2.3 The Owner shall covenant and agree in the Subdivision Agreement to provide temporary turning circles where required at their cost and remove them and restore the streets to their normal condition at their cost when required by the City, to the satisfaction of the City. The design of the temporary turning circles, and any implications on surrounding land use, shall be addressed in the Subdivision Agreement, to the satisfaction of the City.

- 2.4 The Owner shall covenant and agree in the Subdivision Agreement that a connection from the existing Ferrah Street (east of the Draft Plan of Subdivision) is provided to the proposed William Meleta Drive to the satisfaction of the Director of Engineering and at no cost to the City. The Owner shall further covenant and agree to coordinate with the existing homeowners, during construction works on Ferrah Street, to the satisfaction of the City.
- 2.5 The Owner shall covenant and agree in the Subdivision Agreement that the proposed Alfredo Street shall connect to the existing Alfredo Street at the westerly limit of the Draft Plan of Subdivision, to the satisfaction of the Director of Engineering and at no cost to the City. The Owner shall further covenant and agree to coordinate with the impacted properties during the construction of the works on the existing Alfredo Street, to the satisfaction of the City.

#### 3.0 Construction of Tomor Drive

- 3.1 The Owner acknowledges and agrees that Tomor Drive, as shown in the Draft Plan of Subdivision, constitutes the east half of the full municipal road, and that Tomor Drive will be incorporated into a full municipal Tomor Drive with Block 25 (Plan 65M-4464) to complete the Tomor Drive with a width of 18.5 m.
- 3.2 The Owner agrees to make satisfactory arrangements with the City to design and construct Tomor Drive, to the satisfaction of the Director of Engineering, and submit all fees, securities, and other matters required by the Director of Engineering and the City Solicitor, consistent with the construction of public streets in a subdivision.
- 3.3 Further to Condition 3.2 above, regarding the Owner constructing Tomor Drive, the City acknowledges that it is holding \$187,250.00 from a benefiting landowner for the construction of the road and agrees to reimburse the Owner up to a maximum of \$187,250.00 (incl. HST) for the complete construction of Tomor Drive to a width of 18.5 m, provided that the construction of Tomor Drive has been completed to the satisfaction of the City's Director of Engineering, or Designate and the Owner has submitted invoice(s) for the construction.

# 4.0 Extension of William Meleta Drive (Block 3)

4.1 The Owner acknowledges and agrees that Block 3 will be part of the future extension of William Meleta Drive to Highway 7, together with the lands owned by the adjacent landowner to the east (1421121 Ontario Limited), (referred to as "Extension of WMD"). The Owner covenants and agrees, as part of the site plan application of Block 2, to design and construct the

Extension of WMD. The design and construction of the Extension of WMD shall be based on the following:

- a) Submission to the City for review and approval all technical reports, studies, and drawings, including but not limited to, traffic studies, functional traffic designs, stormwater management reports, functional servicing reports, detailed design drawings etc.
- b) Making satisfactory arrangements with 1421121 Ontario Inc. (Owner of 4088 Highway 7) for their final access configuration on the Extension of WMD to the City's satisfaction.
- c) Securing all approvals, including the submission of fees and financial securities necessary to undertake all works required for the construction of the Extension of WMD.
- 4.2 The City and the Owner covenant and agree that Parts 2 and 3 of Plan 65R-35011 are currently owned by the Region. The Region has confirmed that these parts need to be transferred to the City. Prior to execution of the Subdivision Agreement, the Owner shall make satisfactory arrangements with the Region to get these lands transferred to the City, at no cost to the City.
- 4.3 The Owner shall covenant and agree in the Subdivision Agreement to maintain the Extension of WMD until such time that it is constructed to its full width and dedicated as a public street.

# 5.0 Tree Inventory and Tree Preservation Plan

- 5.1 The Owner shall submit for approval a Tree Inventory and Tree Preservation Plan to the satisfaction of the Director of Planning and Urban Design in accordance with the City of Markham Streetscape Manual dated 2009, as amended from time to time.
- 5.2 The Owner shall submit a site grading plan showing trees to be preserved based on the approved Tree Inventory and Tree Preservation Plan, and Arborist Report prior to the issuance of a Top Soil Stripping Permit, Site Alteration Permit, or Pre-Servicing Agreement to the satisfaction of the Director of Planning and Urban Design.
- 5.3 The Owner shall obtain written approval from the Director of Planning and Urban Design prior to the removal of any trees or destruction or injury to any part of a tree within the area of the Draft Plan.
- 5.4 The Owner shall submit additional information and proposed methodologies to reduce impacts to Trees "B" (90 cm DBH Bur Oak) and neighbouring Tree "G" (31 cm DBH Norway Maple), including, but not limited to, the following:

- a) Minimize or eliminate grading impacts within tree protection zones
- b) Align the sidewalk within this area to accommodate a larger tree protection zone, in consultation with the City's Engineering Staff
- 5.5 The Owner shall submit for approval, as part of the Tree Inventory and Tree Preservation Plan, in accordance with the City of Markham Streetscape Manual a tree compensation schedule detailing replacement and enhancement planting or the replacement value based on the following:
  - a) Compensation shall be based on Progressive Aggregate Caliper Method calculations in accordance with the City's Tree Preservation Bylaw 2023-164.
  - b) The requirement for the replacement or equivalent economic value following unauthorized tree removal or damage shall be determined by the City.
- 5.6 The Owner covenants and agrees to apply the tree preservation methods identified in the approved Arborist Report and Tree Inventory and Preservation Plan in order to preserve existing trees on lot, to the satisfaction of the Director of Planning and Urban Design.

#### 6.0 Community Design

6.1 The Owner shall implement and incorporate all requirements of the approved drawings and plans, and any other required design documents as applicable.

#### 7.0 Parks and Open Space

7.1 The Owner covenants and agrees that the parkland dedication requirement for the Draft Plan of Subdivision is 2.06 hectares (the "Total Parkland Requirement"), calculated at a rate of 1 hectare per 300 units, in accordance with the Parkland Dedication By-law 195-90 and calculated as follows:

 $(1 \text{ hectare } / 300 \text{ units}) \times 619 \text{ units} = 2.06 \text{ hectares}$ 

7.2 The Owner acknowledges and agrees that the parkland dedication within this Draft Plan of Subdivision shall be a minimum of 2.06 hectares, and that this satisfies the parkland dedication requirements for a total of up to but not exceeding 619 units. The Owner acknowledges and agrees that any increase in the number of units within this Draft Plan of Subdivision beyond the approved 619 units may trigger additional parkland dedication requirements, to the satisfaction of the City's Director of Planning and Urban Design.

7.3 The Owner acknowledges and agrees to a Submission of an Appraisal Report prepared by a member of the Appraisal Institute of Canada in accordance with the City's terms of reference respecting the proposed new lot(s), to be reviewed and approved by the City. That upon registration of the subdivision and prior to issuance of a building permit, a cash-in-lieu of parkland dedication be provided based on the Appraisal Report.

#### 8.0 Landscape Works

- 8.1 Prior to execution of the Subdivision Agreement, the Owner shall submit landscape plans based on the approved design plans for all landscape/streetscape works, to the satisfaction of the Director of Planning and Urban Design, as follows:
  - a) Street tree planting in accordance with the City of Markham Streetscape Manual dated June 2009, as amended from time to time;
  - b) Provide 1.8 m high privacy wood screen fencing as required;
  - c) Provide noise attenuation fencing as required;
  - d) Provide landscaping for all open space, stormwater and walkway blocks;
  - e) Restoration works identified in the Natural Heritage Restoration Plan; and,
  - f) Any other landscaping as determined by the Community Design Plan, Architectural Control Guidelines, Environmental Master Drainage Plan, and the Tree Inventory and Compensation Schedule.
- 8.2 The Owner shall covenant and agree in the Subdivision Agreement to provide a 300 mm depth of Topsoil in the entire municipal boulevard for sod, and provide a minimum 900 mm depth planting soil for a continuous planting trench to appropriately plant boulevard trees. The Owner shall provide and submit a soil report demonstrating compliance with the City's Streetscape Manual to the satisfaction of the City's Director of Planning and Urban Design.
- 8.3 The Owner shall construct all landscaping in accordance with the approved plans at no cost to the City.
- 8.4 The Owner covenants and agrees that the street tree landscape plans for all regional roads will be provided to the Region, Regional Transportation and Works Department and that a copy of the submission letter, letter of approval for the landscape works and a copy of the agreement with the

Region, if required by the Region for the landscape works be provided to the City prior to the execution of the Subdivision Agreement.

- 8.5 The Owner shall not permit their builders to charge home purchasers for the items listed in Condition 8.1.
- 8.6 The Owner shall include in all agreements of purchase and sale the following clause:

"PURCHASERS ARE ADVISED THAT AS A CONDITION OF APPROVAL OF THE SUBDIVISION WITHIN WHICH THIS LOT IS LOCATED, THE CITY OF MARKHAM HAS REQURIED THE DEVELOPER TO UNDERTAKE AND BEAR THE COST OF THE FOLLOWING ITEMS:

- STREET TREES (TREES PLANTED IN THE CITY BOULEVARD OR IN ADJACENT PUBLIC LANDS OR PRIVATE LOTS TO MEET 8.1a);
- CORNER LOT FENCING AND LANDSCAPING;
- REAR LOT LINE FENCING (IF SPECIFICALLY REQUIRED BY THE CITY);
- TREE PLANTING IN REAR YARDS ADJOINING THE LANES (IF SPECIFICALLY REQUIRED BY THE CITY);
- NOISE ATTENUATION FENCING AS IDENTIFIED IN THE NOISE IMPACT STUDY;
- FENCING OF SCHOOL, PARK, WALKWAY AND STORMWATER MANAGEMENT POND BLOCKS, WHERE REQUIRED;
- BUFFER PLANTING FOR OPEN SPACE, WALKWAY AND STORMWATER MANAGEMENT POND BLOCKS AND SINGLE LOADED STREET ALLOWANCES, WHERE REQUIRED;
- SUBDIVISION ENTRY FEATURES AND DECORATIVE FENCING AS IDENTIFIED ON LANDSCAPE PLANS APPROVED BY THE CITY.

THE DEVELOPER HAS BORNE THE COST OF THESE ITEMS AND THE HOME PURCHASER IS NOT REQUIRED TO REIMBURSE THIS EXPENSE."

# 9.0 Financial

9.1 Prior to execution of the Subdivision Agreement, the Owner shall provide a letter of credit in an amount to be determined by the Director of Planning and Urban Design, to ensure compliance with applicable tree preservation, fencing, streetscape, buffer, and other landscaping requirements.

#### **10.0** Municipal Services – Development Engineering

- 10.1 The Owner shall covenant and agree to design and construct all municipal services in accordance with City standards and specifications.
- 10.2 Prior to the release of registration of this Draft Plan of Subdivision, the Owner shall demonstrate to the satisfaction of the City of Markham that two independent water supply points for adequate redundancy and looping for domestic and fire protection purposes will be provided.
- 10.3 The Owner agrees not to apply for any building permits until the City is satisfied that adequate road access, municipal water supply, sanitary sewers, and storm drainage facilities are available to service the proposed development as required by the City's By-law 2005-104, as amended.
- 10.4 The Owner shall agree in the Subdivision Agreement to revise and/or update the accepted functional servicing and stormwater management reports, if directed by the City in the event that the Director of Engineering determines that field conditions are not suitable for implementation of the servicing and stormwater strategy recommended in the previously accepted functional servicing and stormwater management reports.

# 11.0 Lands to be conveyed to the City/Easements – Development Engineering

11.1 The Owner shall grant required easements to the appropriate authority for public utilities, drainage purposes or turning circles, upon registration of the plan of subdivision. The Owner shall also provide for any easements and works external to the Draft Plan of Subdivision necessary to connect watermains, storm and sanitary sewers to outfall trunks and stormwater management facilities, to the satisfaction of the City.

# 12.0 Utilities – Development Engineering

- 12.1 The Owner shall agree in the Subdivision Agreement that hydro-electric, telephone, gas and television cable services, and any other form of telecommunication services shall be constructed at no cost to the City as underground facilities within the public road allowances or within other appropriate easements, as approved on the Composite Utility Plan, to the satisfaction of the City and authorized agencies.
- 12.2 The Owner shall agree in the Subdivision Agreement to enter into any agreement or agreements required by any applicable utility companies including, but not limited to, Alectra Utilities, Enbridge, telecommunications companies, etc.
- 12.3 The Owner shall agree in the Subdivision Agreement to facilitate the construction of Canada Post facilities at locations and in manners agreeable to the City in consultation with Canada Post, and that where

such facilities are to be located within public rights-of-way they shall be approved on the Composite Utility Plan and be in accordance with the Community Design Plan.

- 12.4 The Owner shall agree in the Subdivision Agreement to include on all offers of purchase and sale a statement that advises prospective purchasers that mail delivery will be from a designated Community Mailbox. The Owners will further be responsible for notifying the purchasers of the exact Community Mailbox locations prior to the closing of any home sale.
- 12.5 The Owner shall covenant and agree in the Subdivision Agreement to provide a suitable temporary Community Mailbox location(s), which may be utilized by Canada Post until the curbs, sidewalks and final grading have been completed at the permanent Community Mailbox locations. This will enable Canada Post to provide mail delivery to new residents as soon as homes are occupied.
- 12.6 The Owner acknowledges that standard community mailbox installations are to be done by Canada Post at locations approved by the municipality and shown on the Composite Utility Plan. The Owner agrees that should it propose an enhanced community mailbox installation, any costs over and above the standard installation must be borne by the Owner, and be subject to approval by the City in consultation with Canada Post.
- 12.7 The Owner covenants and agrees that it will permit any telephone or telecommunication service provider to locate its plant in a common trench within the proposed subdivision prior to registration provided the telephone or telecommunications services provider has executed a Municipal Access Agreement with the City. The Owner shall ensure that any such service provider will be permitted to install its plant so as to permit connection to individual dwelling units within the Draft Plan of Subdivision as and when each dwelling unit is constructed.

# **13.0** Environmental Clearance – Environmental Engineering

13.1 The Owner shall agree in the Subdivision Agreement to retain a "Qualified Person" to prepare all necessary Environmental Site Assessments (ESA) and file Record(s) of Site Condition with the Provincial Environmental Site Registry for all lands to be conveyed to the City. The "Qualified Person" shall be defined as the person who meets the qualifications prescribed by the *Environmental Protection Act* and O. Reg. 153/04, as amended. The lands to be conveyed to the City shall be defined as any land or easement to be conveyed to the City, in accordance with the City's Environmental Policy and Procedures for Conveyance of Land to the City (2024).

- 13.2 Prior to the earlier of the execution of a Pre-Servicing Agreement or Subdivision Agreement, the Owner agrees to submit Environmental Site Assessment (ESA) report(s) prepared by a Qualified Person, in accordance with the *Environmental Protection Act* and its regulations and all applicable standards, for all lands to be conveyed to the City for peer review and concurrence.
- 13.3 Prior to the earlier of the execution of a pre-servicing agreement or Subdivision Agreement of a phase within the Draft Plan of Subdivision, the Owner agrees to submit Environmental Clearance(s) and Reliance Letter from a Qualified Person to the City for all lands or interests in lands to be conveyed to the City, to the satisfaction of the City. The Environmental Clearance and Reliance Letter will be completed in accordance with the City's standard and will be signed by the Qualified Person and a person authorized to bind the Owner's company. The City will not accept any modifications to the standard Environmental Clearance and Reliance Letter, except as and where indicated in the template.
- 13.4 The Owner agrees that if, during construction of a phase within the Draft Plan of Subdivision, contaminated soils or materials or groundwater are discovered, the Owner shall inform the City of Markham immediately, and undertake, at its own expense, the necessary measures to identify and remediate the contaminated soils or groundwater, all in accordance with the *Environmental Protection Act* and its regulations, to the satisfaction of the City and the Ministry of the Environment, Conservation and Parks ("MECP").
- 13.5 The Owner shall agree in the Subdivision Agreement to assume full responsibility for the environmental condition of the lands comprising the Draft Plan of Subdivision. The Owner shall further agree in the Subdivision Agreement to indemnify and save harmless the City, its directors, officers, Mayor, councilors, employees and agents from any and all actions, causes of action, suite, claims, demands, losses, expenses and damages whatsoever that may arise either directly or indirectly from the approval and assumption by the City of the municipal infrastructure, the construction and use of the municipal infrastructure or anything done or neglected to be done in connection with the use or any environmental condition on or under lands comprising the Draft Plan of Subdivision, including any work undertaken by or on behalf of the City in respect of the lands comprising the Draft Plan of Subdivision and the execution of this Agreement.
- 13.6 Prior to the conveyance of lands to the City, the Owner shall agree to provide to the City, a Letter of Acknowledgement of the Record of Site Condition from the MECP for the lands to be conveyed to the City.

#### 14.0 Groundwater Dewatering/Hydrogeology – Environmental Engineering

- 14.1 The Owner shall submit a hydrogeological report to the City for review and approval if temporary and/or permanent dewatering is required for the subject site. If permanent and/or temporary dewatering is required, the hydrogeological report must estimate the dewatering rate and identify and quantify potential negative impacts to natural features within the Zone of Influence (ZOI) due to the dewatering activities and provide necessary mitigation measures to address these impacts. If temporary dewatering is required, the owner has to indicate the location(s) for discharging into City's sewers and submit a dewatering application, including all applicable fees, to the City for review and approval. The City generally does not support permanent dewatering and the owner is encouraged to explore other options. If permanent dewatering is the only option, in addition to the hydrogeological report, the owner has to submit a letter duly signed and stamped by a structural engineer and a letter duly signed and stamped by a hydrogeologist to confirm this is the case.
- 14.2 The Owner shall agree that if temporary and/or permanent dewatering is required for the subject site, the dewatering quality must comply with the City's Sewer Use By-law 2014-71.
- 14.3 The Owner shall submit a pre-construction survey (including photos) and CCTV of municipal infrastructures, if any of these are identified in the hydrogeology report as potentially susceptible to settlement due to the dewatering activities.
- 14.4 The Owner agrees to submit an Environmental Reliance Letter from a Qualified Person for the hydrogeological report to the satisfaction of the City of Markham. The Environmental Reliance Letter will be completed in accordance with the City's standard template and will be signed by the Qualified Person and a person authorized to bind the Owner's company. The City will not accept any modifications to the standard Environmental Reliance Letter, except as and where indicated in the template.
- 14.5 The Owner shall covenant and agree in the subdivision to include in the building permit application all mitigation recommendation from the geotechnical consultant to waterproof basements which are below the ground water to the satisfaction of the Chief Building Official on a lot specific basis. The Owner shall further covenant and agree that the acceptance of these measures will be subject to approval from the Chief Building Official.

## 14.0 Heritage

14.1 Prior to final approval of the Draft Plan of Subdivision or any phase thereof, the Owners shall carry out a cultural heritage resource assessment for the lands within the Draft Plan to ensure the assessment and identification of appropriate treatment of built heritage and archaeological resources, and further to mitigate any identified adverse impacts to significant heritage resources to the satisfaction of the City (Commissioner of Development Services) and the Ministry of Tourism Culture and Sport. Demolition, grading, filling or any form of soil disturbances shall not take place on the lands within the Draft Plan which have not been assessed and cleared of archaeological potential through the issuance of a letter from the Ministry of Tourism Culture and Sport and acceptance of said letter by the City's Director of Planning and Urban Design, indicating that all matters relating to heritage resources on those specific lands have been addressed in accordance with licensing and resource conservation requirements.

14.2 The Owner shall covenant and agree in the Subdivision Agreement to implement any measures recommended by the archaeological assessment, to the satisfaction of the City and the Ministry of Tourism Culture and Sport.

#### 15.0 Streetlight Types – Municipal Engineering

15.1 The Owner shall agree in the Subdivision Agreement to contact the City prior to commencing the design for streetlighting to confirm the type(s) of poles and luminaires to be provided for different streets and/or lanes.

#### **16.0 Other City Requirements**

- 16.1 Firebreaks shall be designated within a Subdivision Agreement to the satisfaction of Fire Services. Firebreaks shall be in every adjacent Townhouse block.
- 16.2 The adequacy and reliability of water supplies shall be subject to the review and approval of the Fire Services.
- 16.3 Fire hydrants shall be spaced at intervals not exceeding 90 m. Locations are subject to the review and approval of Fire Services.
- 16.4 Fire hydrants shall be installed at the end of each laneway.
- 16.5 The Owner acknowledges and agrees that building permits will not be issued for lands in any stage of development until the Director of Building Standards has been advised by the Fire Services that there is an adequate water supply for firefighting operations and two separate, remote and unobstructed accesses.
- 16.6 Fire Access routes shall be designed and constructed to support expected loads imposed by firefighting equipment and be surfaced with concrete, asphalt or pattern concrete. The fire access route shall be unobstructed at all times. Engineered fire route systems, breakaway bollards, speed bumps, landscaping, etc. are not permitted within any portion of the designated route.

- 16.7 Access for firefighting shall have a minimum inside turning radius of 9 m and a 12 m centerline turning radius along all changes in direction along the fire access route.
- 16.8 To ensure reliability of access for Fire Services vehicles under all conditions, two full moves and unobstructed means of street access, independent of one another shall be provided into the development. Each access into the site shall be completed prior to commencing any construction.

The Fire Services has identified the following accesses into the subdivision;

- Alfredo St to Village Parkway
- Ferrah St to Sciberras Rd

Each access into the site shall be completed prior to the commencing of any construction.

These two accesses shall remain unobstructed at all times during construction including after hours, weekends and holidays. No gates, fencing or other types of obstructions are permitted. It shall be the owner's responsibility to secure the site by other means and shall be approved by the Fire Services.

- 16.9 Fire access route signs shall be installed by the Owner subject to Fire Services approval. Signs shall be installed in accordance with City of Markham By-law specifications.
- 16.10 A townhouse block shall not exceed a distance of 45 m in length.
- 16.11 Breaks between townhouse blocks shall be 3 m minimum.
- 16.12 A walkway, minimum 1.2 m wide, shall be provided for all blocks that front an amenity space, park, etc.
- 16.13 Laneways shall not exceed 90 m in length.
- 16.14 Access to townhouse units shall be provided, such that Fire Services vehicles can park within 15 m of any unit on a minimum 6 m road and be not more than 45 m from the furthest unit.
- 16.15 Walkways in common element condominium developments shall serve as part of the fire access route.
- 16.16 Municipal addressing numbers shall be designated from the main street and not from the laneway. However, where access is from a rear court

yard, the municipal address numbering shall be posted at the principal entrance to each dwelling unit.

- 16.17 The Owner shall covenant and agree in the Subdivision Agreement to include warning clauses in agreements of purchase and sale for all units with single car garages advising purchasers of the following:
  - a) the City's parking by-law requires a minimum of two parking spaces, one in the driveway and one in the garage;
  - b) the City's zoning by-law restricts the width of the driveway, this width does not allow two cars to park side by side; and,
  - c) overnight street parking will not be permitted unless an overnight street parking permit system is implemented by the City
- 16.18 The Owner acknowledges that all garbage, recyclables and organic materials shall be collected by the City once weekly in accordance with the City's collection schedule, as it may be amended from time to time. The City may discontinue waste collection services as a result of changes in legislation, rule or policy and require all garbage, recyclables and organic materials be collected privately at the Owner's sole expense. Effective January 1, 2026, in accordance with Ontario Regulation 391/21: BLUE BOX, collection of residential recycling shall be the obligation of product producers. The City will no longer provide recycling collection services to this development. The Owner is responsible for contacting the Resource Productivity and Recovery Authority to confirm its eligibility to receive recycling collection services and request information regarding the organization responsible for providing the development with recycling collection, and establishing recycling collection services.
- 16.19 The Owner agrees to purchase from the City, one (1) green bin and one (1) kitchen collector per dwelling unit, so that each resident may participate in the City's waste management program. Furthermore, the Owner shall ensure that the green bins and kitchen collectors and educational materials provided by the City are deposited in each dwelling unit on or before the date of closing or new occupancy, whichever occurs first.
- 16.20 The Owner shall ensure that upon dwelling occupancy, unobstructed roadway access, in accordance with the City's design requirements, will be provided for the safe passage of municipal waste collection vehicles on the designated collection day.
- 16.21 The Owner acknowledges, that at times when the required access can not be provided, the Owner shall be responsible for moving all residential waste from the occupied dwellings to an alternate location, approved by the City Official, at the Owner's expense, for collection by the City.

#### 17.0 York Region

- 17.1 The following conditions shall be included in the Subdivision Agreement:
  - a) The Owner shall save harmless York Region from any claim or action as a result of water or sanitary sewer service not being available when anticipated.
  - b) The Owner shall agree in the Subdivision Agreement and the subsequent Site Plan Agreement(s), to include the following clause in the Site Plan Agreement(s), Purchase Agreement, Condominium Agreement and Declaration of Condominium Agreement: "THE OWNER UNDERSTANDS AND ACKNOWLEDGES THAT THE WESTERLY ACCESS TO HIGHWAY 7 WILL BE RESTRICTED TO RIGHT-IN RIGHT-OUT OPERATION ONLY."
  - c) The Owner shall agree in the Subdivision Agreement and the subsequent Site Plan Agreement(s), to include the following clause in the Site Plan Agreement(s), Purchase Agreement, Condominium Agreement and Declaration of Condominium Agreement: "THE OWNER UNDERSTANDS AND ACKNOWLEDGES THAT THE PROPOSED DEVELOPMENT WILL CONNECT EASTERLY TO FERRAH STREET AND WESTERLY TO BUCHANAN DRIVE."
  - d) The Owner shall agree to implement all recommendations provided in the Transportation Study, including TDM measures, to the satisfaction of York Region.
  - e) The Owner shall agree for 'Block 21' (as shown in Drawing S1900019 v15-draft.DWG, dated March 10, 2020 or Block 2 as shown on the Draft Plan dated May 4, 2023) that a direct vehicular access onto Highway 7 will not be permitted.
  - f) The Owner shall agree to advise all potential purchasers of the existing and future introduction of transit services. The Owner/consultant is to contact YRT/Viva Contact Centre (tel. 1-866-668-3978) for route maps and the future plan maps.
  - g) The Owner shall agree, in wording satisfactory to Development Engineering, that the Owner shall not commence with any site alteration or site development works on 'Block 21' without Regional Site Plan approval under Regional File Number SP.19.M.0004.
  - h) The Owner shall agree that where enhanced landscape features beyond street tree planting, sod and concrete walkways are proposed in the York Region Right-of-Way by the Owner or the area municipality, these features must be approved by Development Engineering and shall be maintained by the area municipality. Failure to maintain these

landscape features to York Region's satisfaction will result in the area municipality incurring the cost of maintenance and/or removal undertaken by the Region.

- i) The Owner shall implement the noise attenuation features as recommended by the noise study and to the satisfaction of Development Engineering.
- j) The Owner shall agree that where berm, noise wall, window and/or oversized forced air mechanical systems are required, these features shall be certified by a professional engineer to have been installed as specified by the approved Noise Study and in conformance with the Ministry of Environment guidelines and the York Region Noise Policy.
- k) The following warning clause shall be included with respect to the lots or blocks affected:

"Purchasers are advised that despite the inclusion of noise attenuation features within the development area and within the individual building units, noise levels will continue to increase, occasionally interfering with some activities of the building's occupants."

- Where noise attenuation features will abut a York Region Right-of-Way, the Owner shall agree in wording satisfactory to York Region's Development Engineering, as follows:
  - a. That no part of any noise attenuation feature shall be constructed on or within the York Region Right-of-Way;
  - b. That noise fences adjacent to York Region roads may be constructed on the private side of the 0.3 metre reserve and may be a maximum 2.5 metres in height, subject to the area municipality's concurrence;
  - c. That maintenance of the noise barriers and fences bordering on York Region Right-of-Way's shall not be the responsibility of York Region.
- m) The Owner shall agree that prior to the development approval of Block 2, that access to Block 2 shall be via the internal road network and direct access to Highway 7 will not be permitted.
- n) The Owner shall agree, that prior to the development approval the Tomor Drive and Highway 7 intersection shall be restricted to right-in, right-out movements only.
- The Owner shall agree to be responsible for determining the location of all utility plants within York Region Right-of-Way and for the cost of

relocating, replacing, repairing and restoring any appurtenances damaged during construction of the proposed site works. The Owner must review, or ensure that any consultants retained by the Owner, review, at an early stage, the applicable authority's minimum vertical clearances for aerial cable systems and their minimum spacing and cover requirements. The Owner shall be entirely responsible for making any adjustments or relocations, if necessary, prior to the commencement of any construction.

- 17.2 The road allowances included within the Draft Plan of Subdivision shall be named to the satisfaction of the City of Markham and York Region.
- 17.3 The Owner shall provide to York Region the following documentation to confirm that water and wastewater services are available to the subject development and have been allocated by the City:
  - a) A copy of the Council resolution confirming that the City has allocated servicing capacity, specifying the specific source of the capacity, to the development proposed within this Draft Plan of Subdivision; and
  - b) A copy of an email confirmation by a City of Markham staff stating that the allocation to the subject development remains valid at the time of the request for Regional clearance of this condition.
- 17.4 The Owner shall provide an electronic set of the final engineering drawings showing the water and wastewater infrastructure for the proposed development to the Development Services and Infrastructure Asset Management for record.
- 17.5 The Owner shall demonstrate that the proposed development will provide a vehicular interconnection to Ferrah Street to the east and to Buchanan Drive to the west and connects to Village Parkway.
- 17.6 Prior to and concurrent with the submission of the subdivision servicing application (MECP-CLI-ECA) to the area municipality, the Owner shall provide a set of engineering drawings, for any works to be constructed on or adjacent to the York Region road, to Development Engineering, Attention: Manager, Development Engineering, that includes the following drawings:
  - a) Engineering drawings for the design of Tomor Drive and its intersection with Hwy 7
  - b) Hwy 7 boulevard restoration drawings for installation of new planter, removal of existing access, and relocation of light pole/s.
  - c) Plan and Profile for the York Region road and intersections;

- d) Grading and Servicing;
- e) Utility and underground services Location Plans;
- f) Electrical and Illumination Design (as a result if relocated light pole/s);
- g) Traffic Control/Management Plans;
- h) Erosion and Siltation Control Plans + Construction Access Design;
- i) Landscaping Plans, including tree preservation, relocation and removals;
- Sidewalk locations, concrete pedestrian access to existing and future transit services and transit stop locations as required by York Region Transit/Viva;
- k) Functional Servicing Report (water, sanitary and storm services);
- I) Water supply and distribution report;
- m) Engineering drawings showing plan and profile views of proposed sewers and watermains and appurtenances, including manholes, watermains, valves, hydrants, etc. proposed within the subdivision.
- 17.7 The Owner shall submit a detailed Development Charge Credit Application to York Region, if applicable, to claim any works proposed within the York Region Right-Of-Way. Only those works located in their ultimate location based on the next planning upgrade for this Right-Of-Way will be considered eligible for credit, and any work done prior to submission without prior approval will not be eligible for credit.
- 17.8 The Owner shall provide drawings for the proposed servicing of the site to be reviewed by the Engineering Department of the area municipality.
- 17.9 The location and design of the construction access for the subdivision work shall be completed, to the satisfaction of Development Engineering and illustrated on the Engineering Drawings.
- 17.10 The Owner shall demonstrate, to the satisfaction of Development Engineering, that all existing driveway(s) along the Regional road frontage of this subdivision will be removed as part of the subdivision work, at no cost to York Region.
- 17.11 The Owner shall demonstrate, to the satisfaction of Development Engineering that elevations along the streetline shall be 0.2 metres above the centreline elevations of the York Region roadway, unless otherwise specified by Development Engineering.

- 17.12 The Owner shall have prepared, by a qualified Tree Professional, a Tree Inventory and Preservation / Removals Plan and Arborist Report identifying all existing woody vegetation within the York Region Right-Of-Way to be removed, preserved or relocated. The report / plan, submitted to Development Engineering for review and approval, shall adhere to the requirements outlined in the York Region Street Tree and Forest Preservation Guidelines and shall be to the satisfaction of York Region Natural Heritage and Forestry Staff.
- 17.13 The Owner shall have prepared, by a qualified professional Landscape Architect, landscape design plans detailing landscape works and street tree planting in the York Region Right-Of-Way as required by any and/or all of the following, York Region's Streetscaping Policy, York Region's Street Tree Preservation and Planting Design Guidelines, any prevailing Streetscape Masterplan or Secondary Plan or as required by Urban and Architectural Design Guidelines.
- 17.14 The Owner shall engage the services of a consultant to prepare and submit for review and approval, a noise study to the satisfaction of Development Engineering recommending noise attenuation features.
- 17.15 The Region requires the Owner submit a Phase One Environmental Site Assessment ("ESA") in general accordance with the requirements of the Environmental Protection Act and O. Reg. 153/04 Records of Site Condition, as amended ("O. Reg. 153/04"). The Phase One ESA must be for the Owner's property that is the subject of the application and include the lands to be conveyed to the Region (the "Conveyance Lands"). The Phase One ESA cannot be more than two (2) years old at: (a) the date of submission to the Region; and (b) the date title to the Conveyance Lands is transferred to York Region. If the originally submitted Phase One ESA is or would be more than two (2) years old at the actual date title of the Conveyance Lands is transferred to the Region, the Phase One ESA will need to be either updated or a new Phase One ESA submitted by the Owner. Any update or new Phase One ESA must be prepared to the satisfaction of the Region and in general accordance with the requirements of O. Reg. 153/04. The Region, at its discretion, may require further study, investigation, assessment, delineation and preparation of reports to determine whether any action is required regardless of the findings or conclusions of the submitted Phase One ESA. The further study, investigation, assessment, delineation and subsequent reports or documentation must be prepared, to the satisfaction of the Region, and in general accordance with the requirements of O. Reg. 153/04. Reliance on the Phase One ESA and any subsequent reports or documentation must be provided to the Region in the Region's standard format and/or contain terms and conditions satisfactory to the Region.

York Region requires a certified written statement from the Owner that, as of the date title to the Conveyance Lands is transferred to York Region: (i) there are no contaminants of concern, within the meaning of O. Reg. 153/04, which are present at, in, on, or under the property, or emanating or migrating from the property to the Conveyance Lands at levels that exceed the MECP full depth site condition standards applicable to the property; (ii) no pollutant, waste of any nature, hazardous substance, toxic substance, dangerous goods, or other substance or material defined or regulated under applicable environmental laws is present at, in, on or under the Conveyance Lands; and (iii) there are no underground or aboveground tanks, related piping, equipment and appurtenances located at, in, on or under the Conveyance Lands.

The Owner shall be responsible for all costs associated with the preparation and delivery of the Phase One ESA, any subsequent environmental work, reports or other documentation, reliance and the Owner's certified written statement.

- 17.16 Upon registration of the plan, the Owner shall convey the following lands to York Region for public highway purposes, free of all costs and encumbrances, to the satisfaction of the Regional Solicitor:
  - a) A widening across the full frontage of the site where it abuts Highway 7 of sufficient width to provide a minimum of 22.5 metres from the centreline of construction of Highway 7, and
  - b) A 10 metre by 10 metre daylight trapezoid at the William Meleta Drive and Highway 7 intersection measured from the widened limit of Highway 7, and
  - c) A 5 metre by 5 metre daylight trapezoid at the Tomor Drive and Highway
     7 right-in/right-out intersection measured from the widened limit of
     Highway 7, and
  - d) A 0.3 metre reserve across the full frontage of the site, except at the approved access location, adjacent to the above noted widening, where it abuts Highway 7 and adjacent to the above noted widening(s).
- 17.17 The Owner shall provide a solicitor's certificate of title in a form satisfactory to York Region Solicitor, at no cost to York Region with respect to the conveyance of the above noted lands to York Region.
- 17.18 The Owner shall demonstrate, to the satisfaction of Development Engineering, that all local underground services will be installed within the area of the development lands and not within York Region's road allowance. If a buffer or easement is needed to accommodate the local services adjacent to York Region's Right-of-Way, then the Owner shall provide a satisfactory buffer or easement to the Area Municipality, at no cost to the Region.

- 17.19 The Owner shall provide a copy of the Subdivision Agreement with the local municipality to the Regional Corporate Services Department, outlining all requirements of the Corporate Services Department.
- 17.20 For any applications (Site Plan or Zoning By-law Amendment) deemed complete after January 1, 2020, the Owner shall enter into a Development Charge Rate Freezing Agreement with York Region to freeze/lock in the Development Charge rate at the time the site plan application or Zoning By-law Amendment is deemed a complete submission, satisfy all conditions, financial and otherwise, and confirm the date at which Regional Development Charge rates are frozen; Regional Development Charges are payable in accordance with Regional Development Charges By-law in effect at the time that Regional development charges, or any part thereof, are payable. Please contact Fabrizio Filippazzo, Manager, Development Financing Administration to initiate a Development Charge Agreement with York Region.
- 17.21 The Regional Corporate Services Department shall advise that Conditions 17.1 to 17.20 inclusive, have been satisfied.

## 18.0 Ministry of Natural Resources ("MNR")

18.1 The Owner shall agree in the Subdivision Agreement to satisfy all requirements of the MNR with respect to the endangered species and any potential impacts on the Draft Plan of Subdivision, and to provide written confirmation that it has consulted with MNR in this respect, to the satisfaction of the Commissioner of Development Services.

#### 19.0 Enbridge Gas Distribution

- 19.1 The Owner shall covenant and agree in the Subdivision Agreement to comply with the following conditions:
  - a) To contact Enbridge Gas Inc.'s Customer Connections department by emailing SalesArea30@Enbridge.com to determine gas availability, service and meter installation details and to ensure all gas piping is installed prior to the commencement of site landscaping (including, but not limited to: tree planting, silva cells, and/or soil trenches) and/or asphalt paving.
  - b) In the event that easement(s) are required to service this development, and any future adjacent developments, the applicant will provide the easement(s) to Enbridge Gas Inc. at no cost.

#### 20.0 Canada Post

20.1 The Owner shall covenant and agree in the Subdivision Agreement to comply with the following conditions:

- a) The Owner agrees to include on all offers of purchase and sale, a statement that advises the prospective purchaser that mail delivery will be from a designated Community Mailbox.
- b) The Owner will be responsible for notifying the purchaser of the exact Community Mailbox locations prior to the closing of any unit sale.
- c) The Owner will consult with Canada Post to determine suitable locations for the placement of Community Mailbox and to indicate these locations on the appropriate servicing plans.
- d) The Owner will provide the following for each Community Mailbox site and include these requirements on the appropriate servicing plans:
  - i. an appropriately sized sidewalk section (concrete pad) to place the Community Mailboxes on;
  - ii. any required walkway across the boulevard; and,
  - iii. any required curb depressions for wheelchair access.
- e) The Owner further agrees to determine and provide a suitable temporary Community Mailbox location(s), which may be utilized by Canada Post until the curbs, sidewalks and final grading have been completed at the permanent Community Mailbox locations. This will enable Canada Post to provide mail delivery to the new homes as soon as they are occupied.
- f) The Owner further agrees to provide Canada Post at least 60 days notice prior to the confirmed first occupancy date to allow for the community mailboxes to be ordered and installed at the prepared temporary location.

## 21.0 Bell Canada

- 21.1 The Owner shall covenant and agree in the Subdivision Agreement to comply with the following conditions:
  - a) The Owner acknowledges and agrees to convey any easement(s) as deemed necessary by Bell Canada to service this new development. The Owner further agrees and acknowledges to convey such easements at no cost to Bell Canada.
  - b) The Owner agrees that should any conflict arise with existing Bell Canada facilities where a current and valid easement exists within the

subject area, the Owner shall be responsible for the relocation of any such facilities or easements at their own cost.

- c) To contact Bell Canada at <u>planninganddevelopment@bell.ca</u> during the detailed utility design state to confirm the provision of communication/telecommunication infrastructure needed to service the development.
- d) That it is the Owner's responsibility to provide entrance/service duct(s) from Bell Canada's existing network infrastructure to service the development. In the event that no such infrastructure exists, in accordance with the Bell Canada Act, the Owner may be required to pay for the extension of such network infrastructure.
- e) That if the Owner elects not pay for the above noted connection, Bell Canada may decide not to provide service to the development.

#### 22.0 Alectra Utilities

- 22.1 The developer shall contact Alectra Utilities Subdivisions Department to obtain a subdivision application form (SAF). The developer shall submit the SAF at least 6 months prior to the start of electrical distribution system (EDS) installation. SAF is also available by visiting <u>Make a Service Request</u> <u>Alectra Utilities</u> (under Subdivision Projects).
- 22.2 The developer's electrical consultant to provide load calculations / requirements for this development.
- 22.3 The developer shall confirm with Alectra Utilities Subdivisions Department on the availability of adjacent plant capable of servicing this development and to discuss the electrical service installation requirements and schedule.
- 22.4 The developer shall be responsible for the costs associated with the hydro plant expansion to supply this development.
- 22.5 The developer's electrical consultant shall contact Alectra Utilities Subdivisions Department to discuss placement of switchgear(s) and/or transformer(s) requiring adequate space for safe installation and operation.
- 22.6 The developer shall be responsible for the costs of the relocation of existing plant to accommodate the new road(s) and driveway(s).
- 22.7 The developer's electrical consultant to confirm the metering configuration within this development (individual / ganged metering). The developer shall provide the architectural drawings and confirm the location of the hydro meters as approved by Alectra Utilities. Ganged metering will not be allowed in freehold townhouses.

- 22.8 The developer shall enter into a servicing agreement (offer-to-connect) and will be responsible for the cost-sharing as detailed in the offer-to-connect.
- 22.9 Any easements required by Alectra Utilities for the provision of electrical service to this development will be determined by Alectra Utilities in its sole discretion at the design stage of the project. For condominium/private developments, Alectra Utilities requires a blanket easement.
- 22.10 For new developments with townhouses, the installation of electrical distribution system (EDS) shall only commence after the foundation of the townhouses had been erected.

#### 23.0 External Clearances

- 23.1 Prior to release for registration of the Draft Plan of Subdivision, clearance letters, containing a brief statement detailing how conditions have been met, will be required from authorized agencies as follows:
  - a) York Region shall advise that Conditions 17.1 to 17.21 have been satisfied.
  - b) Enbridge Gas Distribution shall advise that Condition 19.1 has been satisfied.
  - c) Canada Post shall advise that Condition 20.1 has been satisfied.
  - d) Bell Canada shall advise that Condition 21.1 has been satisfied.
  - e) Alectra Utilities shall advise that Condition 22.1 to 22.10 has been satisfied.

ISSUED: DAY MONTH, 2025

Stephen Lue, M.C.I.P., R.P.P. Senior Development Manager



Report to: Development Services Committee

SUBJECT:RECOMMENDATION REPORT<br/>Regency Property Inc., Application for Draft Plan of Subdivision to facilitate the<br/>creation of a townhouse block, a portion of a public road, and a public park at<br/>7810, 7822, 7834, and 7846 McCowan Road (Ward 8)File PLAN 21 129900

**PREPARED BY:** Melissa Leung, MCIP, RPP, Senior Planner, Central District, ext. 2392

**REVIEWED BY:** Sabrina Bordone, MCIP, RPP, Manager, Central District, ext. 8230 Stephen Lue, MCIP, RPP, Senior Development Manager, ext. 2520

## **RECOMMENDATION:**

- THAT the May 13, 2025, report titled, "RECOMMENDATION REPORT, Regency Property Inc., Application for Draft Plan of Subdivision to facilitate the creation of a townhouse block, a portion of a public road, and a public park at 7810, 7822, 7834, and 7846 McCowan Road (Ward 8), File PLAN 21 129900", be received;
- 2) THAT Draft Plan of Subdivision 19TM-21011 be approved in principle, subject to the conditions set out in Appendix 'A' of this report;
- 3) THAT the Director of Planning and Urban Design, or designate, be delegated authority to issue Draft Plan Approval, subject to the conditions set out in Appendix 'A', as may be amended by the Director of Planning and Urban Design, or designate;
- THAT Draft Plan Approval for Draft Plan of Subdivision 19TM-21011 will lapse after a period of three (3) years from the date of Council approval in the event that a Subdivision Agreement is not executed within that period;
- 5) AND THAT Staff be authorized and directed to do all things necessary to give effect to this resolution.

## PURPOSE:

The report recommends approval of the Draft Plan of Subdivision application (the "Application") submitted by Bousfields Inc. (the "Agent"), on behalf of Regency Property Inc. (the current "Owner") to create a development block, a portion of a public road, and a portion of a public park to facilitate 133 townhouse units (the "Proposed Development") on the lands municipally known as 7810, 7822, 7834, and 7846 McCowan Road (the "Subject Lands"). Staff note that the in-force Official Plan and Zoning were approved on July 17, 2024, to permit the Proposed Development. Staff opine that the Application represents good planning, has regard to Section 51(24) of the Planning Act, and is in the public interest.

## PROCESS TO DATE:

- October 6, 2021: Staff deemed the Zoning By-law Amendment and associated Draft Plan of Subdivision applications (PLAN 21 129900) complete
- <u>February 3, 2022</u>: The 120-day period set out in the <u>Planning Act</u> before the owner can appeal the Zoning By-law Amendment and associated Draft Plan of Subdivision applications to the

Ontario Land Tribunal (the "OLT") for a non-decision ended; however, Stateview Homes (Nao Towns) Inc. (the "Previous Owner") had been working with Staff to address the various matters related to the overall development

- <u>February 7, 2022</u>: The Development Services Committee ("DSC") received the <u>Preliminary</u> <u>Report</u> for the Zoning By-law Amendment and Draft Plan of Subdivision applications
- October 19, 2022: Staff deemed the Official Plan Application (File PLAN 22 247284) complete
- January 23, 2023: the Statutory Public Meeting was held
- <u>February 16, 2023</u>: The 120-day period set out in the *Planning Act* before the owner can appeal the Official Plan Amendment application to the OLT for a non-decision ended
- May 2, 2023: The Previous Owner went into receivership the Applications were put on hold
- February 28, 2024: the current Owner acquired the Subject Lands
- <u>May 30, 2024</u>: City Staff received revised conceptual plans for the Proposed Development, which includes 6 stacked townhouse units to be conveyed to the City
- July 16, 2024: The DSC received the <u>Recommendation Report</u> for the Official Plan and Zoning By-law Amendment applications
- July 17, 2024: Council adopted Official Plan Amendment No. 57 and enacted Amending Bylaws 2024-157 and 2024-158
- March 12, 2025: Staff received the revised Draft Plan of Subdivision (Figure 4)

# If the DSC approves the Application, then the planning process will include the following next steps:

- a) Issuance of Draft Plan Approval by Staff
- b) The Owner would be required to clear the finalized conditions of Draft Plan Approval, enter into a Subdivision Agreement with the City, and register the Draft Plan of Subdivision
- c) Continued review and processing of the associated Site Plan application (File SPC 21 144679)
- d) Submission of applications for Hold Removal, Part Lot Control, and Draft Plan of Condominium

## BACKGROUND:

## **Location and Area Context**

The 2.159 ha (5.334 ac) Subject Lands have approximately 163 m (535 ft) frontage along McCowan Road (see Figures 1 and 2) and are generally located on the northwest quadrant of McCowan Road and 14<sup>th</sup> Avenue. Figure 3 shows the surrounding land uses, including the lands to the south, which make up the remaining developable lands at the northwest quadrant of McCowan Road and 14<sup>th</sup> Avenue, as illustrated in Figure 2.

## The Subject Lands are associated with the development located to the South

Immediately south of the Subject Lands are contiguous properties, municipally known as 7768, 7778, 7788, and 7798 McCowan Road, and 5112, 5122, and 5248 14<sup>th</sup> Avenue, which make up the remaining developable lands at the northwest quadrant of McCowan Road and 14<sup>th</sup> Avenue, as illustrated in Figure 2 (the "Phase 1 Lands"). The Phase 1 Lands received Site Plan Endorsement for a 96-unit residential townhouse development in November 2021 (File SPC 20 122127), and Draft Plan Approval on March 25, 2025 (File PLAN 22 243251).

## The Proposed Development will be accessed by a future public cul-de-sac (Block 3)

To facilitate the creation of the townhouse lots through a future Part Lot Control application, the Draft Plan of Subdivision must be registered following the conditions being satisfactorily addressed (Appendix 'A'). Table 1 below provides further details on the Application.

TABLE 1: The Proposed Development, as shown in Figures 4 and 5			
Land Use:	Block Number	Area (ha)	
Development Block	1	1.884 ha (4.654 ac)	
Partial Park Block	2	0.218 ha (0.538 ac) <sup>Note 1</sup>	
Partial Public Road	3	0.057 ha (0.141 ac) <sup>Note 2</sup>	

**Note 1:** The total public park, when Block 2 is combined with the park block of the lands to the south, will be 0.518 ha (1.280 ac)

**Note 2:** The total public road block, when combined with the public road block of the lands to the south, will be 0.107 ha (0.264 ac)

## Official Plan and Zoning By-law Amendment Applications Public Consultation

The January 23, 2023, statutory Public Meeting provided the public and interested persons and agencies an opportunity to comment on the Official Plan and Zoning By-law Amendment Applications. There were no written or oral submissions received at the Statutory Public Meeting. One written submission was received during the processing of the Application, inquiring about the ultimate location of the proposed connection to Dunnet Street. A condition has been included in Appendix 'A' requiring that the Owner coordinate with the landowners to the west on the design and construction of the access onto Dunnet Street.

## **DISCUSSION:**

Matters raised by the DSC members have been addressed through Staff's Recommendation Report on the associated Official Plan and Zoning By-law Amendment applications presented to the DSC on July 16, 2024. Staff note that the in-force Official Plan and Zoning on the Subject Lands permits the Proposed Development. A statutory Public Meeting is not required for the approval of the Draft Plan of Subdivision, pursuant to the passing of Bill 23 on November 28, 2022, which removed the statutory public meeting requirements for draft plan of subdivision approval. Accordingly, the Application is being brought forward to Council at this time for approval, subject to conditions noted in Appendix 'A'.

## **CONCLUSION:**

Staff reviewed the Application in accordance with the provisions of the Provincial, Regional, and Municipal plans and are satisfied that the Proposed Development has regard to Section 51(24) of the <u>Planning Act</u>, represents good planning and is in the public interest. Therefore, Staff recommend that the proposed Draft Plan of Subdivision be approved subject to the recommendations of this report and conditions in Appendix 'A'.

## FINANCIAL CONSIDERATIONS:

Not Applicable.

## HUMAN RESOURCES CONSIDERATIONS:

Not Applicable.

## ALIGNMENT WITH STRATEGIC PRIORITIES:

The Application aligns with the City's strategic priorities in the context of growth management and municipal services to ensure safe and sustainable communities.

## **BUSINESS UNITS CONSULTED AND AFFECTED:**

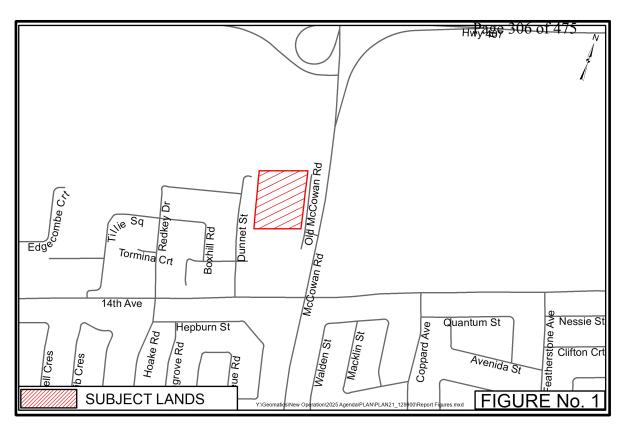
The Application was circulated to internal City departments and external agencies. The City and external agency requirements have been reflected in the conditions of Draft Plan of Subdivision approval (See Appendix 'A': Conditions of Draft Plan of Subdivision Approval).

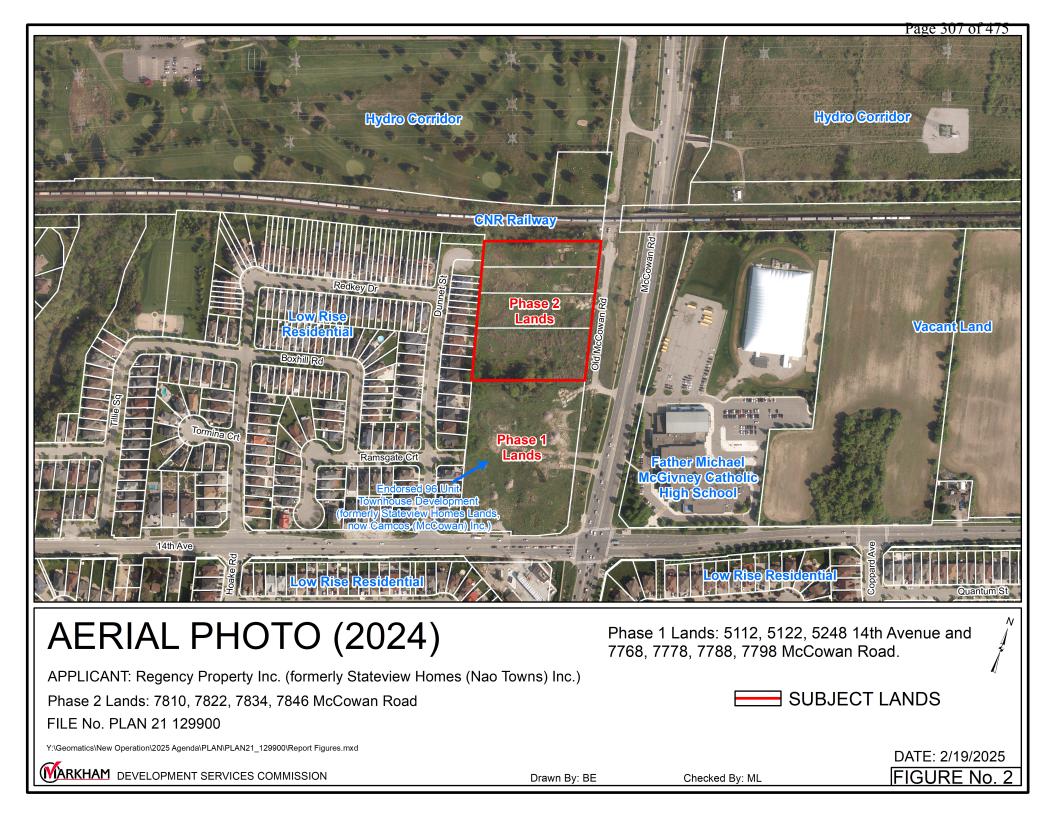
## **RECOMMENDED BY:**

Giulio Cescato, MCIP, RPP Director of Planning and Urban Design Arvin Prasad, MCIP, RPP Commissioner of Development Services

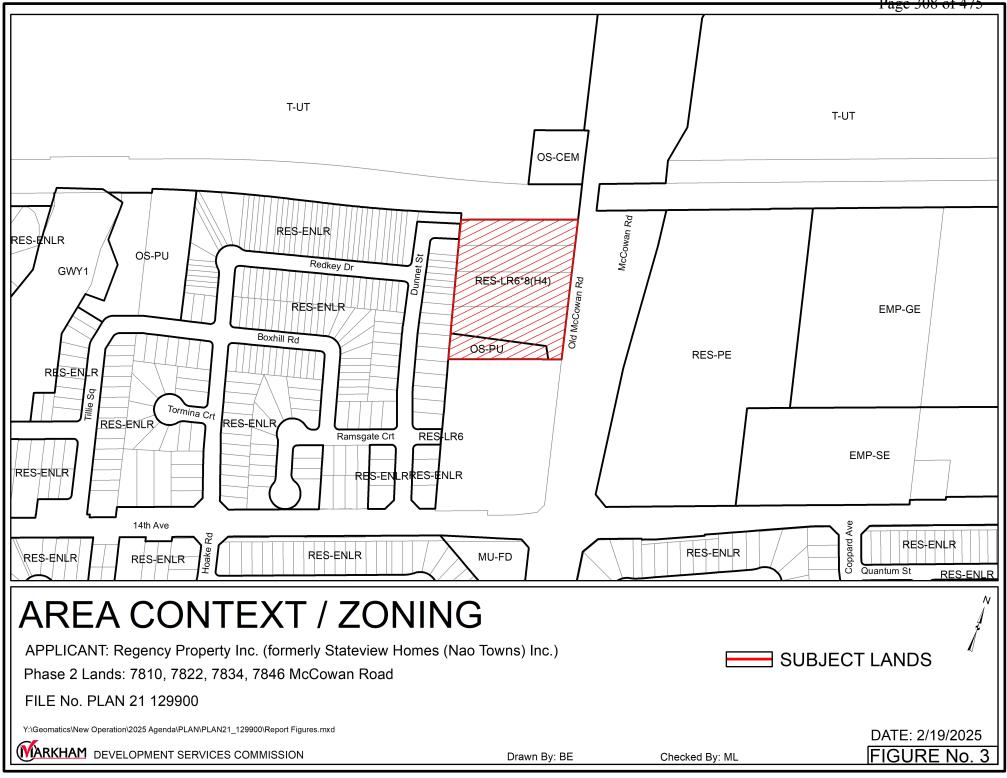
## ATTACHMENTS:

Figure 1: Location Map Figure 2: Aerial Photo and Context Figure 3: Area Context and Zoning Figure 4: Draft Plan of Subdivision Figure 5: Conceptual Site Plan Appendix 'A': Conditions of Draft Plan of Subdivision Approval

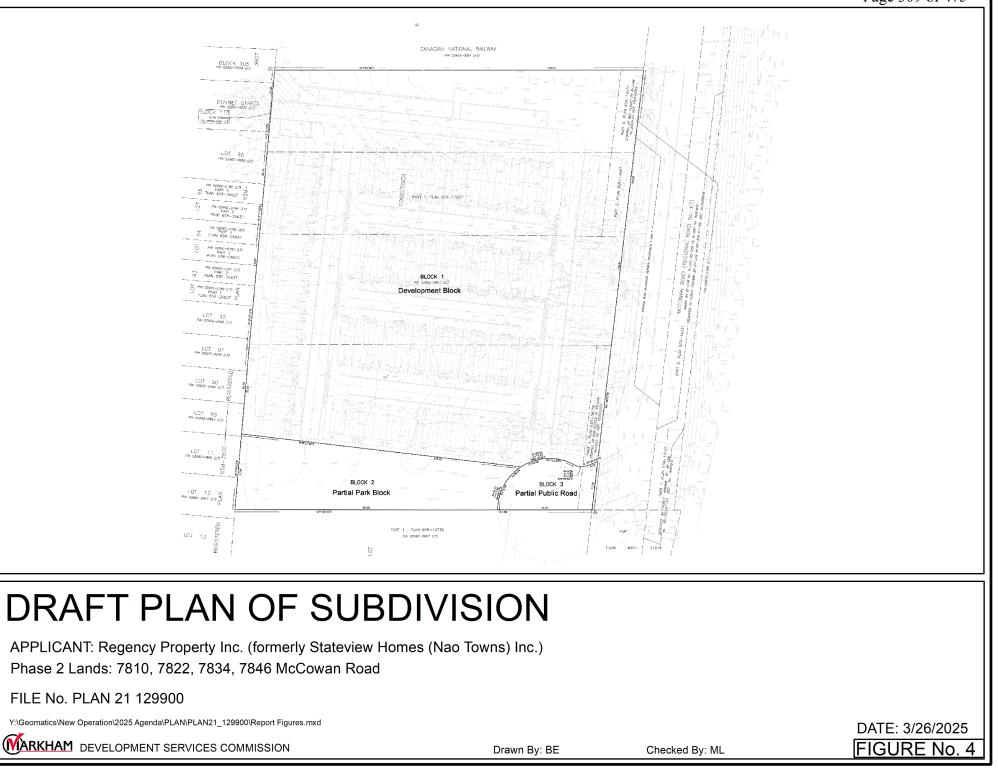


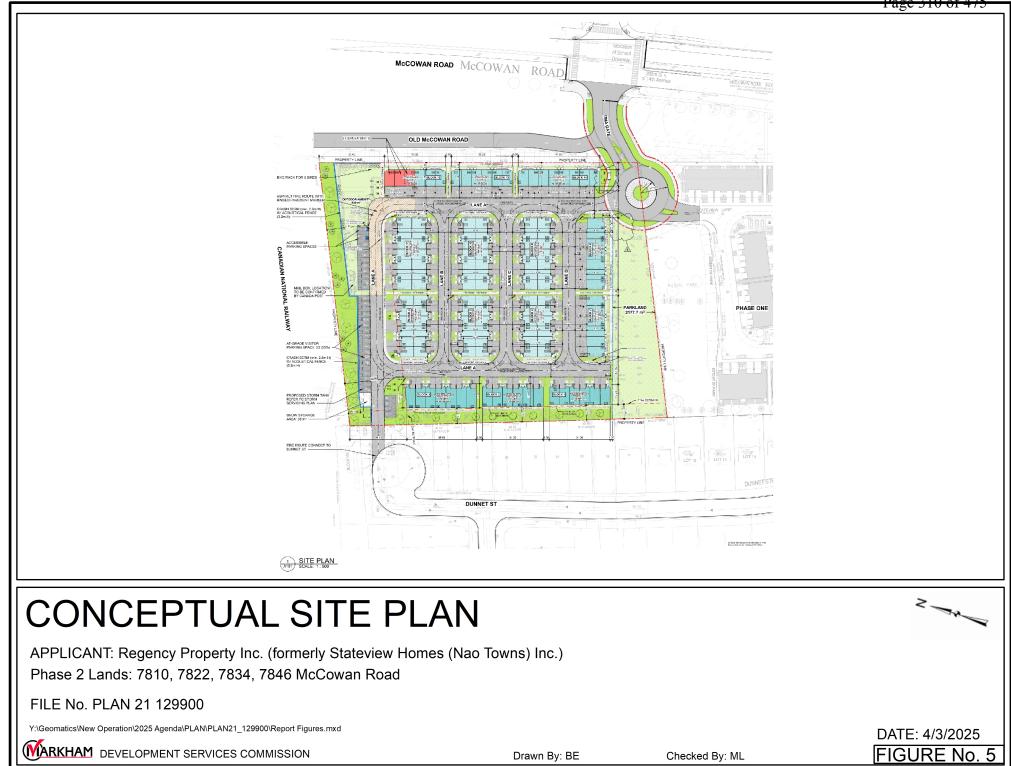






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## Appendix A: Conditions of Draft Plan of Subdivision Approval

#### THE CONDITIONS OF THE COUNCIL OF THE CITY OF MARKHAM (THE "CITY") TO BE SATISFIED PRIOR TO RELEASE FOR REGISTRATION OF PLAN OF SUBDIVISION 19TM-21011 [1000707996 ONTARIO INC.] (THE "OWNER") ARE AS FOLLOWS:

#### 1 General

- 1.1 Approval shall relate to a Draft Plan of Subdivision prepared by J.D. Barnes Limited, identified as Project Number 24-15-076-02, dated January 21, 2025 (the "Draft Plan"), subject to outstanding City comments being addressed. The Draft Plan may be further redlined revised, if necessary, in order to meet the City's requirements.
- 1.2 This Draft Plan Approval shall apply for a maximum period of three (3) years from date of issuance by the City, and shall accordingly lapse on **May 13, 2028** unless extended by the City, upon application by the Owner, prior to the lapsing of Draft Plan Approval.
- 1.3 The Owner shall enter into a Subdivision Agreement with the City agreeing to satisfy all terms and conditions of the City and public agencies, financial and otherwise, prior to final approval.
- 1.4 Prior to the earlier of the execution of a pre-servicing or Subdivision Agreement within this Draft Plan of Subdivision, the Owner shall prepare and submit to the satisfaction of the City of Markham, all technical reports, studies, and drawings, including but not limited to, traffic studies, functional traffic designs, stormwater management reports, functional servicing reports, design briefs, photometric studies, detailed design drawings, noise studies, etc., to support the Draft Plan of Subdivision. The Owner agrees to revise the Draft Plan of Subdivision as necessary to incorporate the design and recommendations of the accepted technical reports, studies, and drawings.
- 1.5 The Owner shall implement the designs and recommendations of the accepted technical reports/studies submitted in support of the Draft Plan of Subdivision including but not limited to, traffic studies, functional traffic design studies, stormwater management reports, functional servicing reports, design briefs, photometric studies, detailed design drawings, noise studies, etc., to the satisfaction of the City of Markham, and at no cost to the City.
- 1.6 The Owner agrees to revise the Draft Plan of Subdivision or the adjacent Draft Plan of Subdivision as necessary to incorporate the recommendations to implement or integrate any recommendations from the above studies, and drawings.
- 1.7 The Owner shall design and construct all required relocations of, and modifications to existing infrastructure, including but not limited to, watermains, light standards, utilities, stormwater management facilities and roads to the

satisfaction of, and at no cost to, the City of Markham.

- 1.8 The Owner shall agree in the Subdivision Agreement to pay to the City, all required fees, in accordance with the City's Fee By-Law 211-83, as amended by Council from time to time.
- 1.9 The Owner shall agree in the Subdivision Agreement or Pre-Servicing Agreement, whichever comes first, to submit financial security for each phase of the Draft Plan of Subdivision as required by the City of Markham prior to the construction of municipal infrastructure required to service that phase of development.
- 1.10 The Owner covenants and agrees to enter into a construction agreement and/or encroachment agreement or any other agreement deemed necessary to permit construction of services, roads, stormwater management facilities or any other services that are required external to the Draft Plan of Subdivision (or Site Plan) and that are required to service the proposed development, to the satisfaction of the Director of Engineering and the City Solicitor.
- 1.11 Prior to the registration of the Plan of Subdivision:
  - a) The Owner shall enter into binding agreement(s) of purchase and sale with the City or its nominee for the conveyance to the City or its nominee of six (6) residential units, being located in the three (3) duplex townhomes located on Block 12 in the northeast corner of Site Plan A101 dated March 27, 2025 and designated as units 111, 112 and 113 (the "Units") on the Draft Plan of Condominium dated January 21, 2025, for nominal consideration, free and clear of costs and encumbrances, in a form and content satisfactory to the City Solicitor and the Director of Planning and Urban Design. The size of the Units shall be approximately 1500 square feet for each duplex townhouse, and acceptable to the City's Director of Planning and Urban Design. The agreement(s) of purchase and sale shall be in substantially the same form as the standard form agreement of purchase and sale used by the Owner for the sale of other townhome units located in Blocks 12, 13 and 14, save and except for the purchase price and other changes acceptable to the City Solicitor and the Director of Planning and Urban Design. The closing date for the conveyance of the Units to the City shall be on the first business day that is 60 days following the registration of the condominium plan over Block 12, or such other date acceptable to the City Solicitor;
  - b) The Owner shall have satisfied all requirements in the Condominium Act to enter into the said binding agreement(s) of purchase and sale with the City or its nominee for the conveyance of the Units to the City or its Nominee, including, but not limited to, registration with Tarion, delivery of a draft condominium Description describing the Units, detailed disclosure statements containing the mandated documents under the Condominium Act;
  - c) The Owner shall provide the City with security, satisfactory to the City Solicitor, to guarantee the completion of the conveyance of the Units to the

City.

## 2 Roads – Transportation Engineering/Development Engineering

- 2.1 The Owner shall acknowledge and agree that Block 3 on the Draft Plan constitutes the north half of a turning circle on a future municipal road (the "North Portion"), and that the south half of the turning circle on the said future municipal road is within the lands to the south (the "South Portion") and that east-west portion of the said future municipal road is within the right-of-way of McCowan Road (the "East-West Portion"). The "North Portion", "South Portion" and "East-West Portion" together forms the said future municipal road (formerly known as Street B). The Owner shall agree in the Subdivision Agreement to coordinate with the landowner of the south (the "South Lands") to prepare all the documents and convey to the City, free of costs and encumbrances all lands required for the "South Portion" of the future municipal road (formerly known as Street B), to the satisfaction of the Director of Engineering or their designate.
- 2.2 The Owner shall provide a draft R-plan to describe the "East-West Portion" of the future municipal road (formerly known as Street B), to the satisfaction of the Regional Municipality of York and the Director of Engineering.
- 2.3 The Owner shall coordinate with the City and the Region to prepare all the documents and convey to the City, free of costs and encumbrances, the "East-West Portion" of the future municipal road (formerly known as Street B) to the City, to the satisfaction of the Region and the Director of Engineering or their designate.
- 2.4 The Owner shall coordinate with the landowner of the South Lands to design the future municipal road (formerly known as Street B), including the South Portion, to the satisfaction of the Director of Engineering or their designate.
- 2.5 The Owner shall provide a copy of the private cost sharing agreement for the future municipal road (formerly known as Street B) and its intersection at McCowan Road including traffic control signals, to the satisfaction of the Director of Engineering or their designate.
- 2.6 The Owner shall agree in the Subdivision Agreement to coordinate with the landowner of the South Lands to holistically construct the future municipal road (formerly known as Street B) to the satisfaction of the Director of Engineering or their designate.
- 2.7 The Owner shall covenant and agree to coordinate with the landowners to the west to design and construct a secondary emergency access onto Dunnet Street in accordance with City's requirements and specifications to the satisfaction of Direct of Engineering and Fire Chief.

## 3 Municipal Services – Development Engineering

- 3.1 The Owner shall covenant and agree to design and construct all municipal services in accordance with City standards and specifications.
- 3.2 Prior to the release for registration of the Draft Plan of Subdivision, the Owner shall demonstrate to the satisfaction of the City of Markham that two independent water supply points for adequate redundancy and looping for domestic and fire protection purposes will be provided.
- 3.3 The Owner agrees not to apply for any building permits until the City is satisfied that adequate road access, municipal water supply, sanitary sewers, and storm drainage facilities are available to service the proposed development as required by the City's By-law 2005-104, as amended.
- 3.4 The Owner shall agree in the Subdivision Agreement to revise and/or update the accepted functional servicing and stormwater management reports, if directed by the City in the event that the Director of Engineering determines that field conditions are not suitable for implementation of the servicing and stormwater management strategies recommended in the previously accepted functional servicing and stormwater management reports.
- 3.5 The Owner shall covenant and agree in the Subdivision Agreement that if the proposed sewers connect to existing downstream sewers that are not assumed by the City, to undertake and pay for a sewer video inspection program for the existing sewers to the satisfaction of the Director of Engineering. The Owner further agrees to do the sewer video inspection:
  - a) Prior to the connection being made;
  - b) Upon the removal of the temporary bulkhead or as directed by the Director of Engineering; and
  - c) Upon all roads, parking lots, driveways in the Owners Subdivision having been paved to the final grades, sidewalks, walkways, multi-use paths constructed and boulevards sodded.

The Owner further agrees to provide securities for the video inspection and for flushing and cleaning the existing downstream sewers to the satisfaction of the Director of Engineering.

3.6 The Owner acknowledges that the existing downstream municipal sanitary system along Edgecombe Court and Canning Court will require to be upgraded and reconstructed to accommodate the development (the "Sanitary Upgrades and Reconstruction"). As such, the Owner acknowledges and agrees to the following provisions:

- i. The Owner shall prepare and submit a sanitary capacity analysis to determine what downstream upgrades are required to provide to service the development of the lands without causing adverse impacts in the sanitary sewer system;
- ii. The Owner shall identify the recommendations and the necessary works to mitigate any impacts identified in the sanitary capacity analysis;
- iii. The Owner shall agree in the Subdivision Agreement to design, construct and secure the provision of, sanitary service infrastructure improvements identified by the above-noted sanitary capacity analysis;
- iv. The Owner shall provide a construction plan detailing means and methods of construction to fully assess the cost required for securities; and
- v. The Owner shall provide adequate sewer by-pass solutions which may require the construction of temporary sewers to maintain the services to the existing lots on Edgecombe Court and Canning Court during the reconstruction of the new sewers.
- 3.7 The Owner acknowledges that the existing watermain upstream will require to be upgraded to accommodate the proposed development (the "Watermain Upgrades and Reconstruction"). As such, the Owner acknowledges and agrees to the following provisions:
  - i. The Owner shall prepare and submit a Watermain Analysis to determine the portion of the watermain upstream that will need to be upgraded in order to service the proposed development, to the satisfaction of the Director of Engineering;
  - ii. If the Watermain Analysis mentioned above recommends any watermain upgrades necessary to accommodate the proposed development of the Subject Land, the Owner agrees to execute a Subdivision Agreement or equivalent with the City, at no cost to the City, and provide financial securities, submit detailed engineering drawings, pay required fees in accordance with the latest Fee By-law, provide insurance, etc. as required, to the satisfaction of the Director of Engineering.
  - iii. The Owner shall provide a construction plan to maintain water services to the existing upstream lots during the watermain upgrades.
- 3.8 Prior to registration of the Draft Plan of Subdivision, the Owner shall provide a copy of private cost sharing agreement for Sanitary Upgrades and Reconstruction along Edgecombe Court and Canning Court, to the satisfaction of the Director of Engineering.

## 4 Lands to be Conveyed to the City/Easements – Development Engineering

4.1 The Owner shall grant required easements to the appropriate authority for public utilities, drainage purposes or turning circles, upon registration of the Plan of Subdivision. The owner shall also provide for any easements and works external to the Draft Plan of Subdivision necessary to connect watermains, storm and sanitary sewers to outfall trunks and stormwater management facilities to the satisfaction of the City.

#### 5 Utilities – Development Engineering

- 5.1 The Owner shall agree in the Subdivision Agreement that hydro-electric, telephone, gas and television cable services, and any other form of telecommunication services shall be constructed at no cost to the City as underground facilities within the public road allowances or within other appropriate easements, as approved on the Composite Utility Plan, to the satisfaction of the City of Markham and authorized agencies.
- 5.2 The Owner shall agree in the Subdivision Agreement to enter into any agreement or agreements required by any applicable utility companies, including Alectra Utilities, Enbridge, telecommunications companies, etc.
- 5.3 The Owner shall agree in the Subdivision Agreement to facilitate the construction of Canada Post facilities at locations and in manners agreeable to the City of Markham in consultation with Canada Post, and that where such facilities are to be located within public rights-of-way they shall be approved on the Composite Utility Plan and be in accordance with the Community Design Plan.
- 5.4 The Owner shall agree in the Subdivision Agreement to include on all offers of purchase and sale a statement that advises prospective purchasers that mail delivery will be from a designated Community Mailbox. The Owners will further be responsible for notifying the purchasers of the exact Community Mailbox locations prior to the closing of any home sale.
- 5.5 The Owner shall covenant and agree in the Subdivision Agreement to provide a suitable temporary Community Mailbox location(s), which may be utilized by Canada Post until the curbs, sidewalks and final grading have been completed at the permanent Community Mailbox locations. This will enable Canada Post to provide mail delivery to new residents as soon as homes are occupied.
- 5.6 The Owner acknowledges that standard community mailbox installations are to be done by Canada Post at locations approved by the municipality and shown on the Composite Utility Plan. The Owner agrees that should it propose an enhanced community mailbox installation, any costs over and above the standard installation must be borne by the Owner, and be subject to approval by the City in consultation with Canada Post.

5.7 The Owner covenants and agrees that it will permit any telephone or telecommunication service provider to locate its plant in a common trench within the proposed subdivision prior to registration provided the telephone or telecommunications services provider has executed a Municipal Access Agreement with the City. The Owner shall ensure that any such service provider will be permitted to install its plant so as to permit connection to individual dwelling units within the subdivision as and when each dwelling unit is constructed.

## 6 Environmental Clearance – Environmental Engineering

- 6.1 The Owner shall agree in the Subdivision Agreement to retain a "Qualified Person" to prepare all necessary Environmental Site Assessments (ESA) and file Record(s) of Site Condition with the Provincial Environmental Site Registry for all lands to be conveyed to the City. The "Qualified Person" shall be defined as the person who meets the qualifications prescribed by the Environmental Protection Act and O. Reg. 153/04, as amended. The lands to be conveyed to the City shall be defined as any land or easement to be conveyed to the City, in accordance with the City's Environmental Policy and Procedures for Conveyance of Land to the City (2024).
- 6.2 Prior to the earlier of the execution of a Pre-Servicing Agreement or Subdivision Agreement, the Owner agrees to submit Environmental Site Assessment (ESA) report(s) prepared by a Qualified Person, in accordance with the Environmental Protection Act and its regulations and all applicable standards, for all lands to be conveyed to the City for peer review and concurrence.
- 6.3 Prior to the earlier of the execution of a Pre-Servicing Agreement or Subdivision Agreement of a phase within the Draft Plan of Subdivision, the Owner agrees to submit Environmental Clearance and Reliance Letter from a Qualified Person to the City for all lands or interests in lands to be conveyed to the City to the satisfaction of the City of Markham. The Environmental Clearance and Reliance Letter will be completed in accordance with the City's standard and will be signed by the Qualified Person and a person authorized to bind the Owner's company. The City will not accept any modifications to the standard Environmental Clearance and Reliance Letter, except as and where indicated in the template.
- 6.4 The Owner agrees that if, during construction of a phase within the Draft Plan of Subdivision, contaminated soils or materials or groundwater are discovered, the Owner shall inform the City of Markham immediately, and undertake, at its own expense, the necessary measures to identify and remediate the contaminated soils or groundwater, all in accordance with the Environmental Protection Act and its regulations, to the satisfaction of the City of Markham and the Ministry of the Environment, Conservation and Parks.
- 6.5 The Owner shall agree in the Subdivision Agreement to assume full responsibility for the environmental condition of the lands comprising the Draft Plan of Subdivision. The Owner shall further agree in the Subdivision Agreement to indemnify and save harmless the City, its directors, officers, Mayor, councilors,

employees and agents from any and all actions, causes of action, suite, claims, demands, losses, expenses and damages whatsoever that may arise either directly or indirectly from the approval and assumption by the City of the municipal infrastructure, the construction and use of the municipal infrastructure or anything done or neglected to be done in connection with the use or any environmental condition on or under lands comprising the Draft Plan of Subdivision, including any work undertaken by or on behalf of the City in respect of the lands comprising the Draft Plan of Subdivision and the execution of this Agreement.

6.6 Prior to the conveyance lands to the City, the Owner shall agree to provide to the City, a Letter of Acknowledgement of the Record of Site Condition from the Ministry of Environment, Conservation and Parks (MECP) for the lands to be conveyed to the City.

## 7 Groundwater Dewatering – Environmental Engineering

7.1 If temporary discharge into City's sewers is required, the Owner agrees to submit a dewatering application, which includes the location(s) of discharge, the expected dewatering discharge rate and discharge quality. The Owner agrees to pay all applicable fees to the City for review and approval. A water treatment plan shall be included with the application to address any exceedances (TSS and manganese, etc.), and to ensure compliance with City's By-law 2014-71 discharge criteria. A permit for temporary discharge into the City's sewer will be issued by the City once the application is prepared to the satisfaction of the City.

## 8 Streetlight Types – Municipal Engineering

8.1 The Owner shall agree in the Subdivision Agreement to contact the City of Markham prior to commencing the design for streetlighting to confirm the type(s) of poles and luminaires to be provided for different streets and/or lanes.

## 9 Services within Regional Road – Development Engineering

9.1 The Owner acknowledges that the proposed storm sewers on McCowan Road right-of-way is subject to the approval of the Region of York (the "Region Works"). Prior to execution of the Pre-Servicing agreement or Subdivision Agreement, whichever is earlier, the Owner shall obtain approval from the Region for works within the Region right-of-way. In the event, York Region does not permit the installation of the Region Works within McCowan Road right-of-way, the Owner shall revise the Draft Plan if required to provide alternate locations for the Region Works including providing servicing blocks if required to the City, to the satisfaction of the Director of Engineering.

## 10 Recoveries – Development Engineering

10.1 Upon execution of the Subdivision Agreement, the Owner shall provide the Director of Engineering with a letter of release from the trustees from H&R Developments, Moeller/Polsinelli and Sacucci (the "upfronting developer") in a

form satisfactory to the City Solicitor confirming that the Owner has satisfied all of its obligations to the Upfronting Developer required recoveries for Kennedy Road Sanitary Trunk Construction and 14<sup>th</sup> Avenue Reconstruction Works.

#### 11 Development Charges

- 11.1 The Owner covenants and agrees to pay all applicable Area Specific and City-Wide Development Charges, as required by, and at the time they become due under, the applicable Development Charge By-laws, as they may be amended or re-enacted from time to time.
- 11.2 The Owner covenants and agrees to provide written notice of all development charges related to the subdivision development, including payments made and any amounts owing, to all first purchasers of lands within the plan of subdivision at the time the lands are transferred to the first purchasers.

#### 12 Fire Department

- 12.1 Fire access routes shall be designed and constructed to support expected load imposed by firefighting equipment and be surfaced with concrete or asphalt. The fire access route shall be unobstructed at all times. Engineered fire route systems, breakaway/removable bollards, speed bumps, landscaping, etc. are not permitted within any portion of the designated route.
- 12.2 To ensure reliability of access for Fire Services vehicles under all conditions, two full moves and unobstructed means of street access, independent of one another shall be provided into the development. If less than 2 accesses are provided, all dwellings within the development shall be fully equipped with an automatic sprinkler system, designed in accordance with NFPA 13.
- 12.3 Firebreak blocks shall be designated within a Subdivision or Site Plan Agreement to the satisfaction of the Fire Services.
- 12.4 The adequacy and reliability of water supplies shall be subject to the review and approval of the Fire Services.
- 12.5 The Owner shall acknowledge and agree that building permits will not be issued for lands in any stage of development until the Director of Building Services has been advised by the Fire Services that there is an adequate water supply for firefighting operations and two separate, remote and unobstructed accesses is available.
- 12.6 Fire Hydrants shall be spaced at intervals not exceeding 90 metres.
- 12.7 Breaks between condominium townhouse blocks shall not be less than 3 metres.
- 12.8 Municipal address numbering shall be designated from the main street access and not from the laneway. However, where access is from a rear laneway, the municipal address numbering shall be posted on both front and rear faces of each dwelling unit.

## **13 Tree Preservation**

- 13.1 The Owner shall submit for approval a Tree Inventory and Preservation Plan to the satisfaction of the Director of Planning and Urban Design in accordance with the City of Markham Streetscape Manual dated 2009, as amended from time to time.
- 13.2 The Owner shall submit a site grading plan showing the trees to be preserved based on the approved Tree Inventory and Preservation Plan, and Arborist Report prior to the issuance of a Topsoil Stripping Permit, Site Alteration Permit, or Pre-Servicing Agreement to the satisfaction of the Director of Planning and Urban Design.
- 13.3 The Owner shall obtain written approval from the Director of Planning and Urban Design prior to the removal of any trees or destruction or injury to any part of a tree within the area of the Draft Plan.
- 13.4 The Owner shall submit for approval, as part of the Tree Inventory and Preservation Plan, in accordance with the City of Markham Streetscape Manual, a tree compensation schedule detailing replacement and enhancement planting or the replacement value based on the following:
  - a) Compensation should be based on Progressive Aggregate Caliper Method calculations in accordance with the City's Tree Preservation By-law 2023-164.
  - b) The requirement for the replacement or equivalent economic value following unauthorized tree removal or damage shall be determined by the City.

## 14 Community Design

14.1 The Owner shall implement and incorporate all requirements of the approved drawings and plans, and any other required design documents as applicable.

## 15 Landscape Works (Streetscape Works)

- 15.1 Prior to execution of the Subdivision Agreement, the Owner shall submit landscape plans based on the approved design plans for all landscape/streetscape works, to the satisfaction of the Director of Planning and Urban Design, as follows:
  - a) Street tree planting in accordance with the City of Markham Streetscape Manual dated June 2009;
  - b) Provide 1.8 m high privacy wood screen fencing as required;
  - c) Provide noise attenuation fencing as required;

- d) Provide 1.5 m high black vinyl chain link fence on the property line installed prior to occupancy for all lots backing or flanking onto an Open Space Block, Greenway, Park Block, School Block or SWM Block, as determined appropriate by the Director of Planning and Urban Design;
- e) Provide landscaping for all open space, stormwater and walkway blocks;
- f) Restoration works identified in the Natural Heritage Restoration Plan; and,
- g) Any other landscaping as determined by the Community Design Plan, Architectural Control Guidelines, Environmental Master Drainage Plan, and the Tree Inventory and Compensation Schedule.
- 15.2 The Owner shall covenant and agree in the Subdivision Agreement to provide a minimum 300mm depth of Topsoil in the entire municipal boulevard for Sod, and provide a minimum 900mm depth planting soil for a continuous planting trench to appropriately plant boulevard trees. The Owner shall provide and submit a soil report demonstrating compliance with the City's Streetscape Manual to the satisfaction of the City's Director of Planning and Urban Design.
- 15.3 The Owner shall construct all landscaping in accordance with the approved plans at no cost to the City.
- 15.4 The Owner shall not permit their builders to charge home purchasers for the items listed in Condition 15.1.
- 15.5 The Owner shall include in all agreements of purchase and sale the following clause:

"PURCHASERS ARE ADVISED THAT AS A CONDITION OF APPROVAL OF THE SUBDIVISION WITHIN WHICH THIS LOT IS LOCATED, THE CITY OF MARKHAM HAS REQURIED THE DEVELOPER TO UDNERTAKE AND BEAR THE COST OF THE FOLLOWING ITEMS:

- STREET TREES (TREES PLANTED IN THE CITY BOULEVARD Or IN ADJACENT PUBLIC LANDS OR PRIVATE LOTS TO MEET 4.1a);
- CORNER LOT FENCING;
- REAR LOT LINE FENCING AT LANES (IF SPECIFICALLY REQUIRED BY THE CITY);
- TREE PLANTING IN REAR YARDS ADJOINGING THE LANES (IF SPECIFICALLY REQUIRED BY THE CITY);

- NOISE ATTENUATION FENCING AS IDENTIFIED IN THE NOISE IMPACT STUDY;
- FENCING OF SCHOOL, PARK, WALKWAY AND STORMWATER MANAGEMENT POND BLOCKS;
- BUFFER PLANTING FOR OPEN SPACE, WALKWAY AND STORMWATER MANAGEMENT POND BLOCKS AND SINGLE LOADED STREET ALLOWANCES; AND
- SUBDIVISION ENTRY FEATURES AND DECORATIVE FENCING AS IDENTIFIED ON LANDSCAPE PLANS APPROVED BY THE CITY.

THE DEVELOPER HAS BORNE THE COST OF THESE ITEMS AND THE HOME PURCHASER IS NOT REQUIRED TO REIMBURSE THIS EXPENSE."

## 16 Financial

16.1 Prior to execution of the Subdivision Agreement the Owner shall provide a letter of credit, in an amount to be determined by the Director of Planning and Urban Design, to ensure compliance with applicable tree preservation, fencing, streetscape, buffer and other landscaping requirements.

## 17 Park and Open Space

17.1 The Owner covenants and agrees that the parkland dedication requirement for the Draft Plan of Subdivision is 0.217 hectares (the "Total Parkland Requirement"), calculated at a rate of 1 hectare per 600 units in accordance with the Planning Act and calculated as follows:

(1 hectare / 600 units) x 130 units = 0.217 hectares ('the Parkland Requirement')

17.2 The Owner covenants and agrees to convey Park Block 2 inclusive to the City, free of all costs and encumbrances, to the satisfaction of the City's Director of Planning and Urban Design, upon registration of the first phase of the plan of subdivision which will satisfy 'the Parkland Requirement'.

Block Number	Park Type	Area (Hectares)
Block 2	Neighbourhood Park	0.217

## 18 Base Park Development

18.1 The Owner shall provide and/or install the following in support of the base park construction for Park Block 2:

- a) Storm water catch basin/manhole CB-3, CB-4, CBMH (3) and CBMH (4) at the low end of the Park Block 2 for each drainage area;
- b) 200 mm diameter sanitary line and terminating in a manhole at an elevation flush with surrounding adjacent grades at the low end of the Park Block 406;
- c) Rough grade using clean structural -fill to minus 300mm (+50mm tolerance) below finished grade from the approved engineered grading plans or 12" below (+2" tolerance) and certified by the Engineer, in accordance with City standards. Grade to be inspected and certified by the Engineer as engineered, structural, debris free, non-organic, compacted to 95% SPD and shall be accompanied by the Engineer's seal which has been signed and dated by them along with an electronic CAD drawing file containing as-built information which supports the certification of grades minus 300mm (+50mm tolerance) below engineered grading plans. Plans shall show spot elevations on a 10m x 10m grid, contours at 0.25m contour intervals, as well as perimeter grades which match approved grading plans. Should any issues arise during park construction with regards to the structural capacity of the sub-soil or presence of topsoil fill, debris, etc., and additional works are required to ensure that the Park can be built to City standards, the Owner shall, at the direction of the City's Director of Planning and Urban Design, undertake such as additional work as required;
- d) Upon the completion of rough grading and topsoiling of the Park Block 2, provide geotechnical report completed by a qualified professional confirming suitable parkland soil requirements, bearing capacity of subsoil, textural class, and chemical analysis identifying no contaminants with a bore hole log report including a minimum of four (4) boreholes per acre. Should the results of the existing sub soils not meet suitable park land soil requirements or should any issues arise during above base park construction by the City with regards to the structural capacity of the sub-soil or presence of topsoil fill, debris, etc., and additional works are required to ensure that the park can be built to City standards, the Owner shall, at the direction of the City's Director of Planning and Urban Design undertake such additional work as required to excavate and remove soils to an appropriate depths and supply and install suitable soils at the Owners expense;
- e) Prior to spreading topsoil, provide results of topsoil fertility testing, confirming that the topsoil to be installed in the Park meets the City's requirement for levels of nitrogen, phosphorus, potassium, micro nutrients and its textural class and organic content etc. The Owner agrees to amend topsoil according to the City's current specifications for 'Topsoil and Finish Grading', to the satisfaction of the Director of Planning and Urban Design;

- f) Provide and install topsoil to a depth of 300 mm spread over the entire park including removal of all boulders and non-organic debris larger than 100mm from topsoil, and seed the park with a City approved seed mix to the satisfaction of the Director of Planning and Urban Design;
- g) Install temporary fence around entire Park at the property line, complete with construction gate, in accordance with OPSD 971.101 and maintain the fencing until for the two-year maintenance period, or until final acceptance of the Park by the City;
- h) Grade, topsoil and sod all adjacent boulevards and maintain turf debris free;
- Protect all park monuments and re-monument monuments at the time of park construction or at Assumption of Subdivision, whichever occurs first;
- j) Base parkland as-built survey (AutoCAD format) completed by an Ontario Land Surveyor that is to the satisfaction of Director of Planning and Urban Design;
- k) Any other landscaping required by the approved Community Design Plan; and,
- maintenance of the Park, including cutting the grass a minimum of six times per year, between the dates of May 1 and October 30th, for the two-year maintenance period and removal of all refuse, junk, stones, dumping, debris or other material deposited on the Park, at the expense of the Owner until final acceptance of the Park by the City, to the satisfaction of the Director of Planning and Urban Design.
- m) The Owner acknowledges and agrees that the foregoing park components set out in clauses 18.1 a) to I) are not eligible for credit against development charges
- 18.2 Stockpiles, shoring/staging works, or storage of construction equipment or materials, other than the materials, equipment, and stockpiles required for the base park work, are not permitted on lands conveyed or to be conveyed to the City for park purposes unless approved in writing by the Director of Planning and Urban Design.

## **19** Other City Requirements

- 19.1 The Owner covenants and agrees in the Subdivision Agreement to include warning clauses in agreements of purchase and sale for all units with single car garages advising purchasers of the following:
  - a) the City's parking By-law requires a minimum of two parking spaces, one

in the driveway and one in the garage;

- b) the City's Zoning By-law restricts the width of the driveway, this width does not allow two cars to park side by side; and
- c) overnight street parking will not be permitted unless and overnight street parking permit system is implemented by the City.
- 19.2 The Owner acknowledges that all garbage, recyclables and organic materials shall be collected by the City once weekly in accordance with the City's collection schedule, as it may be amended from time to time. The City may discontinue waste collection services as a result of changes in legislation, rule or policy and require all garbage, recyclables and organic materials be collected privately at the Owner's sole expense. Effective January 1, 2026, in accordance with Ontario Regulation 391/21: BLUE BOX, collection of residential recycling shall be the obligation of product producers. The City will no longer provide recycling collection services to this development. The Owner is responsible for contacting the Resource Productivity and Recovery Authority to confirm its eligibility to receive recycling collection services and request information regarding the organization responsible for providing the development with recycling collection, and establishing recycling collection services.
- 19.3 The Owner agrees to purchase from the City, one (1) green bin and one (1) kitchen collector per dwelling unit, so that each resident may participate in the City's waste management program. Furthermore, the Owner shall ensure that the green bins and kitchen collectors and educational materials provided by the City are deposited in each dwelling unit on or before the date of closing or new occupancy, whichever occurs first.
- 19.4 The Owner shall ensure that upon dwelling occupancy, unobstructed roadway access, in accordance with the City's design requirements, will be provided for the safe passage of municipal waste collection vehicles on the designated collection day.
- 19.5 The Owner acknowledges, that at times when the required access can not be provided, the Owner shall be responsible for moving all residential waste from the occupied dwellings to an alternate location, approved by the City Official, at the Owner's expense, for collection by the City.

## 20 Heritage

20.1 Prior to final approval of the Draft Plan of Subdivision or any phase thereof, the Owner shall carry out a cultural heritage resource assessment for the lands within the Draft Plan to ensure the assessment and identification of archaeological resources, and further to mitigate any identified adverse impacts to significant heritage resources to the satisfaction of the City (Director of Planning and Urban Design or their designate) and the Ministry of Tourism, Culture and Sport. No demolition, grading, filling or any form of soil disturbances

shall take place on the lands within the Draft Plan prior to the issuance of a letter from the Ministry of Tourism, Culture and Sport to the City indicating that all matters relating to heritage resources have been addressed in accordance with licensing and resource conservation requirements.

20.2 The Owner shall covenant and agree in the Subdivision Agreement to implement any measures recommended by the archaeological assessment, to the satisfaction of the City and the Ministry of Tourism, Culture and Sport.

## 21 Bell Canada

- 21.1 The Owner acknowledges and agrees to convey any easement(s) as deemed necessary by Bell Canada to service this new development. The Owner further agrees and acknowledges to convey such easements at no cost to Bell Canada.
- 21.2 The Owner agrees that should any conflict arise with existing Bell Canada facilities where a current and valid easement exists within the subject area, the Owner shall be responsible for the relocation of any such facilities or easements at their own cost.

## 22 Canada Post

- 22.1 The Owner/developer agrees to include in all offers of purchase and sale, a statement that advises the prospective purchaser that mail delivery will be from a designated Community Mailbox.
- 22.2 The Owner/developer will be responsible for notifying the purchaser of the exact Community Mailbox locations prior to the closing of any unit sale.
- 22.3 The Owner/developer will consult with Canada Post Corporation to determine suitable locations for the placement of Community Mailbox and to indicate these locations on the appropriate servicing plans.
- 22.4 The Owner/developer will provide the following for each Community Mailbox site and include these requirements on the appropriate servicing plans:
  - Any appropriately sized sidewalk section (concrete pad) to place the Community Mailboxes on
  - Any required walkway across the boulevard.
  - Any required curb depressions for wheelchair access.
- 22.5 The Owner/developer further agrees to determine and provide a suitable temporary Community Mailbox location(s), which may be utilized by Canada Post until the curbs, sidewalks and final grading have been completed at the permanent Community Mailbox locations. This will enable Canada Post to provide mail delivery to the new homes as soon as they are occupied.
- 22.6 The Owner/developer further agrees to provide Canada Post at least 60 days'

notice prior to the confirmed first occupancy date to allow for the community mailboxes to be ordered and installed at the prepared temporary location.

## 23 Enbridge Gas

23.1 The Applicant shall contact Enbridge Gas Inc.'s Customer Connections department by emailing <u>SalesArea30@Enbridge.com</u> to determine gas availability, service and meter installation details and to ensure all gas piping is installed prior to the commencement of site landscaping (including, but not limited to: tree planting, silva cells, and/or soil trenches) and/or asphalt paving.

If the gas main needs to be relocated as a result of changes in the alignment or grade of the future road allowances or for temporary gas pipe installations pertaining to phased construction, all costs are the responsibility of the Applicant.

In the event that easement(s) are required to service this development, and any future adjacent developments, the Applicant will provide the easement(s) to Enbridge Gas Inc. at no cost.

#### 24 Alectra Utilities

24.1 Prior to release for registration of any phase of the Draft Plan, and prior to construction of the subdivision, the Owner shall contact Alectra to review the proposed development Draft Plan, and provide Alectra with all required information including draft plans of subdivision, legal plans, the legal name of the subdivision and developer, and any additional information required by Alectra to design and estimate the costs of electrical services required for the subdivision.

#### 25 Regional Municipality of York

#### Clauses to be included in the Subdivision Agreement

- 25.1 The Owner shall save harmless the City of Markham and York Region from any claim or action as a result of water or sanitary sewer service not being available when anticipated.
- 25.2 The Owner shall agree prior to any development works on Block 1 and 2, including site alteration, the Owner shall obtain the necessary Engineering and/or Site Plan approvals from the Region.
- 25.3 The Owner shall agree that there shall be no direct access to and from the McCowan Road road allowance to Block 1, except via Street 'A'.
- 25.4 The Owner shall agree that prior to the construction of Street 'A' and its intersection with McCowan Road, the Region shall have issued Engineering and Electrical Approvals for Street 'A' and its intersection with McCowan Road.

#### Conditions to be Satisfied Prior to Final Approval

25.5 The road allowances included within the Draft Plan of Subdivision shall be named to the satisfaction of the City of Markham and York Region.

- 25.6 The Owner shall provide to the Region the following documentation to confirm that water and wastewater services are available to the subject development and have been allocated by the City of Markham:
  - a copy of the Council resolution confirming that the City of Markham has allocated servicing capacity, specifying the specific source of the capacity, to the development proposed within this Draft Plan, or any phase thereof.
  - a copy of an email confirmation by City of Markham staff stating that the allocation to the subject development remains valid at the time of the request for Regional clearance of this condition.
- 25.7 The Owner shall provide an electronic set of the final engineering drawings showing the watermains and sewers for the proposed development to the Community Planning and Development Services branch and Infrastructure Asset Management branch for record.
- 25.8 The Owner shall demonstrate that the proposed intersection to McCowan Road, and the alignment of the driveway access to 5300 14<sup>th</sup> Avenue is approved and designed to the satisfaction of the Region.
- 25.9 The Owner shall agree in a Letter of Approval to implement the recommendations provided in the TDM Letter, to this satisfaction of the Region.
- 25.10 The Region shall have issued Engineering and Electrical approvals for the design of 'Street A' and its intersection with McCowan Road.
- 25.11 The Owner shall provide an executed copy of the Subdivision Agreement with the local municipality to the Regional Corporate Services Department, outlining all requirements of the Corporate Services Department.
- 25.12 For any applications (Site Plan or Zoning By-law Amendment) completed after January 1, 2020, the Owner shall enter into a Development Charge Rate Freezing Agreement with York Region to freeze/lock in the Development Charge rate at the time the site plan application or Zoning By-law Amendment is deemed complete submission, satisfy all conditions, financial and otherwise, and confirm the date at which Regional development charge rates are frozen; Regional Development Charges are payable in accordance with Regional Development Charges By-law in effect at the time that Regional development charges, or any part thereof, are payable. Please contact Fabrizio Filippazzo, Manager, Development Financing Administration to initiate a Development Charge Agreement with York Region.
- 25.13 The Regional Corporate Services Department shall advise that Conditions 25.1 to 25.12 inclusive, have been satisfied.

#### 26 Toronto and Region Conservation Authority

26.1 Prior to any development, pre-servicing or site alteration, or registration of this plan or any phase thereof, the Owner shall:

- a. Fulfill all wetland compensation requirements to the satisfaction of the TRCA including the execution of a Compensation Agreement with the TRCA, payment of cash-in-lieu, and obtaining all necessary permit(s) from the TRCA under the *Conservation Authorities Act;*
- b. Provide a detailed engineering report (i.e., Stormwater Management Report) and plans that demonstrate how groundwater recharge will be accomplished on site through low-impact development measures, including, but not limited to, rear-yard infiltration gallery, to the satisfaction of the TRCA; and,
- c. Provide an Erosion and Sediment Control plan consistent with the TRCA Erosion and Sediment Control Guideline for Urban Construction (2019), that includes proposed measures for controlling or minimizing erosion and unstable soils on-site and/or in downstream areas during and after topsoil stripping, grading, the installation of infrastructure and construction of any structures.
- 26.1 That the Owner obtains all necessary permits from the TRCA pursuant to the *Conservation Authorities Act,* for works on the subject property, as determined by the TRCA.
- 26.2 The owner shall agree in the Subdivision Agreement, in wording acceptable to the TRCA:
  - a. to carry out, or cause to be carried out, to the satisfaction of the TRCA, the recommendations of the technical report and completed to the satisfaction of the TRCA;
  - b. implement on-site erosion and sediment control plans as well as monitoring in accordance with current TRCA standards; and,
  - c. to maintain all stormwater management, LID and erosion and sedimentation control structures operating and in good repair during the construction period, in a manner satisfactory to the TRCA.
- 26.3 That the Owner or Applicant provides the following items to the TRCA at the time a request for clearance of subdivision conditions is made for registration purposes:
  - a. comprehensive letter outlining how each TRCA condition has been fulfilled;
  - b. a copy of the approved Conditions of Draft Approval;
  - c. a copy of the Draft M-Plan (signed);
  - d. a copy of the Executed Subdivision Agreement;
  - e. a copy of the implementing Zoning By-law; and,

f. TRCA's Clearance Fees (to be determined based on the fee schedule in effect at the time of clearance).

#### 27 Rogers Communications Canada

- 27.1 The Owner shall agree in the Subdivision Agreement to (a) permit all CRTClicensed telecommunications companies intending to serve the Subdivision (the "Communications Service Providers") to install their facilities within the Subdivision, and (b) provide joint trenches for such purpose.
- 27.2 The Owner shall agree in the Subdivision Agreement to grant, at its own cost, all easements required by the Communications Service Providers to serve the Subdivision, and will cause the registration of all such easements on title to the property.
- 27.3 The Owner shall agree in the Subdivision Agreement to coordinate construction activities with the Communications Service Providers and other utilities, and prepare an overall composite utility plan that shows the locations of all utility infrastructure for the Subdivision, as well as the timing and phasing of installation.
- 27.4 The Owner shall agree in the Subdivision Agreement that, if the Owner requires any existing Rogers facilities to be relocated, the Owner shall be responsible for the relocation of such facilities and provide where applicable, an easement to Rogers to accommodate the relocated facilities.

#### 28 Canadian National Railway Company (CN Rail)

- 28.1 Safety setback of habitable buildings from the railway rights-of-way to be a minimum of 30 metres in conjunction with a safety berm. The safety berm shall be adjoining and parallel to the railway rights-of-way with returns at the ends, 2.5 metres above grade at the property line, with side slopes not steeper than 2.5 to
- 28.2 The Owner shall engage a consultant to undertake an analysis of noise. At a minimum, a noise attenuation barrier shall be adjoining and parallel to the railway rights-of-way, having returns at the ends, and a minimum total height of 5.5 metres above top-of-rail. Acoustic fence to be constructed without openings and of a durable material weighing not less than 20 kg. per square metre of surface area. Subject to the review of the noise report, the Railway may consider other measures recommended by an approved Noise Consultant.
- 28.3 Ground-borne vibration transmission to be evaluated in a report through site testing to determine if dwellings within 75 metres of the railway rights-of-way will be impacted by vibration conditions in excess of 0.14 mm/sec RMS between 4 Hz and 200 Hz. The monitoring system should be capable of measuring frequencies between 4 Hz and 200 Hz, ±3 dB with an RMS averaging time constant of 1 second. If in excess, isolation measures will be required to ensure living areas do not exceed 0.14 mm/sec RMS on and above the first floor of the dwelling.

- 28.4 The Owner shall install and maintain a chain link fence of minimum 1.83 metre height along the mutual property line.
- 28.5 The following clause should be inserted in all development agreements, offers to purchase, and agreements of Purchase and Sale or Lease of each dwelling unit within 300m of the railway right-of-way: "Warning: Canadian National Railway Company or its assigns or successors in interest has or have a rights-of-way within 300 metres from the land the subject hereof. There may be alterations to or expansions of the railway facilities on such rights-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). CNR will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way."
- 28.6 Any proposed alterations to the existing drainage pattern affecting railway property must receive prior concurrence from the Railway and be substantiated by a drainage report to the satisfaction of the Railway.
- 28.7 The Owner shall through restrictive covenants to be registered on title and all agreements of purchase and sale or lease provide notice to the public that the safety berm, fencing and vibration isolation measures implemented are not to be tampered with or altered and further that the Owner shall have sole responsibility for and shall maintain these measures to the satisfaction of CN.
- 28.8 The Owner shall enter into an Agreement with CN stipulating how CN's concerns will be resolved and will pay CN's reasonable costs in preparing and negotiating the agreement.
- 28.9 The Owner shall be required to grant CN an environmental easement for operational noise and vibration emissions, registered against the subject property in favour of CN.

## 29 Ministry of Natural Resources (MNR)

29.1 The Owner shall agree in the Subdivision Agreement to satisfy all requirements of the MNR with respect to the endangered species and any potential impacts on the Draft Plan of subdivision, to the satisfaction of the Commissioner of Development Services.

## 30 York Catholic District School Board (YCDSB)

30.1 The Owner shall submit a clearance letter from the YCDSB stating that the Owner has made satisfactory arrangements with the YCDSB for the work required at 5300 14<sup>th</sup> Avenue (Father Michael McGivney Catholic Highschool) to facilitate the intersection at McCowan Road and (future) Tina Gate.

#### 31 External Clearances

Prior to release for registration of the Draft Plan of Subdivision, clearance letters, containing a brief statement detailing how conditions have been met, will be required from authorized agencies as follows:

- a) The telephone, telecommunications, television cable service providers shall advise that their conditions and requirements have been satisfied.
- b) Bell Canada shall advise that conditions 21.1 to 21.2 have been satisfied.
- c) Canada Post Corporation shall advise that conditions 22.1 to 22.6 have been satisfied.
- d) Enbridge Gas shall advise that condition 23.1 have been satisfied.
- e) Alectra Utilities shall advise that condition 24.1 have been satisfied.
- f) The Regional Municipality of York shall advise that Conditions 25.1 to 25.12 have been satisfied.
- g) The Toronto and Region Conservation Authority shall advise that Conditions 26.1 to 26.4 have been satisfied.
- h) Rogers Communications Canada Inc. shall advise that condition 27.1 to 27.4 have been satisfied.
- i) CN Rail shall advise that conditions 28.1 to 28.9 have been satisfied.
- j) YCDSB shall advise that condition 30.1 has been satisfied.

ISSUED: MONTH, DATE, 2025

Stephen Lue, M.C.I.P., R.P.P. Senior Development Manager



Report to: Development Services Committee

Meeting Date: May 13, 2025

SUBJECT:	RECOMMENDATION REPORT: Housing Accelerator Fund Initiative 3 (Major Transit Station Areas Policy Update) – City Initiated Official Plan and Zoning By-law Amendments File: PR 24 196907
PREPARED BY:	Jessie Huang Senior Planner, Policy, Ext. 3286
	Geoff Day, MCIP, RPP Senior Planner, Zoning and Special Projects, Ext. 3071
REVIEWED BY:	Duran Wedderburn, MCIP, RPP Manager, Policy, Ext. 2109
	Brad Roberts Manager, Zoning and Special Projects, Ext. 2800

## **RECOMMENDATION:**

- 1. THAT the staff report entitled "RECOMMENDATION REPORT: Housing Accelerator Fund Initiative 3 (Major Transit Station Areas Policy Update) – City Initiated Official Plan and Zoning By-law Amendments" be received;
- 2. THAT the City Initiated Official Plan and Zoning By-Law Amendments for the Housing Accelerator Fund Initiative 3 (Major Transit Station Areas Policy Update), attached as Appendix "1" and "2" be brought forward to a future Council meeting to be enacted without further notice; and
- 3. THAT staff be authorized and directed to do all things necessary to give effect to this resolution.

#### **PURPOSE:**

This report recommends the adoption of the Official Plan Amendment and enactment of the Zoning By-law Amendment to implement Initiative 3, Major Transit Station Areas, of the City's Housing Accelerator Fund Action Plan, which will permit buildings of up to four (4) storeys in height on lands that permit residential dwelling units within Major Transit Station Areas through the implementing zoning by-law, with some exceptions.

## **BACKGROUND:**

#### Establishment of Major Transit Station Areas (MTSAs)

Major Transit Station Areas (MTSAs) are lands generally within a 500 to 800 metre radius of a transit station (i.e., GO Station, Subway and/or Bus Rapid Transit (BRT) station, etc.)

Under the Provincial Growth Plan, upper-tier municipalities, in consultation with local municipalities, are required to delineate boundaries and set minimum density targets for MTSAs located on Provincial Priority Transit Corridors. York Region undertook this work as part of the Regional Official Plan update with input and feedback from consultations with local municipal Councils and staff. The York Region Official Plan (YROP) was approved by the Province in 2022, with a total of 22 identified MTSAs for the City of Markham.

With the removal of planning responsibilities from York Region effective July 1, 2024, the YROP is deemed to be a part of Markham's Official Plan, absorbing the MTSA policy framework set by the Region. Any modifications to the MTSA boundaries would require Provincial approvals.

It is important to note that inclusionary zoning, which is a land use planning tool, authorized under the *Planning Act*, allows municipalities to require affordable housing units to be included in residential developments and can only be implemented in MTSAs.

## Key Dates

The following outlines the chronology of the Housing Accelerator Fund ("HAF") program, as it relates to Initiative 3 (Major Transit Station Areas Policy Update):

- February 2022: The Federal Budget announced \$4 billion in funding for the Housing Accelerator fund with the goal of creating at least 100,000 more housing units.
- March 2022: The Canadian Mortgage and Housing Corporation (CMHC) launched the HAF program and application process.
- June 14, 2022: The City of Markham passed a <u>Council resolution</u> directing Staff to submit a HAF application.
- October 11, 2023: The City received a letter from Federal Minister requesting enhancements to the City's HAF submission, which requested the City to assess and propose amendments to the City of Markham's Official Plan and Zoning By-Laws for Council consideration. The amendments would permit residential building heights of up to four (4) storeys within the City's Major Transit Station Areas ("MTSAs"), excluding those zones that are solely comprised of employment areas and preclude residential development.

- December 13, 2023: <u>Council resolution</u> in response to the federal Minister's request, agreed to the implementation of the above noted policy along with 4 units, as of right, throughout the city.
- January 25, 2024: City's HAF application was approved including Council's December resolution to the Federal Minister's request. The City's HAF application approval was secured through the execution of a contribution agreement with CMHC for \$58.8 million in funding, with the goal of supporting the delivery of 1640 housing units, over the course of the program.
- June 18, 2024: The Development Servies Committee received a staff report that provided an overview of the work plan to implement the City's HAF Program Action Plan Initiatives, including Initiative 3, which identifies milestones involving a statutory Public Meeting and bringing the recommended Official Plan and Zoning By-law Amendments for Council's consideration.
- December 3, 2024: <u>Statutory Public Meeting</u> held for HAF Initiative 3 (Major Transit Station Areas Policy Update). Staff to consider feedback from Public Meeting and modify Official Plan and Zoning By-Law Amendments, where appropriate.

#### **DISCUSSION:**

#### **Conformity with the Land Use Planning Framework**

The following section provides an overview of how the proposed amendments conform and are consistent with provincial, regional and local policies and plans.

# The Proposed Amendment is consistent with the Provincial Planning Statement, 2024 ("the PPS 2024")

The PPS 2024 provides direction on matters of Provincial interest related to land use planning and development. These matters include building strong communities with an emphasis on efficient development and land use patterns, wise use and management of resources, and providing an appropriate range and mix of residential types. The PPS 2024 emphasizes directing growth and development towards settlement areas, including MTSAs. It specifically encourages promoting development and intensification to these areas. The Proposed Amendment would support the Province's vision for supporting a diverse range of housing options, efficient use of existing land, resources and infrastructure, while supporting transit-oriented communities.

# The Proposed Amendment conforms to the 2022 York Region Official Plan (the "YROP 2022")

The YROP 2022 states that MTSAs are a key component of York Region's Intensification and Growth Management Strategy, with each MTSA being unique with its own growth potential to support and enhance the Regional intensification hierarchy. Regional policies dictate that MTSAs are required to achieve complete communities, support economic development, and direct development to strategic growth areas in order to make efficient use of land and optimize

infrastructure. Local municipalities have the discretion to determine appropriate land use densities, building heights and other planning considerations to achieve the overall minimum density target for each MTSA. The Amendments support residential development within MTSAs, accommodating a range and mix of housing types and promotes a scale of development that supports transit that is suitable under Markham's local context.

#### The Proposed Amendment aligns with the 2014 Markham Official Plan (the "MOP 2014)

The MOP 2014 identifies residential intensification within the built-up area and promotes policies which support transit-oriented development. The Amendment will reinforce the current policies and objectives of the MOP 2014, by supporting the development of complete communities and consistency with Markham's urban structure.

The proposed Amendments only applies to MTSA lands that permit residential dwelling units, or where existing legal residential dwelling units exist. The proposed Amendments establishes permissions for minimum heights of up to 4 storeys for lands that permit residential dwelling units within the MTSA through the implementing zoning by-law. This amendment does not apply to lands designated "Employment" or "Greenway" or apply to lands within the Special Policy Area of MTSA 12 Enterprise BRT Station and MTSA 15 McCowan BRT Station.

Although the proposed OPA would permit a change to the minimum permitted heights within residential land uses within the MTSAs, it would not:

- Apply to lands designated Employment or Greenway
- Change any permitted uses
- Change any permitted densities
- Change the delineated boundaries or the density targets within the MTSAs
- Apply to lands within the Special Policy Area of MTSA 12 Enterprise BRT Station and MTSA 15 McCowan BRT Station

#### December 3, 2024, Development Service Committee Statutory Public Meeting Feedback

No deputations were made at the statutory public meeting held on December 3, 2024.

The Development Services Committee provided general comments on the proposed Amendments. Comments received included:

- a) Recommended revisions to clarify mapping and to demonstrate the MTSA boundaries and permitted uses more clearly;
- b) Comments regarding land use permissions, if residential dwelling units would be permitted in lands designated as part of the "Greenway"; and
- c) Comments regarding the potential impacts on established neighbourhoods and introducing four-storey buildings on established residential streets.

In addition to the comments provided by Development Services Committee, eight (8) written submissions from prescribed bodies, stakeholders and the public with comments on the proposed

Official Plan and Zoning By-law Amendments have been received. Staff have completed their review of the comments and have revised the Amendments, where appropriate.

Responses to the stakeholder comments raised throughout the HAF Initiative 3 process are provided in the comment response matrix in Appendix "3" which outlines the comments received on the proposed Official Plan and Zoning By-law Amendments, and staff responses.

#### Staff Modifications to the Proposed Official Plan and Zoning By-law Amendments

Staff have completed their review of the feedback received to date and have revised the amendments, where appropriate:

#### Changes to Official Plan Policies

The proposed Official Plan Amendment Policy 8.1.5.2. has been updated to clarify that any development on MTSA lands shall only be permitted in accordance with Provincial regulations, guidelines, standards and procedures. Planning applicants would be required to complete any technical studies or meet requirements set by prescribed bodies and/or provincial agencies.

#### Changes to Zoning By-law Amendment and Mapping

The Zoning By-law was revised to clarify the applicability of existing caps on the maximum number of storeys over and above the proposed 4 storey permission. The by-law was further revised to include provisions on determining zone boundary lines and the applicability of the proposed by-law on hazard lands as identified by the Toronto and Region Conservation Authority (TRCA). A revision to the zoning schedule also removed lands within the MTSA areas that are designated greenway, which are also identified as hazard lands. In addition to the exempted Special Policy Area (SPA) in MTSA 15 McCowan BRT Station, a revision to the zoning schedule also demonstrates an exception to the SPA within MTSA 12 Enterprise BRT Station.

#### Transitional Areas/Established Neighbourhoods abutting or within MTSAs

As the majority of the low-rise residential development within the MTSAs are presently zoned Residential Established Neighbourhood Low Rise (RES-ENLR) under By-law 2024-19, only single detached built forms are permitted. Of the 22 MTSAs within the City, only 3 MTSAs (Clark Subway Station, McCowan BRT Station, and Montgomery BRT Station) have lands designated residential low-rise in the 2014 Markham Official Plan (Figure 2). In this zone, maximum building heights are determined by limiting the maximum wall height of the exterior of a building.

Lands that are zoned RES-ENLR outside of MTSA areas have a maximum outside wall height of 7.0 metres. The draft zoning by-law amendment proposes to increase this provision in MTSA areas to 11.0 metres to accommodate a fourth storey. In all other MTSA areas, the proposed increase in height is from 11.0 metres to 14.0 metres.

#### **CONCLUSION:**

The proposed Amendments are appropriate and supports Provincial, Regional and Local planning policy by providing a range and mix of housing types within MTSAs by allowing for an increase

to the minimum permitted heights for residential units within the identified areas. Staff are of the opinion that the Amendments are appropriate and represent good planning.

#### FINANCIAL CONSIDERATIONS

There are no financial considerations associated with this Recommendation Report.

#### HUMAN RESOURCES CONSIDERATIONS

Not Applicable.

#### ALIGNMENT WITH STRATEGIC PRIORITIES:

The City Initiated Official Plan and Zoning By-law Amendments will establish and implement the policy framework to permit up to four (4) storeys for lands that permit residential dwelling units within Major Transit Station Areas. The instruments support the achievement the following strategic priorities:

- Goal 3 Safe, Sustainable and Complete Community in Building Markham's Future Together, 2020 to 2026;
- Action 3 Develop an Inclusionary Zoning By-Law for Major Transit Station Areas in Housing Choices: Markham's Affordable and Rental Housing Strategy; and
- Housing Pledge with a Promise, the Housing Pledge approved by Markham Council in March 2023.

#### **BUSINESS UNITS CONSULTED AND AFFECTED:**

Staff from Development Planning, Urban Design, Parks Planning, Natural Heritage, Transportation, Engineering, Sustainability, System Engineering, Operations & Maintenance, Waste & Environmental Management, and Legal were consulted on the proposed draft Official Plan and Zoning By-Law Amendments. Comments were incorporated in the modifications to the draft amendments.

#### **RECOMMENDED BY:**

Giulio Cescato, MCIP, RPP Director, Planning and Urban Design Arvin Prasad, MCIP, RPP Commissioner, Development Services

#### **ATTACHMENTS AND APPENDICES:**

Figure 1:	MTSA Boundaries
Figure 2:	MTSAs with Residential Low-Rise Designations
Appendix 1:	Proposed Official Plan Amendment-HAF Initiative 3
Appendix 2:	Proposed Zoning By-Law Amendment – HAF Initiative 3
Appendix 3:	Comment/Response Matrix of Feedback on the Proposed OPA & ZBA- HAF Initiative 3

Figure 1 MTSA Boundaries

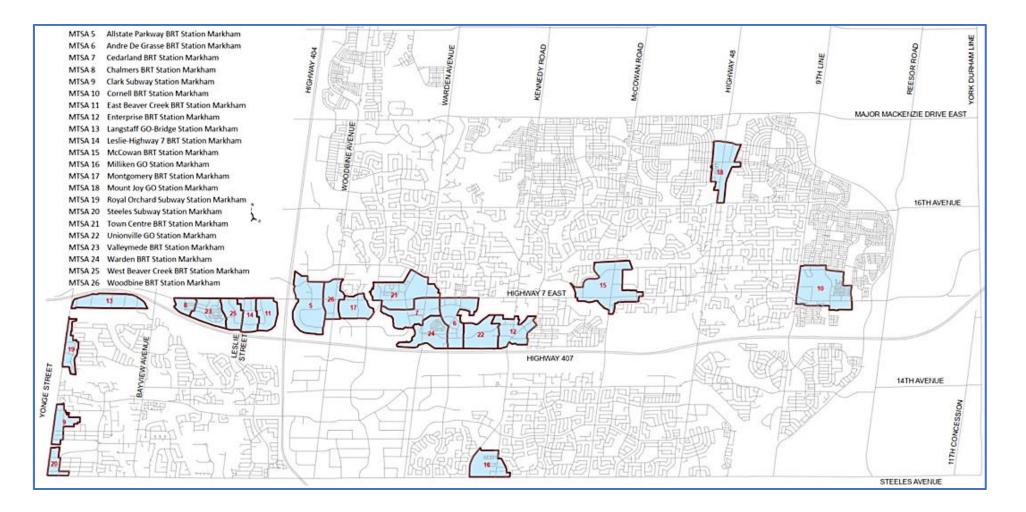
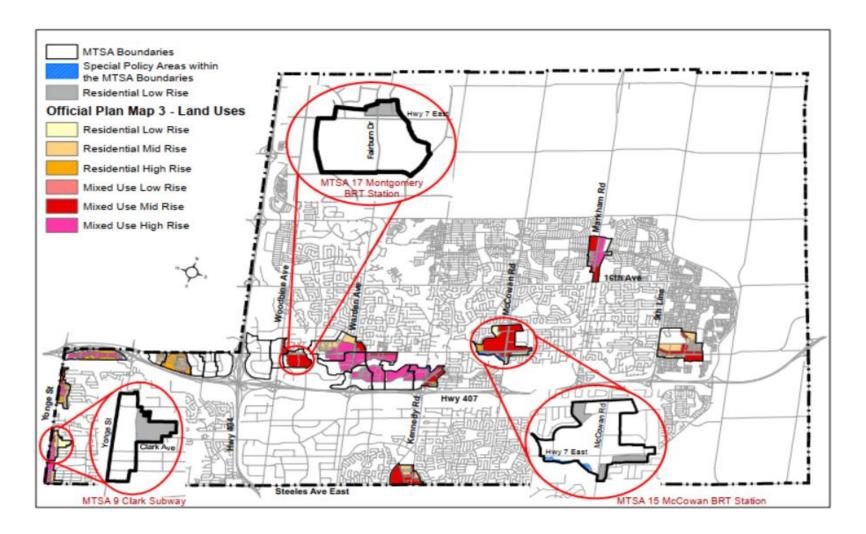


Figure 2 MTSAs with Residential Low-Rise OP Designations



Appendix 1: Proposed Official Plan Amendment– HAF Initiative 3

## **CITY OF MARKHAM**

## OFFICIAL PLAN AMENDMENT NO. XXX

To amend the City of Markham Official Plan, 2014, as amended.

(Major Transit Station Area's within the Municipality)

XX 2025

## **CITY OF MARKHAM**

## OFFICIAL PLAN AMENDMENT NO. XXX

To amend the City of Markham Official Plan, 2014, as amended.

This Official Plan Amendment was adopted by the Corporation of the City of Markham By-law No. 2025-XX in accordance with the *Planning Act*, R.S.O., 1990 c. P.13, as amended, on the XX day of XX 2025.

Kimberley Kitteringham City Clerk (Signed) Frank Scarpitti Mayor (Signed)



## By-law 2025-XX

Being a by-law to adopt Amendment No. XXX to the City of Markham Official Plan, 2014, as amended

THE COUNCIL OF THE CORPORATION OF THE CITY OF MARKHAM, IN ACCORDANCE WITH THE PROVISIONS OF THE *PLANNING ACT*, R.S.O., c. P.13, 1990 HEREBY ENACTS AS FOLLOWS:

- 1. THAT Amendment No. XXX to the City of Markham Official Plan, 2014, as amended, attached hereto, is hereby adopted.
- 2. THAT this by-law shall come into force and take effect on the date of the final passing thereof.

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS XX DAY OF XX 2025.

Kimberley Kitteringham City Clerk (Signed) Frank Scarpitti Mayor

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**PART I – INTRODUCTION** (This is <u>not</u> an operative part of the Official Plan Amendment No. XXX)

## PART I – INTRODUCTION

## 1.0 GENERAL

- 1.1. PART I INTRODUCTION, is included for information purposes and is not an operative part of this Official Plan Amendment.
- 1.2. PART II THE OFFICIAL PLAN AMENDMENT constitutes Official Plan Amendment No. XXX to the City of Markham Official Plan, 2014, as amended. Part II is an operative part of this Official Plan Amendment.

## 2.0 LOCATION

This Official Plan Amendment ("Amendment") applies to lands use designations in the 2014 Markham Official Plan that permit residential units within the Major Transit Station Areas, as identified in the 2022 York Region Official Plan Appendix 2, within the geographic boundary of the City of Markham.

## 3.0 PURPOSE

To amend certain existing policies in the City of Markham Official Plan, 2014 to establish permissions for a minimum height of up to four storeys for lands that permit residential dwelling units within Major Transit Stations Areas, with the exception of lands identified as Special Policy Area within Major Transit Station Area 15 McCowan BRT Station.

## 4.0 BASIS OF THIS OFFICIAL PLAN AMENDMENT

The Official Plan Amendment is consistent with the Provincial Policy Statement, 2024 and conforms to the 2022 York Region Official Plan.

The Provincial Policy Statement, 2024, issued under the Planning Act, provides principles and policy direction on matters of provincial interest relating to land use planning and development. These matters include building strong communities with an emphasis on efficient development and land use patterns, wise use and management of resources and protecting public health and safety. The Provincial Policy Statement, 2024, directs the focus of growth and development to settlement areas, which include Major Transit Station Area ("MTSA"), and specifically encourages the promotion of development and intensification within these areas. The Amendment is consistent with the policies of the Provincial Policy Statement, 2024 as it promotes the efficient use of existing land, resources and infrastructure, while supporting active transportation and transit.

The Amendment conforms to the York Region Official Plan, 2022 by incorporating policies in local official plans to facilitate a range of housing options, unit sizes, tenure and affordability. The York Region Official Plan, 2022 identifies that MTSA are planned

and designed to support existing and planned transit infrastructure and to accommodate a range and mix of land uses, housing types, employment, active transportation amenities and activities. The Amendment supports residential development within MTSAs which helps to promote a scale of development that supports transit.

The Markham Official Plan 2014 builds on the urban structure and growth hierarchy as identified in the York Region Official Plan. The 2014 Markham Official Plan also identifies residential intensification within the built-up area and promotes policies which support transit-oriented development. The Amendment is consistent with the urban structure of Markham's Official Plan and will support the development of complete communities.

Overall, the Official Plan Amendment represents good planning as it makes efficient use of land within MTSAs that the Province, Region and City have identified for intensification and redevelopment. The recommended Amendment is appropriate and supports Provincial, Regional, and Local planning policy by contributing a range and mix of housing types and promoting the use of active transportation and transit with MTSAs by allowing for an increase to the minimum permitted heights for residential units within these identified delineated areas.

The Amendment establishes the enabling policy framework in the Markham Official Plan, 2014, which with corresponding amendments to the implementing zoning bylaws that will fulfill HAF Initiative 3 of the City's HAF Action Plan.

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PART II – THE OFFICIAL PLAN AMENDMENT

(This is an operative part of Official Plan Amendment No. XXX)

## PART II – THE OFFICIAL PLAN AMENDMENT

#### **1.0 THE OFFICIAL PLAN AMENDMENT**

- **1.1** The following sections of Part I of the City of Markham Official Plan, 2014, as amended, are hereby amended as follows:
  - a) Amending Section 8.1.5, by maintaining the existing subtitle as Section 8.1.5 and renumbering the remainder of the existing Section 8.1.5 to be the new Subsection 8.1.5.1, as follows:

"8.1.5 Height and Density for all Land Use Designations

8.1.5.1 That where the maximum heights and densities are identified in a land use designation of this Plan, it is not intended that every building in a *development approval* will achieve the maximum height and density. The appropriate height shall be the key determinant on what density can be achieved on a site along with the provision of adequate transportation and water and waste water infrastructure, and community infrastructure such as public schools and parks and open spaces.

Secondary Plans may establish height and density provisions that exceed those identified in Chapter 8 of this Plan. Increases in height above the maximum height permitted in a designation may be considered for a development provided it is within the context of an approved secondary plan or site specific policy and the application for zoning by-law amendment to permit a height increase and a site plan and/or *comprehensive block plan* is consistent with the secondary plan or site specific policy.

Increases in height and density above the maximum permitted in a designation within a *Special Policy Area* shown on Map 8 – Special Policy Areas shall not be permitted unless approved by the Ministers of Municipal Affairs and Housing and Natural Resources and Forestry as part of a comprehensive secondary plan review."

b) Adding a new Section 8.1.5.2 as follows:

"8.1.5.2 That notwithstanding any other provisions of this Plan to the contrary, for lands within Major Transit Stations Areas, as shown on Appendix 2 of the York Region Official Plan, a minimum height, of up to four storeys, shall be established for land use designations which permit residential dwelling units through the implementing zoning by-laws, with the exception of lands identified as Special Policy Area within Major Transit Station Area 12 Enterprise BRT Station and Major Transit Station Area 15 McCowan BRT Station.

Development within these MTSA lands shall be permitted, in accordance with Provincial policy, regulations, guidelines, standards and procedures."

## 2.0 IMPLEMENTATION AND INTERPRETATION

The provisions of the City of Markham Official Plan, 2014, as amended, regarding the implementation and interpretation of the Plan, shall apply in regard to this Amendment, except as specifically provided for in this Amendment.

This Amendment shall be implemented by an amendment to the Zoning By-law, and other Planning Act approvals, in conformity with the provisions of this Amendment.

This Amendment is exempt from approval by the Ministry of Municipal Affairs and Housing and the decision of Council is final if a notice of appeal is not received before or on the last day for filing such notice.

Prior to Council's decision becoming final, this Amendment may be modified to incorporate technical amendments to the text and associated figure(s) and schedule(s). Technical amendments are those minor changes that do not affect the policy or intent of the Amendment. The notice provisions of Section 10.7.5 of the City of Markham Official Plan, 2014, as amended, shall apply.

Appendix 2: Proposed Zoning By-Law Amendment – HAF Initiative 3

# BY-LAW 2025-XXX

A By-law to amend By-laws 1229, 2150, 2237, 2551, 122-72, 88-76 127-76, 184-78, 118-79, 165-80, 47-85, 304-87, 177-96, 2004-196 and, 2024-19, as amended

THE COUNCIL OF THE CORPORATION OF THE CITY OF MARKHAM HEREBY ENACTS AS FOLLOWS:

- 1.0 The following amendments apply to the lands as shown on Schedule 'A' attached hereto.
- 2.0 By-law's 1229, 2150, 2237, 2551, 122-72, 88-76 127-76, 184-78, 118-79, 165-80, 47-85 and, 304-87, as amended, are hereby further amended as follows:
  - 2.1 "Notwithstanding any other provision in this by-law:
    - i) Where the maximum number of storeys of a building is equal to or less than 4, the maximum number of storeys shall be 4.
    - ii) Where the maximum height of a building is equal to or less than 14 metres, the maximum height shall be 14 metres.

In determining the applicable zone boundary line of this by-law, where the flooding hazard limit established by the Toronto and Region Conservation Authority extends into the area identified on Schedule A, the provisions of this by-law shall not apply."

- 3.0 By-law 177-96, as amended, is hereby further amended as follows:
  - 3.1 By adding a new Section 6.29 as follows:

## "6.29 Major Transit Station Areas

The following provisions apply to lands shown on the schedules to this by-law as being within a Major Transit Station Area:

- 6.29.1 Notwithstanding any other provision in this by-law:
  - i) Where the maximum number of *storeys* of a *building* is equal to or less than 4, the maximum number of *storeys* shall be 4.
  - ii) Where the maximum *height* of a *building* is equal to or less than 14 metres, the maximum *height* shall be 14 metres.

In determining the applicable zone boundary line of this by-law, where the flooding hazard limit established by the Toronto and Region Conservation Authority extends into the area identified on Schedule A, the provisions of this by-law shall not apply."

4.0 By-law 2004-196, as amended, is hereby further amended as follows:

By adding a new Section 4.23 as follows:

#### "4.23 Major Transit Station Areas

The following provisions apply to lands shown on the schedules to this by-law as being within a Major Transit Station Area:

- 4.23.1 Notwithstanding any other provision in this by-law:
  - i) Where the maximum number of *storeys* of a *building* is equal to or less than 4, the maximum number of *storeys* shall be 4.
  - ii) Where the maximum *height* of a *building* is equal to or less than 14 metres, the maximum *height* shall be 14 metres.

In determining the applicable zone boundary line of this by-law, where the flooding hazard limit established by the Toronto and Region Conservation Authority extends into the area identified on Schedule A, the provisions of this by-law shall not apply."

5.0 By-law 2024-19, as amended, is hereby further amended as follows:

#### "4.8.13 Major Transit Station Areas

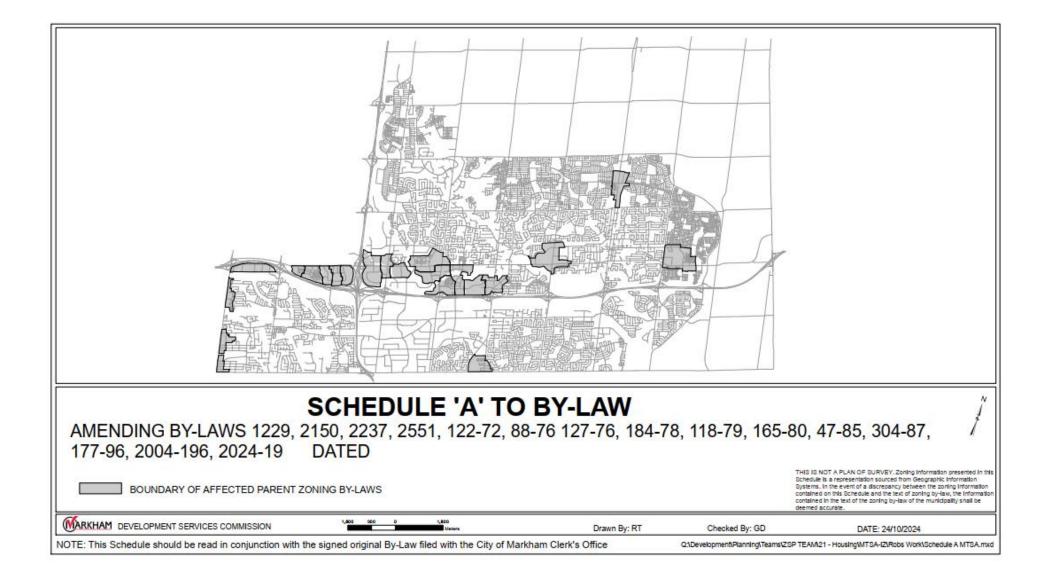
The following provisions apply to lands shown on the schedules to this by-law as being within a Major Transit Station Area:

- 4.8.13.1 Notwithstanding any other provision in this by-law, where a **building** contains a residential **dwelling unit**:
  - a) Within the Residential Established Neighbourhood Low Rise (RES-ENLR) zone:
    - i) Maximum number of **storeys** 4
    - ii) Maximum outside wall height 11 metres
  - b) For all other zones:
    - i) Where the maximum number of **storeys** of a **building** is equal to or less than 4, the maximum number of **storeys** shall be 4.
    - ii) Where the maximum **height** of a **building** is equal to or less than 14 metres, the maximum **height** shall be 14 metres.

6.0 All other provisions of By-laws 1229, 2150, 2237, 2551, 122-72, 88-76 127-76, 184-78, 118-79, 165-80, 47-85, 304-87, 177-96, 2004-196 and, 2024-19, as amended, unless specifically modified/amended by this By-law continue to apply.

READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS XX<sup>RD</sup> DAY OF XXXXXXX, 2025.

KIMBERLEY KITTERINGHAM CITY CLERK FRANK SCARPITTI MAYOR



Appendix 3: Comment/ Response Matrix of Feedback on the Proposed OPA & ZBA

	Appendix 3: Comment/ Response Matrix of Feedback on the Proposed OPA & ZBA – HAF Initiative 3				
#	Date Received	Stakeholder Type	Address	Summary of Comments	City Staff Response
1	2-Dec-24	Landowner	5221 Highway 7, 8310-8312 McCowan Road, and Valley/ Open Space parcel to the south of 8310-8312 McCowan Road	No concern with the overall direction of the proposed OPA & ZBA. Requested that the proposed City initiated amendments be applied to the Special Policy Area governing the southwest quadrant of Highway 7 and McCowan Road, which permits a 3- storey limit.	The purpose of the OPA is to establish permissions for a minimum height of up to four storeys for lands that permit residential dwellings within Major Transit Station Areas, with the exception of lands identified as Special Policy Area within Major Transit Station Area (MTSA) 15 McCowan BRT Station, through the zoning by-laws. Per policy 9.14.6, the maximum building height for lands designated Mixed Use Low Rise is three storeys due to its location within a Special Policy Area (SPA) and flood plain. Future development within Mixed Use Low Rise lands will have to demonstrate that flood impacts are appropriately mitigated. No intensification of lands in the SPA is permitted. The subject lands fall within the Special Policy Area and floodplain

					within MTSA 15 McCowan BRT Station.
2	3-Dec-24	Landowner/Developer	5221 Highway 7 8310-8312 McCowan Road	Requested to be added to notification list.	Noted and applicant has been added to notification list.
3	13-Dec-24	Prescribed Body, Rogers Communications	Sitewide	No comments.	Noted.
4	13-Dec-24	Prescribed Body, Enbridge	Sitewide	No comments.	Noted.

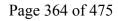
5	19-Dec-24	Prescribed Body, Bell Canada	Sitewide	No comments.	Noted.
6	20-Dec-24	Prescribed Body, York Region	Sitewide	No comments.	Noted.
7	10-Jan-25	Prescribed Body, Toronto and Region Conservation Authority	Sitewide	<ul> <li>TRCA does not oppose establishing a minimum number of storeys and height, where appropriate, however do not support new or intensified development within hazardous lands where it poses an increase in risk to public health and safety or property- further clarity on the proposed amendments is needed.</li> <li>1) All MTSAs containing regulatory flood plan as determined by TRCA, or through studies to TRCA's satisfaction, that development of certain lands is restricted due to their vulnerability to flooding and erosion hazards and that new development or additions to existing buildings may only be permitted if written approval is obtained from TRCA.</li> <li>2) Where lands are within the Unionville Special Policy Area (SPA), the provincially approved SPA OP land use designations and policies prevail. In addition to the exception for SPA in MTSA 15, also include an exception for SPA in the MTSA 12 Enterprise BRT station some of which is within the Unionville SPA</li> </ul>	<ol> <li>Policy 8.1.5.2. was revised to specify that development within MTSA lands shall be permitted in accordance with Provincial policy, regulations, guidelines, standards and procedures. The intent of this modification is to make it explicitly clear that new development or additions to existing buildings must comply with provincial standards, including meeting the requirements set by prescribed bodies, such as the TRCA.</li> <li>Schedule 'A' has been revised to include an exception for SPA in the MTSA 12 Enterprise BRT station.</li> </ol>

				3) For all MTSAs containing regulatory flood plains as determined by TRCA, add zoning provisions that the zone boundaries may be refined in accordance with any approved change in the regulatory flood line as determined by TRCA. The intent is to recognize any changes to the flood line due to new technical information or the outcome of any flood remediation.	3. Schedule 'A' has been revised to remove the lands zoned "Greenway" lands out of the MTSAs.
				4) Reference the following from Section 2.4 c) of the current Zoning By-law: "Where the flooding hazard limit established by the Toronto and Region Conservation Authority extends outside the Greenway One or Greenway Two zones, the applicable Greenway zone applies, except where located in a Special Policy Area as outlined in Part 13"	4. Proposed ZBA has been modified to include the following "In determining the applicable zone boundary line of this by-law, where the flooding hazard limit established by the Toronto and Region Conservation Authority extends into the area identified on Schedule A, the provisions of this by-law shall not apply."
8	10-Jan-25	Prescribed Body, Metrolinx	Sitewide	<ul> <li>No comments regarding the proposed OPA and ZBA, however provided the following provisions for consideration.</li> <li>1) That any development within 300m of the Metrolinx Rail Corridor shall conform to the "Metrolinx Adjacent Development Guidelines- GO Transit Heavy Rail Corridors"</li> <li>2) That any development within 300m of the Metrolinx Rail</li> </ul>	<ol> <li>Noted</li> <li>10.Noted</li> <li>11.Noted</li> </ol>

Corridor shall require an
Acoustical Study, which shall
include the current rail traffic
data and the Standard Metrolinx
Noise Warning Clause, to the
satisfaction of Metrolinx and the
City of Markham.
<ol><li>That any development within</li></ol>
75m of the Metrolinx Rail
Corridor shall require a Vibration
Study to the satisfaction of
Metrolinx and the City of
Markham.
4) That any development adjacent
to the Metrolinx Rail Corridor
shall not alter any drainage
patterns, flows and/or volumes,
absent review and approval by
Metrolinx and its Technical
Advisor, with all costs to be
borne by the applicant/owner.
5) That any development adjacent
to the Metrolinx Rail Corridor
shall require execution of
agreements with Metrolinx as
deemed applicable, including but
not limited to, Adjacent
Development Agreement, Crane
Swing Agreement, Shoring
System and Permission to Enter
Agreement, and Non-Disclosure
Agreements.
6) That any development within
300m of the Metrolinx Rail
Corridor shall require registration
of an Environmental/Operational

Г I	
	Easement in favour of Metrolinx,
	over the subject lands.
	7) That any development adjacent
	to the Metrolinx Rail Corridor
	shall provide the required
	setback and standard safety
	barrier (berm) or receive
	approval of an alternative barrier
	per a Rail Safety Report, to be
	reviewed by Metrolinx and its
	Technical Advisor, with all costs
	to be borne by the owner /
	applicant.
	8) In addition, sufficient setback for
	future building maintenance and
	other related works in proximity
	to the property line should also
	be considered.
	9) That any work within, or in close
	proximity to, the Metrolinx Rail
	corridor shall require a Metrolinx
	Work Permit in combination with
	other associated requirements
	as determined applicable by
	Metrolinx, with all costs to be
	borne by the owner / applicant.
	10)That any vegetation within 3.5m
	of the mutual property line with
	Metrolinx shall be restricted to
	low lying vegetation only.
	11)That any development adjacent
	to the Metrolinx Rail Corridor
	shall install the Metrolinx
	Standard Security Fence along
	the property line, save and
	except for where substitutes are
· · · · · ·	

		deemed satisfactory by	
		Metrolinx.	





## Development Services Committee Meeting

City Initiated Official Plan and Zoning By-law Amendments

City of Markham

Major Transit Stations Areas (All Wards except 7)

File: PR 24 196907

May 13, 2025



# HAF Background – City of Markham

Building Markham's Future Together

- > June 14, 2023 A Council resolution directing staff to submit a HAF application
- Oct 11, 2023 Following the City's HAF submission, the City received a letter from Federal Minister requesting enhancements to the City's HAF submission to consider permitting a minimum of 4-storeys within Major Transit Station Areas (MTSAs)
- Dec 13, 2023 As a response to the Federal Minister's request, Council resolution directed Staff to initiate the MTSA policy work for future Council consideration.
- Jan 25, 2024 City's HAF application was approved including Council's December resolution agreeing to the Federal Minister's request

Dec 3, 2024 – Statutory Public Meeting held for a proposed Official Plan and Zoning By-law Amendment to permit up to 4-storeys in Major Transit Station Areas





## Major Transit Station Areas (MTSAs) Strategic Plan<sup>Page 366 of 475</sup> Building Markham's Future Together

## What is an MTSA?

- Defined as the area within an approximate 500 to 800 metre radius of a transit station (Bus Rapid Transit station, GO stations and subway stations).
- According to the *Planning Act*, inclusionary zoning can only be implemented in MTSAs.
- Markham has a total of 22 MTSAs.

### How are MTSA boundaries established?

- Under the Provincial Growth Plan, York Region in consultation with Markham Council and staff was
  required to delineate boundaries and set minimum density targets for all 22 MTSAs through the York
  Region Official Plan (YROP) review. The YROP was approved by the Province in 2022.
- Effective July 1, 2024, the York Region Official Plan is deemed to be a part of Markham's local Official Plan, absorbing the MTSA policy framework set by the Region.

## Can MTSA boundaries be modified?

• Any modifications to MTSA boundaries and minimum densities would require Provincial approval.





# **Key Comments Received to Date**

## **Prescribed Bodies**

- Draft OPA & ZBA supported by York Region, Metrolinx, Enbridge, Bell Canada, and Rogers Communications
- Toronto and Region Conservation Authority (TRCA) staff suggested wording modifications to the strengthen the proposed Amendments, modify Schedule 'A' to depict Special Policy Area (SPA) lands in MTSA 12 Unionville, and include provisions on determining zone boundary lines and the applicability of the proposed by-law on hazard lands

## Landowners and Developers

- General support of the proposed OPA & ZBA
- Remove exemption regarding lands in the Special Policy Area (SPA) in MTSA 15 McCowan BRT Station that only permits 3 storeys

## Council

 Concerns regarding the potential impacts on established neighbourhoods and introducing fourstorey buildings on established residential streets





- Proposed OPA Policy 8.1.5.2. was modified to include the exempted Special Policy Area lands in MTSA 12 and a provision:
  - "8.1.5.2 That notwithstanding any other provisions of this Plan to the contrary, for lands within Major Transit Stations Areas, as shown on Appendix 2 of the York Region Official Plan, a minimum height, of up to four storeys, shall be established for land use designations which permit residential dwelling units through the implementing zoning by-laws, with the exception of lands identified as Special Policy Area within Major Transit Station Area 12 Enterprise BRT Station and Major Transit Station Area 15 McCowan BRT Station.

Development within these MTSA lands shall be permitted, in accordance with Provincial policy, regulations, guidelines, standards and procedures"





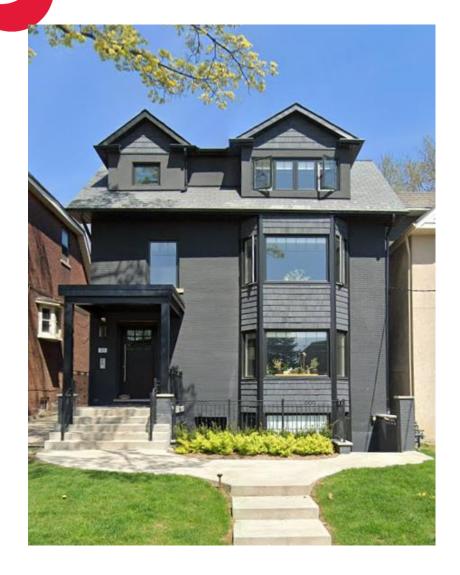


- Zoning By-Laws
  - Revised for clarity on the applicability of existing caps on the maximum number of storeys over and above the proposed 4-storey permissions
  - Revised to include provisions on determining zone boundary lines and the applicability of the proposed by-law on hazard lands identified by the TRCA.
    - "In determining the applicable zone boundary line of this by-law, where the flooding hazard limit established by the Toronto and Region Conservation Authority extends into the area identified on Schedule A, the provisions of this by-law shall not apply."
- Mapping updates to Schedule 'A'
  - Clearly identifies the Special Policy Area lands in MTSA 15 McCowan BRT Station exempted from the proposed Amendments
  - Identifies and includes the Special Policy Area Lands in MTSA 12 Enterprise BRT Station also exempted from the proposed Amendments
  - Amended the lands designated as "Greenway" from the zoning boundaries to align with the Provincial policy (*TRCA Conservation Act*).



## Strategic Plan<sup>Page 370</sup> of 475

Building Markham's Future Together



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#### Strategic Plan<sup>Page 371</sup> of 475 2020-2026







## Strategic Plan<sup>Page 372</sup> of 475

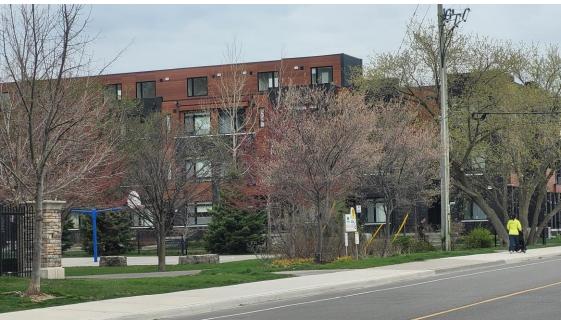






#### Strategic Plan<sup>Page 373</sup> of 475 2020-2026









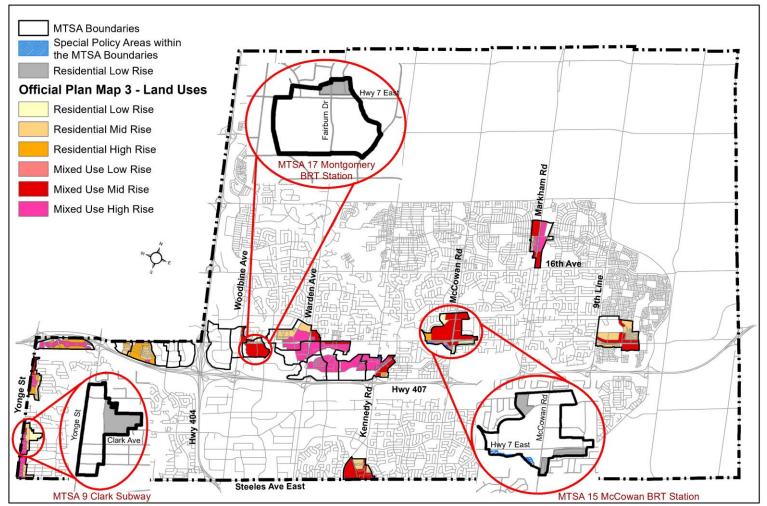
### Strategic Plan<sup>Page</sup> Low-rise Designated Lands in MTSAs

Building Markham's Future Together

Of the 22 MTSAs in the City of Markham, only 3 of the MTSAs (Clark Subway Station, McCowan BRT Station and Montgomery BRT Station) are partly designated as low-rise in the 2014 OP.

Please note, the Clark Subway MTSA will allow the opportunity for 4-storey development but currently there is only an existing school and church designated as low-rise.

The following slides depict renderings of the McCowan BRT Station MTSA and the Montgomery BRT Station MTSA with opportunities for 4-storeys.





Strategic Plan<sup>Page 375</sup> of 475 2020-2026

Building Markham's Future Together

#### Southeast Quadrant of McCowan – McCowan BRT Station MTSA

Renderings

Schematic Rendering of intensification node on lands

designated Mixed Use in the Draft Markville Secondary Plan





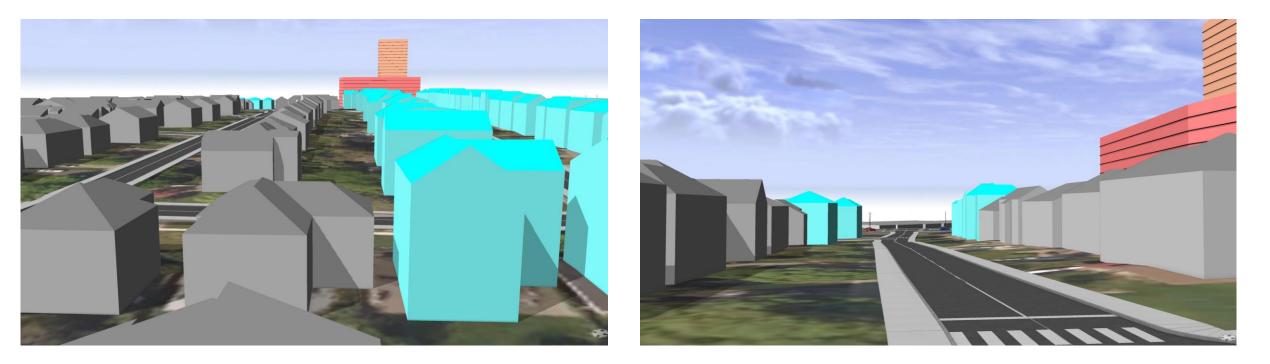
RES-ENLR Zone – Outside of MTSA Area – Existing 2 storey height and 7.0 metre "maximum outside wall height" apply





## Strategic Plan<sup>Page 376 of 475</sup>

Building Markham's Future Together



Street-level rendering of opportunities for 4-storeys on Southdale Drive/Conservation Avenue



# Renderings

## Strategic Plan<sup>Page 377</sup> of 475

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RES-ENLR Zone – Opportunities for 4 stories and "maximum outside wall height" of 11 metres

Schematic Rendering of lands designated Mixed Use in the 2014 Official Plan

Schematic Rendering of active OPA and ZBLA – Lands designated Mixed Use in the 2014 Official Plan

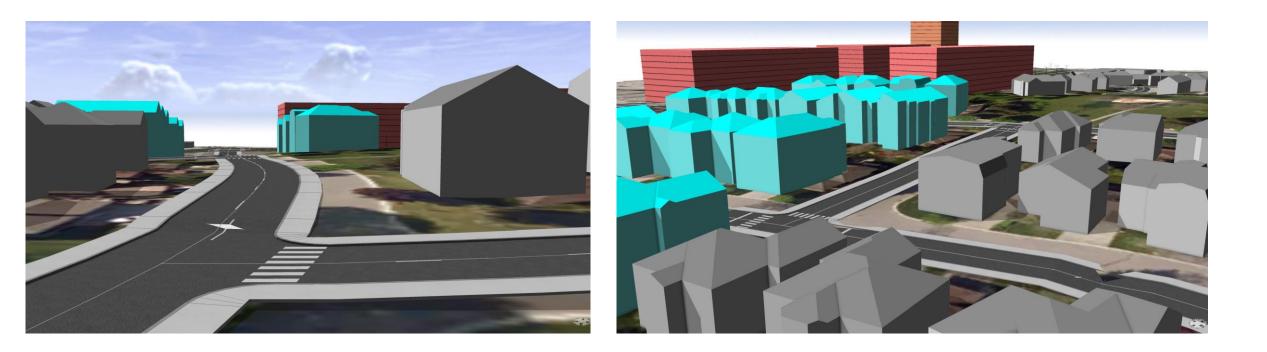


RES-ENLR Zone – Outside of MTSA Area – Existing 2 storey height and 7.0 metre "maximum outside wall height" apply





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Street-level rendering of opportunities for 4-storeys on Montgomery Court





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## Council adoption and enactment of the draft Official Plan and Zoning By-law Amendments for MTSAs



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# **Thank You**



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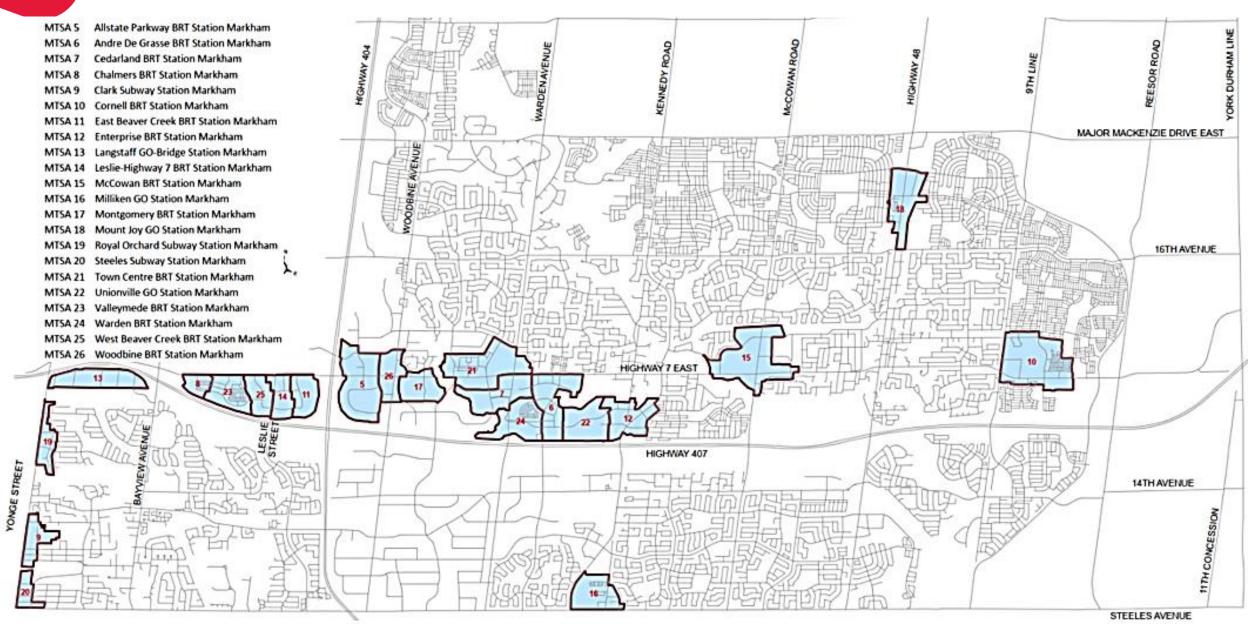


# Appendices





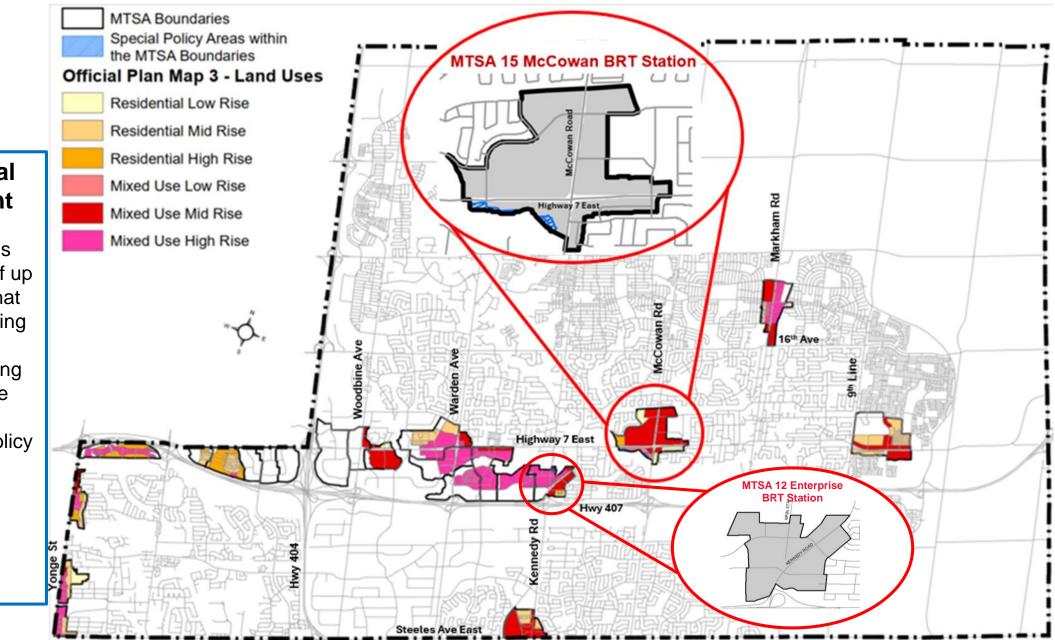
## Appendix 1: 22 Major Transit Station Areas (MTSA)Strategic Plan<sup>2</sup>2628-2626





## Appendix 2: Proposed Official Plan Amendment Strategic Plan<sup>Page 383</sup>-2626

Building Markham's Future Together



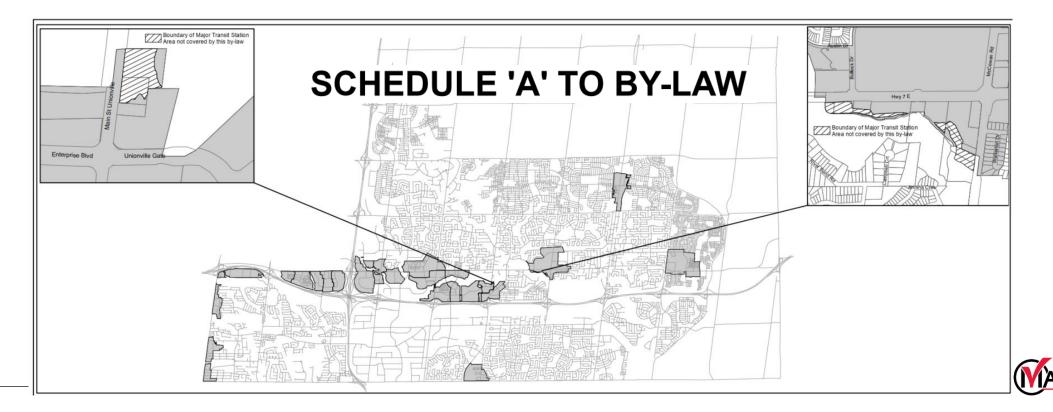
### Proposed Official Plan Amendment

Establishes permissions for a minimum height of up to 4 storeys for lands that permit residential dwelling units within MTSAs through the implementing zoning by-laws, with the exception of lands identified as Special Policy Area within MTSA 12 Enterprise BRT Station and 15 McCowan BRT Station



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- Majority of Zoning By-laws: Where the maximum number of storeys of a building is equal to or less than 4, the maximum number of storeys shall be 4 and where the maximum height of a building is equal or less than 14 metres, the maximum height shall be 14 metres.
- By-law 2024-19 Residential Established Neighbourhood Low Rise (RES-ENLR) zone: Permit the maximum number of storeys of a building shall be 4, and the maximum **outside wall height** shall be 11 metres.





## Appendix 4: MTSAs with Residential Low-Rise Designations

#### Strategic Plan<sup>Page 385</sup> of 475 2020-2026



SUBJECT: RECOMMENDATION REPORT Additional Funding for Markham Village Heritage Conservation District Plan Update Project

PREPARED BY: Regan Hutcheson, Manager of Heritage Planning, ext. 2080

**REVIEWED BY:** Stephen Lue, Senior Development Manager, ext. 2520

#### **RECOMMENDATION:**

- THAT the Staff report, dated May 13, 2025, titled, "RECOMMENDATION REPORT, Additional Funding for Markham Village Heritage Conservation District Plan Update Project", be received;
- That Council allocates up to \$37,800 from the Heritage Reserve Fund (Acct. No. 087 2800 115) to provide additional funding for the Markham Village Heritage Conservation District Plan Update Project to fund consulting services (\$34,800) and the City's community engagement costs (\$3,000);
- 3) That any funds not used at the completion of this Project be returned to the Heritage Reserve Fund (Account No. 087 2800 115);
- 4) And that Staff be authorized and directed to do all things necessary to give effect to this resolution.

#### PURPOSE:

The purpose of this Staff report is to recommend additional funding for the Markham Village Heritage Conservation District Plan Update Project for consulting services and to assist with community engagement costs.

#### **BACKGROUND:**

## The Markham Village Heritage Conservation District Plan ("MVHCD Plan") was approved in 1990 and needs to be updated.

The overall goal of this project is to update and revise the existing MVHCD Plan (1990) to reflect the format used in Markham for other more recently approved heritage conservation district plans, update policies and guidelines to reflect current best practice within heritage conservation, and revise building/property classifications.

The City recognizes that the current document is out of date, not reflective of current City policies and provincial legislation, and is lacking in the guidance and direction it provides to Heritage Section staff ("Staff"), the Heritage Markham Committee, Council, impacted property owners, and the public.

The current Heritage Conservation District plan was published in six volumes: The new plan will replace Volumes 3, 4 and 6:

Volume 1 – Defining the District Volume 2 – History of the Area **Volume 3 – Design Guidelines** 

#### Volume 4 – Implementation Process Volume 5 - Public Participation Process Volume 6 – Building Inventory

Volumes 1, 2 and 5 will remain as background information regarding the creation of the District. This project does not include re-visiting the existing boundaries of the MVHCD as approved by Council in 1990.

The requirement for consulting services has been scoped to specific tasks (i.e. issue identification and resolution including introducing new/revised policies) to complement the work currently being undertaken by Staff (i.e. preparing Plan Objectives, property classification, and inventory of contributing properties).

#### Council previously allocated \$50,900 to this project

Based upon a review of consultant submissions by Heritage Section and Purchasing Staff, and the selection of a preferred consultant as well as the identification of City costs associated with community consultation (meeting notices/mailings), additional funding is required in the amount of \$37,800. The breakdown of additional funding is as follows:

- Additional Consulting Fees \$34,800
- Community Engagement Expenses \$3,000

#### **OPTIONS/ DISCUSSION:**

## Allocation of funds from the Heritage Reserve Fund complies with the program's funding criteria

Staff support the provision of additional funding to address the shortfall in the study's current capital allocation. The original allocation of funding for this project came from the City's Heritage Reserve Fund. Providing the additional funding required from this Fund will allow the MVHCD Plan Update Project to be undertaken.

The Heritage Reserve Fund is the repository for monies drawn from Heritage Letters of Credit. In situations where heritage buildings have been damaged or destroyed, or not restored as per approved plans, the letter of credit is drawn by the City. In 1991, Council created a special Reserve and adopted the Heritage Reserve Fund Guidelines describing the criteria for use of the funding and procedures for approval.

Monies collected in the Heritage Reserve Fund are to be used to provide funding in four general program areas one of which is 'Heritage Studies' such as heritage conservation district projects. All projects being considered for financial assistance from this fund must be reviewed by Heritage Markham Committee and approved by Council.

## Heritage Markham will be consulted on May 14<sup>th</sup> regarding the additional allocation of funding

If Heritage Markham does not support the funding allocation, Council will be alerted at the May 27<sup>th</sup> Council meeting.

## Staff recommend that additional funding be approved to allow the MVHCD Plan Update Project to proceed.

Additional funding of up to \$37,800 from the Heritage Reserve Fund (Acct. No. 087 2800 115) is supported to fund consulting services (\$34,800) and the City's community engagement costs (\$3,000). It is also recommended that any funds not used at the completion of this project be returned to the Heritage Reserve Fund.

#### FINANCIAL CONSIDERATIONS:

Council previously approved a capital project #17035 with an available budget of \$50,900 to undertake the MVHCD Plan Update and was funded from the Heritage Reserve Fund (087-2800-115). Additional funding in the amount of \$37,800 is required to successfully undertake this project and being requested from the Heritage Reserve Fund account. The remaining balance of the Heritage Reserve Fund account (087-2800-115) is \$586,986 as of April 30, 2025 and any unused funds from capital project #17035 would be returned to the Heritage Reserve Fund.

#### HUMAN RESOURCES CONSIDERATIONS:

Not Applicable.

#### ALIGNMENT WITH STRATEGIC PRIORITIES:

This project aligns with the City's Strategic Priority of Managed Growth by providing appropriate policies and guidelines for alterations and new development to reinforce the special character of the MVHCD.

#### **BUSINESS UNITS CONSULTED AND AFFECTED:**

This report has been reviewed by the Finance Department. Heritage Markham will also be consulted on this proposal.

#### **RECOMMENDED BY:**

Giulio Cescato, RPP, MCIP Director of Planning and Urban Design Arvin Prasad, MPA, RPP, MCIP Commissioner of Development Services



Report to: Development Services Committee
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Meeting Date: May 13, 2025

SUBJECT:	Vancouver Planning and Transit Oriented Development Learning Session, July 2 - 5, 2025
PREPARED BY:	John Yeh, RPP, MCIP, Senior Manager, Policy & Research, Zoning & Special Projects, Ext.7922

#### **RECOMMENDATION:**

- 1. THAT the report entitled "Vancouver Planning and Transit Oriented Development Learning Session, July 2 - 5, 2025" be received; and,
- 2. THAT a Markham delegation, to conduct site visits and learn about development and urban transit in Vancouver, consisting of the Mayor, the Chair of Development Services Committee, and 3 Staff be approved; and,
- THAT the total estimated cost of the delegation to Vancouver does not exceed \$44,000 (inclusive of HST impact) and be expensed from capital project Consultant (620-101-5699-21009) to cover all expenses including retaining a consultant to prepare and lead the learning session and all aspects of the operating budget to conduct the learning session for the members of Council and Staff attending; and further,
- 4. THAT City Staff be authorized and directed to do all things necessary to give effect to his resolution.

#### PURPOSE:

The purpose of this report is to seek Council's approval of a 4-day program: Vancouver Planning and Transit Oriented Development Learning Session, July 2 to 5, 2025 that will consist of a 5-person delegation consisting of the Mayor, Chair of the Development Services Committee and three Staff members. The learning session will include visits to key transit oriented development sites to facilitate learning about Vancouver's regional transit system and unique urban development/ redevelopment projects with a focus on integrated development that supports intensification, mixed-uses, complete communities and active transportation to drive local economic growth. The learning session will provide valuable insights for Council members and staff to apply lessons learned and progressive ideas to positively address development projects in the City of Markham.

#### BACKGROUND:

Vancouver, located in the Lower Mainland region of British Columbia is one of Canada's fastest growing and ethnically diverse cities in Western Canada with

662,248 people and over 54% of residents of a visible minority group. The Metro Vancouver area had a population of 2.6 million in 2021, making it the third-largest metropolitan area in Canada. With its location on the Pacific Rim and at the western terminus of Canada's transcontinental highway and rail routes, Vancouver is one of the nation's largest industrial centres. Port Metro Vancouver, Canada's largest and most diversified port, handles more than \$172 billion in trade with over 160 different trading economies annually. Port activities generate \$9.7 billion in gross domestic product and \$20.3 billion in economic output Vancouver is also the headquarters of forest product and mining companies. In recent years, Vancouver has become a centre for software development, biotechnology, aerospace, video gaming development, animation studios and television production and film industry.

As one of Canada's major urban centres, Vancouver has earned a reputation as a city that has successfully introduced innovative and integrated regional transit and urban development concepts. With Vancouver's surroundings including the Pacific Ocean, Mountains to the north, Fraser Valley to the east, and proximity to the United States in the south, the City has developed in a more integrated and efficient manner. This includes elevated rail transit station stops that are well integrated with surrounding development in which several transit stations are located on top of and/or adjacent to transit stations. Examples include the redevelopment of the "CF Richmond Centre South" (a Cadillac Fairview project), Cambie Corridor Plan and the construction of the Canada Line, which is part of the SkyTrain rapid transit line that runs from Vancouver to Richmond and connects to the YVR airport.

#### DISCUSSION:

The Vancouver Planning and Transit Oriented Development Learning Session will be coordinated by City Staff with the support of a Land Use Planning and Transportation consultant. An experienced consultant with extensive local knowledge of Vancouver's development and transit landscape will be retained to help curate a learning session with key identified sites and lead the learning experience. Cadillac Fairview (CF) will be invited to participate in the learning session as they have a track record of developing some of Canada's prominent retail and mixed-use community projects in Vancouver and other parts of the country including in the City of Markham. CF's development experience will be demonstrated in the learning session through showcasing of their prominent projects anchoring around key transit station areas, which include the redevelopment of CF Richmond Centre, Marine Gateway, and Metrotown.

The proposed 4-day learning session includes visiting three SkyTrain Lines

Staff is recommending a 4-day learning session for Markham's delegation to engage in specific site learnings of development projects to understand Vancouver's development successes from an urban design, engineering and architectural perspective and specifically how development is integrated with transit for key development and redevelopment projects. The learning will help inform future development plans, transit planning and infrastructure processes in Markham including along the GO Transit Stouffville Corridor, Yonge North Subway Extension, and VIVA bus rapid transit line.

In addition to the Markham delegation, officials from Metrolinx, York Region Rapid Transit Corporation, and York Region Transit will be invited to join the learning session.

The following table illustrates the proposed Sky Train Lines and key learning session stops to be finalized once a consultant is retained.

Date July 2 – 5, 2025	Sky Train Lines & Learning Session Stops
July 2 1:00 PM to 5:00 PM	SkyTrain Millenium Line Stations: Brentwood Town Centre/Gilmore, Lougheed Town Centre, Olympic Village
July 3 - July 4 9:00 AM to 5:00 PM	SkyTrain Expo Line Stations: Joyce Collingwood, Metrotown, Surrey City Centre
July 4 9:00 AM to 5:00 PM	<b>SkyTrain Canada Line Stations:</b> Richmond Brighouse CF, Marine Drive, possible Broadway/ City Hall station area, Downtown CF stations
July 5 9:00 AM to 12:00 PM	Learning session location to be determined

The above learning session agenda includes site visits to key development projects along the following rail lines: Canada Line, Expo Line, and Millenium Line and potentially Bus Rapid Transit lines to be identified. These transit lines will provide valuable insights that can inform future development along the City's Major Transit Station Areas. A map of the SkyTrain Lines and other transit lines in Metro Vancouver is accessible at <a href="https://www.translink.ca/-/media/translink/documents/schedules-and-maps/transit-system-maps/system-system-maps/system-sy

#### maps/key\_regional\_transit\_connections.pdf.

#### FINANCIAL CONSIDERATIONS

The estimated costs for the Vancouver Planning and Transit Oriented Development Learning Session for the five-person City of Markham delegation will not exceed \$44,000.00 (including HST), including consulting costs. The Consultant portion of this budget will be funded through capital project Consultant (account # 620-101-5699-21009). The travel, logistics, and accommodations will be in accordance with the City of Markham's Council and Staff Business Expense and Conference Policies.

Items	Cost Estimate (incl. HST)
Travel, accommodation & logistics (two Council Members and three Staff estimated at \$5,000 per person)	\$25,000
Consultant (plan & lead learning session)	\$19,000
Total	\$44,000

#### HUMAN RESOURCES CONSIDERATIONS

Not applicable

#### ALIGNMENT WITH STRATEGIC PRIORITIES:

Building Markham's Future Together Goal 3 Safe, Sustainable and Complete Community by building complete communities that offer a range of housing and employment opportunities, transportation options and outstanding community amenities

#### BUSINESS UNITS CONSULTED AND AFFECTED:

Planning and Urban Design, Engineering, Economic Development, Culture, and Entrepreneurship, and Finance

#### **RECOMMENDED BY:**

Arvin Prasad, RPP, MCIP Commissioner Development Services

ATTACHMENTS: Not applicable



#### Report to: Development Services Committee

Meeting Date: May 13, 2025

SUBJECT:	Comments on the Protect Ontario by Unleashing Our Economy Act (Bill 5)
PREPARED BY:	Mark Head, Manager, Natural Heritage, Ext. 2005
REVIEWED BY:	John Yeh, Acting Senior Manager, Policy and Research, Ext. 7922

#### **RECOMMENDATION:**

- 1) That the report dated May 13, 2025, entitled "Comments on the Protect Ontario by Unleashing Our Economy Act (Bill 5)", be received;
- That this report be forwarded to the Ministers of Economic Development, Job Creation and Trades; Citizenship and Multiculturalism; and Environment, Conservation and Parks as the City of Markham's comments on Bill 5;

#### **Special Economic Zones Act**

- 3) That Council support the recommendation that the concept of special economic zones for critical mineral projects and major infrastructure of provincial significance be tentatively supported in principle and that broader application of the concept to facilitate the general approval of development applications where the province already has significant tools available not be supported;
- That Council support the recommendation that the province consult and/or collaborate with municipalities when developing criteria for designating zones and projects to ensure that implementation of the Act does not conflict with local municipal authority and decision-making;

#### **Ontario Heritage Act**

- 5) That Council support the recommendation that the proposed new authority in Section 66.1(1) enabling the province to provide exemptions from archaeological requirements not be supported due to the potential risk and impact this could have on unknown buried archaeological resources, especially those that are identified as possessing 'archaeological potential';
- 6) That Council support the recommendation that Sections 69.1 and 69.2, which provide positive improvements to prosecutions for all offences pursuant to the Ontario Heritage Act, be supported;

#### **Species Conservation Act**

- 7) That Council support the recommendation that the definition of habitat and enabling provisions to define critical habitat areas for listed species by regulation currently provided in the Endangered Species Act be maintained in the Species Conservation Act that includes areas needed for reproduction, rearing, hibernation, migration or feeding;
- 8) That Council support the recommendation that new regulations and rules specifying conditions for project registrations impacting endangered and

threatened species habitat include rigorous standards with requirements to demonstrate how impacts have been avoided, minimized and mitigated to the greatest extent possible;

- 9) That Council support the recommendation that the province undertake further consultation with municipalities and other conservation organizations when developing supporting regulations to enable more municipal infrastructure projects to proceed with conditional exemptions through project registration;
- 10) That Council support the recommendation that the Species Conservation Act provide the option to issue conditional permits or specify registration rules requiring an overall benefit mitigation standard in specific circumstances when impacts to species at risk or their habitat are unavoidable and offsetting impacts either on or off-site is needed to support species survival;
- That Council support the recommendation that the province update internal guidance using best available science to ensure overall benefit permits and/or registration rules result in successful outcomes for species at risk and their habitats;
- 12) That Council support the recommendation that provisions in the Species Conservation Act continue to require mandatory preparation of recovery strategies when new species are listed;
- 13) That Council support the recommendation that the Species Conservation Act require the Species Conservation Program to track habitat removals authorized under the Act and ensure that implementing actions under the Program are tailored to provide habitat restoration and enhancement that provides offsetting for species impacted by authorizations; and
- 14) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

#### PURPOSE:

The purpose of this report is to provide comments on the Protect Ontario by Unleashing Our Economy Act (Bill 5).

#### BACKGROUND:

On April 17, 2025, the province introduced Bill 5, <u>Protect Ontario by Unleashing Our</u> <u>Economy Act</u> as a next step in the government's plan to protect Ontario in response to economic and trade uncertainties. This follows the recent introduction of the Protect Ontario Through Free Trade Within Canada Act (Bill 2) that proposes legislative changes to facilitate labour mobility and free trade with reciprocating provinces and territories within Canada.

According to the province, the proposed changes in Bill 5 are intended to support the province's plan to protect and improve the competitiveness of Ontario's economy. If passed, the changes would streamline permitting and approval processes for major infrastructure, mining and development projects, including in the Ring of Fire in northern Ontario with potential mineral development opportunities.

Page 3

Bill 5 proposes to amend 8 different statutes, repeal the *Endangered Species Act* and replace it with a proposed new *Species Conservation Act* and create a new *Special Economic Zones Act*. The Bill would also make revisions to the *Ontario Heritage Act* to provide certain exemptions from requirements for archaeological assessments.

The province is undertaking consultation on Bill 5 and has posted 7 items on the Environmental Registry of Ontario (ERO) with a commenting deadline of May 17, 2025.

#### Changes Potentially Impacting Land Use Planning and Infrastructure Approvals

Items more directly of interest to the City of Markham that relate to and/or potentially impact municipal land use planning and infrastructure approvals include the following changes:

- Special Economic Zones Act (new proposed Act)
- Species Conservation Act (new proposed Act)
- Endangered Species Act (to be repealed)
- Ontario Heritage Act (to be amended)

According to the province, these changes would reduce regulatory burden by streamlining permitting and approvals for development and infrastructure projects while maintaining environmental standards and enabling the government to allow exemptions to archaeological requirements where it could advance a provincial priority subject to criteria.

Highlights from the province on Bill 5 include:

- Enacting a new Special Economic Zones Act to give the province the authority to designate Special Economic Zones that are of critical or strategic importance for Ontario's economy and security, with the goal of designating the first zone by September 2025. Zones could include critical mineral projects including in the Ring of Fire as well as critical infrastructure projects. The legislation would provide the province with the authority to exempt "trusted proponents" or "designated projects" within designated zones from permitting and approvals under any Act or regulation, including by-laws of a municipality or local board.
- Implementing legislative changes that would repeal the *Endangered Species Act* and replace it with a new *Species Conservation Act* that removes permitting requirements under the new Act and shifts nearly all species-related authorizations to a registration-first approach to allow projects to proceed faster subject to prescribed requirements along with stronger enforcement tools for non-compliance.
- Establishing a new Species Conservation Program to promote protection, rehabilitation and enhancement of habitat, public education and stewardship and other activities to assist in the conservation of species with an annual funding commitment of up to \$20 million.
- Implementing changes to the Ontario Heritage Act to allow for exemptions from archaeology requirements, separate from those enabled in the special economic zone legislation, where doing so could advance a provincial priority (e.g., transit, housing, long-term care, or other infrastructure). Amendments related to prosecution for any offences under the Act are also proposed.

- Amending the *Environmental Protection Act* to eliminate fees for registration of projects on the Environmental Activity and Sector Registry.
- Making future regulations to create a new time-limited, streamlined EA process for certain designated municipal infrastructure projects.

Implementation details in the form of proposed regulations accompanying Bill 5 have not been provided for any of the statutes proposed to be amended.

#### Other Changes to Legislation

Proposed changes to other statutes (listed below) not addressed in this report include: measures to protect critical infrastructure, energy and mining sectors by restricting access of foreign state-owned or based companies; specifying country of origin requirements for the procurement of goods and services relating to Ontario's electricity and energy sector; exempting the York1 Landfill Site in Chatham-Kent and Eagles Nest Mine in the Ring of Fire from requirements under the *Environmental Assessment Act*; and streamlining mine permitting and approvals under the *Mining Act*.

- Electricity Act
- Environmental Assessment Act
- Environmental Protection Act
- Mining Act
- Ontario Energy Board Act
- Rebuilding Ontario Place Act

The following discussion focuses on proposed changes more directly of interest to the City related to municipal land use planning and infrastructure approvals.

Additional highlights and background to the Bill are provided in the <u>Protect Ontario by</u> <u>Unleashing Our Economy Technical Briefing</u> and Attachment A to the report.

#### DISCUSSION:

Overall, the general intent of the government's plan to protect Ontario through measures in response to the trade conflict initiated by the U.S. is supported in principle given the significant disruption and potential risk to Ontario's economy. Measures to mitigate risk by streamlining approvals and permitting for major infrastructure and strategic projects can support economic competitiveness. In particular, measures in the Bill that would simplify approval requirements for municipal infrastructure while protecting the environment are supported. However, these measures can and should be implemented with careful review and conditional requirements to ensure other key priorities of the province are balanced and addressed, including measures for the continued protection and stewardship of Ontario's archaeological heritage, natural environment and biodiversity.

The implementation of new legislative powers that would potentially limit or remove municipal authority, including land use planning authority should be scoped in a way that does not conflict with municipal decision-making and planning authority. Key changes in Bill 5 of direct interest to the City, staff comments on the implications, and recommendations for each statute are provided below. Comments are scoped to address matters of interest in the Bill relating to economic development, land use planning, natural and archaeological heritage planning and infrastructure.

#### Special Economic Zones Act (Bill 5, Schedule 9)

The proposed *Special Economic Zones Act* will give the province authority to designate special economic zones through regulation to help advance projects that are of strategic importance for Ontario's economy (e.g., critical mineral projects in the Ring of Fire, and infrastructure projects). Once designated zones are established, the legislation would also provide the province with the authority to exempt "trusted proponents" or "designated projects" within designated zones from permitting and approvals under any Act or regulation subject to conditions, including by-laws of a municipality or local board. The authority enables the province to identify and customize which regulations, permits, processes, approvals, and similar requirements will be exempted, altered or continue to apply for each designated zone to address specific economic interests. Designated zones that meet regulated requirements would benefit from streamlined approval requirements and accelerated permitting in designated areas.

The province has not identified proposed zones at this time but has indicated it is considering designating the first zone by September 2025. The province has also indicated that regulations prescribing criteria for the purposes of designating a zone and identifying trusted proponents and vetted projects will be developed by September 2025. The province has indicated it will be giving priority to critical mineral projects given their role in supplying minerals essential to Ontario's economic growth and security. Although it is not anticipated the Act will be applied to exempt development projects more broadly, the Act provides wide scope for the government to designate zones, projects or classes of projects in any area of the province with no formal requirement for consultation with affected communities or municipalities.

By building faster and more strategically, the province aims to facilitate economic growth, mitigate the impact of trade disruptions, and ensure long term resource sustainability and economic security.

#### Need to ensure scope and application of Act focuses on strategic projects and does not conflict with municipal decision-making authority

The economic benefits of streamlining requirements and approvals for provincially strategic projects within designated zones subject to environmental safeguards is tentatively supported in principle for unlocking mineral development (e.g., in the Ring of Fire) and for major infrastructure projects of provincial significance. Any broader application of the Act to facilitate general approval of development applications where the province already has significant tools available to it to facilitate development is not supported (e.g., in Transit Oriented Communities, through Ministers Zoning Orders, etc.).

More information about the regulation(s) and criteria for designating zones, trusted proponents and designated projects is needed to fully understand the impact of potential exemptions from municipal plans, policies and by-laws at the local level. In particular, the City's authority to plan for the Markham Innovation Exchange ("MiX") district in north Markham, intended for high value industry and employment, innovation and related activities of strategic economic significance should, be maintained.

**Recommendation:** That the concept of special economic zones for critical mineral projects and major infrastructure of provincial significance be tentatively supported in principle and that broader application of the concept to facilitate the general approval of development applications where the province already has significant tools available not be supported.

**Recommendation:** That the province consult and/or collaborate with municipalities when developing criteria for designating zones and projects to ensure that the implementation of Act does not conflict with local municipal authority and decision-making.

#### Ontario Heritage Act (Bill 5, Schedule 7)

Proposed legislative amendments to the *Ontario Heritage Act* (OHA) primarily involve enforcement and compliance with respect to the protection of artifacts and archaeological sites which largely affect archaeological consultants, how they conduct their practices, and provision of authority for the province to intervene when necessary. Staff have no comment on these changes.

• Exempting archeological requirements poses a risk on unknown buried archaeological resources

There is a concern regarding a proposed amendment - section 66.1(1) that would allow a site to be exempted from archaeological requirements by the province where it could potentially advance specified provincial priorities such as transit, housing, health and long-term care, and infrastructure. This proposal is not supported due to the potential risk and impact this could have on unknown buried archaeological resources. Sites that have been identified as possessing 'archaeological potential' using the province's Checklist for Determining Archaeological Potential or identified in a document such as the York Region archaeological management plan should not be exempted from assessment as it could lead to serious archaeological matters having to be addressed during actual development. The province appears to have recognized the risk as it has included an immunity provision within the proposed exemption authority.

**Recommendation:** That the proposed new authority in Section 66.1(1) enabling the province to provide exemptions from archaeological requirements not be supported due to the potential risk and impact this could have on unknown buried archaeological resources, especially those that are identified as possessing 'archaeological potential'.

#### • Prosecutions for all offences pursuant to the Ontario Heritage Act

From a prosecution perspective related to any offences committed pursuant to the OHA, the proposed amendment to section 69.1 of the OHA, if passed, appears to add certainty and is welcomed. Section 69.1 would set a two-year limitation period to commence a legal proceeding from when the offence first comes to the attention of a provincial offences officer. As the current OHA does not contain any explicit limitation period, by default, the limitation period is six months after the date on which the offence was or is alleged to have been committed under the *Provincial Offences Act* which is often difficult to establish.

Also related to prosecutions, new section 69.2 is supported as it would authorize court orders to prevent, eliminate or ameliorate damage connected to the commission of an

offence. The court that convicts a person of an offence under this Act, in addition to any other penalty imposed by the court, may order the person to,

- (a) take such action as the court directs within the time specified in the order to prevent, eliminate or ameliorate damage that results from or is in any way connected to the commission of the offence; or
- (b) comply with any order, direction or other requirement issued under this Act to the person in relation to damage that results from or is in any way connected to the commission of the offence.

**Recommendation:** That Sections 69.1 and 69.2, which provide positive improvements to prosecutions for all offences pursuant to the OHA, be supported.

### <u>Species Conservation Act and Repeal of the Endangered Species Act (Bill 5, Schedules 2 and 10)</u>

Species at risk are plants, mammals, birds, fish and other organisms that are vulnerable to becoming extinct or extirpated in their current ranges in the wild. A total of 194 species are currently listed on the Species at Risk in Ontario List as endangered or threatened of which 24 species are known to occur or have the potential to occur in Markham. Species at risk in Markham are concentrated in the City's Greenway System including the Rouge National Urban Park. Effective legislation that conserves biodiversity, including species at risk, is essential for ecosystems to stay healthy.

The proposal to ultimately repeal the *Endangered Species Act* and replace it with the *Species Conservation Act* is a significant shift that would weaken key protections currently in the Act that may not achieve the intended objectives of the province to identify, protect and promote the recovery of species at risk in Ontario. While further streamlining of permitting and project authorizations under the Act is supported in principle, key changes should be reconsidered to ensure that any new legislation maintains science-based decision-making and comprehensive habitat protection.

For context, the City is required to comply with the *Endangered Species Act* when undertaking infrastructure projects that may impact species at risk or their habitats. This includes obtaining the necessary permits before proceeding with work such as constructing off-road trail systems near or crossing a creek, bridges, and culverts in sensitive areas like the Rouge Valley River. While these requirements are essential for protecting biodiversity, they can introduce additional steps into project planning and execution. This may lead to delays, increased costs, and administrative complexity particularly when projects are located in ecologically sensitive areas. As a result, the permitting process under the Act can be an added regulatory burden for municipalities. Further improvements to the Act to streamline project permitting and registration are welcome as they can reduce costs to municipalities while balancing requirements for species protection.

#### • Retain the current definition of habitat

The *Endangered Species Act* currently defines habitat for animals to include an area on which the species depends directly or indirectly, to carry on its life processes including for reproduction, rearing, hibernation, migration or feeding. The proposed new Act will narrow the definition to include only the dwelling, such as a nest or den, of a member of a species

and the area immediately around it. This potentially removes the protection of areas needed for foraging or feeding for some species. Under the new definition it is unclear if critical habitat beyond the immediate area of the dwelling for foraging and feeding would be protected. The new legislation should retain the current definition and the ability to define critical habitat through regulation to further scope and clarify habitat protection requirements for listed species.

**Recommendation**: That the current definition of habitat and enabling provisions to define critical habitat areas for listed species by regulation currently provided in the *Endangered Species Act* be maintained in the *Species Conservation Act* that includes areas needed for reproduction, rearing, hibernation, migration or feeding.

#### • Shift most permitting to a registration first-approach

In principle, measures to streamline approvals through greater use of the 'permit-by-rule' registration-first approach are supported provided the types of activities authorized for registration and the requirements that proponents must meet when registering projects provide for effective habitat protection, mitigation or offsetting when appropriate to accommodate development. Rules should ensure that critical habitat needed for species survival is protected.

**Recommendation:** That new regulations and rules specifying conditions for project registrations impacting endangered and threatened species habitat should include rigorous standards with requirements to demonstrate how impacts have been avoided, minimized and mitigated to the greatest extent possible.

**Recommendation**: That the province undertake further consultation with municipalities and other conservation organizations when developing supporting regulations to enable more municipal infrastructure projects to proceed with conditional exemptions through project registration. Rules should be based on scientific advice and provide for effective mitigation or offsetting of impacts when required.

#### • Retain an "overall benefit" standard for permit approvals and registrations

The current provisions in the Act provide the option to issue overall benefit permits which are intended to make species better off than before the activity occurred such as creating a greater amount of habitat than what is permitted to be destroyed, or other measures to improve the condition of the species and its habitat. Overall benefit permits are typically utilized to authorize activities that may have a larger unavoidable impact on species at risk or their habitat. The proposed new Act no longer references this permit standard or option.

**Recommendation:** The Act should continue to provide the option to issue conditional permits or specify registration rules requiring an overall benefit mitigation standard in specific circumstances when impacts to certain species at risk or their habitat are unavoidable and offsetting impacts either on or off-site is needed to support species survival.

**Recommendation**: The province should update internal guidance using best available science to ensure overall benefit permits and/or registration rules result in successful outcomes for species at risk and their habitats.

Meeting Date: May 13, 2025

#### • Retain the requirement for recovery strategies and management plans

Recovery strategies are prepared by experts to provide independent scientific advice to inform actions needed to protect and recover endangered and threatened species. They are key inputs for the development of effective conditions and rules for project registration and permitting under the Act. The proposed amendments to the Act would remove requirements to develop recovery strategies and management plans from the legislation. The government indicates a commitment to providing guidance on the conservation of species but has not provided details on the guidance or whether it would have the same scientific rigor as currently provided in recovery strategies. The discontinuation of mandatory recovery strategies and management plans for species at risk will result in a diminished ability to identify the steps needed to support the recovery of species at risk.

**Recommendation:** That provisions in the *Species Conservation Act* continue to require mandatory preparation of recovery strategies when new species are listed.

#### • Enable funding and participation of municipalities in the Species Conservation Program

The proposed new Act will no longer allow proponents to pay species conservation charges as a condition of a permit or authorization to offset impacts of habitat removals and will wind down the current Species Contribution Fund that has collected charges for permits issued to date. The province is proposing to continue offsetting impacts through the continuation of the Species Conservation Program and to provide committed provincial funding directly of up to \$20 million annually to fund actions including the restoration and enhancement of habitat through stewardship programs and grants.

**Recommendation:** That the Act require the Species Conservation Program to track habitat removals authorized under the Act and ensure that implementing actions under the Program are tailored to provide habitat restoration and enhancement that provides offsetting for impacted species. Program grant funding should be made available to municipalities in the jurisdictions where impacts are located.

#### FINANCIAL CONSIDERATIONS

Not applicable.

#### HUMAN RESOURCES CONSIDERATIONS

Not applicable.

#### ALIGNMENT WITH STRATEGIC PRIORITIES:

Not applicable.

#### **BUSINESS UNITS CONSULTED AND AFFECTED:**

Planning, Economic Development, Engineering, Environmental Services and Legal staff were consulted in the preparation of this report.

#### **RECOMMENDED BY:**

Giulio Cescato, RPP, MCIP Director, Planning and Urban Design Arvin Prasad, RPP, MCIP Commissioner, Development Services

#### ATTACHMENTS:

Attachment A – Environmental Registry of Ontario (ERO) Postings Associated with the *Protect Ontario by Unleashing our Economy Act* 

### Appendix A: Environmental Registry of Ontario (ERO) Postings Associated with the Protect Ontario by Unleashing our Economy Act

Deadline for Comments: May 17, 2025

Title (ERO Proposal #)	Description
Link to Legislative Assembly of Ontario Posting of Bill 5 Bill 5, Protect Ontario by Unleashing Our Economy Act, 2025	The Province introduced the <i>Protect Ontario by Unleashing Our Economy Act, 2025</i> on April 17, 2025 for first reading. If passed, this legislation would cut the red tape and duplicative processes that have held back major infrastructure, mining and resource development projects, including in the Ring of Fire. The legislation proposes streamlining approval processes while maintaining robust environmental standards.
Technical Briefing: Protect Ontario by Unleashing Our Economy	Link to Technical Briefing provides highlights of the Bill and its related legislative and regulatory proposals.
ERO 025-0391 Special Economic Zones Act, 2025	The Ministry of Economic Development, Job Creation and Trade is proposing a new law called the Special Economic Zones Act, 2025. If it gets approved, the Ontario government will be able to designate special areas that are critical to Ontario's economy and security, where selected projects could move faster as a result of simplified rules, faster approvals, and one-window access to services.
	Ministry of Economic Development, Job Creation and Trade
ERO 025-0418 Proposed Amendments to the Ontario Heritage Act, Schedule 7 of the Protect Ontario by Unleashing our Economy Act, 2025	The Ministry of Citizenship and Multiculturalism is proposing to make legislative amendments to the Ontario Heritage Act to provide new and modified tools to improve enforcement and compliance and allow for exemptions to archaeological requirements where it could potentially advance a provincial priority.
EBO 025 0280	Ministry of Citizenship and Multiculturalism
ERO 025-0380 Proposed interim changes to the Endangered Species Act, 2007 and a proposal for the Species Conservation Act, 2025	The Ministry of Environment, Conservation and Parks is proposing to make immediate amendments to the Endangered Species Act and would later repeal the ESA and enact the new Species Conservation Act, 2025 (SCA), once proclaimed. Collectively, the proposed changes would:
	<ul> <li>change the way species are listed and regulated under the Act</li> <li>narrow the definition of "habitat" under the Act</li> </ul>
	- shift nearly all species-related authorizations to a registration-first approach

Title (ERO Proposal #)	Description
	<ul> <li>- establish a new Species Conservation Program</li> <li>- strengthen enforcement</li> </ul>
	Under the new approach, instead of waiting for the ministry to approve permits, most proponents will be able to begin an activity immediately after registering. Registered activities will be required to meet associated requirements set out in new regulations.
	Ministry of Environment, Conservation and Parks
ERO 025-0389 Removing Environmental Assessment Requirements for the York1 Waste Disposal Site Project	The Ministry of the Environment, Conservation and Parks is proposing to remove environmental assessment requirements for the York1 waste disposal site project through the proposed Protect Ontario by Unleashing our Economy Act, 2025. This would include revoking Ontario Regulation 284/24 designating the Chatham-Kent Waste Disposal Site and removing environmental assessment (EA) requirements for York1 Environmental Waste Solutions Ltd.'s proposal to resume landfill operations
	Ministry of Environment, Conservation and Parks
ERO 025-0396 Addressing Changes to the Eagle's Nest Mine Project	The Ministry of the Environment, Conservation and Parks is proposing to remove the comprehensive environmental assessment requirements for the proposed Eagle's Nest mine project in response to changes to the scope of the project through the proposed Protect Ontario by Unleashing Our Economy Act, 2025.
ERO 025-0409	The Ministry of Energy and Mines is proposing changes to the Mining Act, 1990 to protect the
Proposed amendments to the Mining Act 1990, Electricity Act 1998, and Ontario Energy Board Act 1998, to protect Ontario's Economy and Build a	strategic national mineral supply chain and to streamline the permitting process for designated mining projects. Additionally proposed changes to the Electricity Act, 1998 and Ontario Energy Board Act, 1998 aim to limit foreign participation in the energy sector.
More Prosperous Ontario	Ministry of Energy and Mines
ERO 025-0416 Protect Ontario by Unleashing Our Economy Act, 2025 (Amendments to Rebuilding Ontario Place Act, 2023)	Ministry of Infrastructure is proposing amendments to the Rebuilding Ontario Place Act, 2023 that if passed, will provide an exemption from Part II of the Environmental Bill of Rights, 1993 for proposals for provincial permits and approvals related to the Ontario Place Redevelopment Project.

Title (ERO Proposal #)	Description
	Ministry of Infrastructure

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# Comments on Bill 5, Protect Ontario by Unleashing Our Economy Act

**Development Services Committee** 

May 13, 2025



Building Markham's Future Together

## Background

- Protect Ontario by Unleashing Our Economy Act, 2025 (Bill 5) introduced on April 17, 2025
- Proposes changes to 8 statutes and creation of 2 new statutes, including proposals to:
  - Create new Special Economic Zones Act
  - Repeal the Endangered Species Act and replace it with a proposed new Species Conservation Act
  - Revise Ontario Heritage Act
- 7 items are posed on the ERO with a commenting deadline of May 17, 2025





### **Special Economic Zones Act**

- Gives province authority to designate special economic zones through regulation
- Provides the province with the authority to exempt "trusted proponents" or "designated projects" within zones from permitting and approvals under any Act or regulation subject to conditions, including by-laws of a municipality
- Designated zones can vary in size from small parcels of land to larger areas
- Regulations containing implementation details regarding criteria province will use to designated "zones", "trusted proponents" and "designated projects" have not been released





### **Special Economic Zones Act – Staff Comments**

- Proposed concept <u>tentatively supported</u> by staff:
- That the concept of special economic zones for critical mineral projects and major infrastructure of provincial significance be tentatively supported in principle and that broader application of the concept to facilitate the general approval of development applications where the province already has significant tools available not be supported.
- Proposed changes <u>requiring further consultation</u> with municipalities:
- Province consult and/or collaborate with municipalities when developing criteria for designating zones and projects to ensure the implementation of the Act does not conflict with local municipal authority and decision-making.





### **Ontario Heritage Act**

- Revisions give province authority to exempt property from a requirement to conduct an archaeological assessment if exemption could advance a provincial priority related to:
  - transit
  - housing
  - health and long-term care
  - transportation
  - other priorities as prescribed by regulation
- Sets two-year limitation period to commence a legal proceeding from when offence is brought to provincial offences officer
- Makes other revisions to enforcement and compliance matters





### **Ontario Heritage Act – Staff Comments**

• Proposed change <u>not supported</u> by staff:



The amendment to allow exemption from archaeological requirements has potential risk due to impact this could have on unknown buried archaeological resources, especially those that are identified through review or existing documents as possessing 'archaeological potential'.

• Proposed changes <u>supported</u> by staff:



Prosecution – welcome the new two-year period related to commencing legal action from when an offence comes to the attention of city officials (currently 6 months from when the offence was committed).



Prosecution – support changes to allow a court to prevent, eliminate or correct damage connected to an offence.





### **Species Conservation Act (replaces ESA)**

- Bill 5 would make immediate amendments to the ESA and later repeal ESA with new Species Conservation Act, once proclaimed
- Changes in proposed new Act would significantly reduce protection afforded to endangered and threatened species provided in the ESA:
  - Replaces definition of "habitat" with narrower definition
  - Shifts almost all authorizations to a 'permit-by-rule' registration approach
  - Removes concept of "overall benefits" permits
  - Removes requirements for migratory birds and aquatic species protected under federal Species at Risk Act
  - Removes requirements for recovery strategies and management plans
- Regulations to implement registration-first approach to be developed over next several months and to come into force early next year.





### **Species Conservation Act – Staff Comments**

- Proposed changes <u>not supported</u> by staff:
- Changes to definition of "habitat" that removes reference to migration and feeding
- Removal of "overall benefit" standard for permit approvals and registrations

X
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Removal of formal requirements for recovery strategies and management plans





### **Species Conservation Act – Staff Comments Cont.**

- Proposed changes <u>supported</u> by staff:
- Streamlining approvals through greater use of the 'permit-by-rule' registration approach with recommendations that:
  - conditions include rigorous standards with requirements to demonstrate how impacts are avoided, minimized and mitigated
  - province consult with municipalities and other conservation organizations when developing supporting regulations to enable more municipal infrastructure projects to proceed with conditional exemptions through project registration



Continuation of the Species Conservation Program and provincial commitment to funding with recommendation that municipalities be eligible to receive funding for species recovery



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## **Next Steps**

- Staff to submit comments to province to meet consultation timeline and to submit Council Resolution to follow
- Report back on implications of Special Economic Zones Act to the City of Markham, if any, as regulations and implementation details become known
- Staff to provide technical comments on proposed regulations to implement the proposed Species Conservation Act, as required





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Strategic Plan 2020-2026

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# Thank you!



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### Vacancy on Markham City Council Arising From the 2025 Federal Election





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### **Purpose of Presentation**

- To declare the office of Councillor, Ward 7 vacant following the election of Juanita Nathan to Parliament as part of the 2025 Federal election; and,
- To advise Markham City Council of its two options for filling the vacancy (i.e., by appointment or by-election).





## Background

- On April 28, 2025, a Federal Election was held in Canada.
- Ward 7 Councillor Juanita Nathan ran for MP (Member of Parliament).
- Members of municipal Council are not required to resign their Council seat in order to run in the Federal election.
- Councillor Nathan was elected MP for Pickering-Brooklin.





**Note**: Staff are aware of Council vacancies in 5 other Ontario municipalities as a result of the federal election (East Ferris, Guelph, Hamilton, Milton and Toronto).



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#### Legislative Services



### Legislative Framework

- The Municipal Act (the Act) and the Municipal Elections Act prescribe rules and impose deadlines with respect to filling a vacancy in the office of a Member of Council.
- In accordance with Act, a Markham City Councillor that has been elected to Parliament is required to vacate their seat on Council (Section 258 (1)(3)).
- A Councillor may resign from office by providing written notice to the Clerk of the municipality (Section 260 (1)).





# Legislative Services

- On May 20, 2025, Juanita Nathan notified the City Clerk (in writing) of her resignation from the position of Ward 7 Councillor. The resignation follows the <u>publication of her election as a Member of Parliament in the</u> <u>Gazette on May 14, 2025.</u>
- In accordance with the Act, Markham City Council is required to declare the Ward 7 seat vacant at its next meeting on <u>May 27, 2025</u> (Section 262).

**Note**: If a vacancy occurs on a municipal Council as a result of a death of a Councillor, the declaration may be made at either of Council's next two meetings.



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Legislative Services



- Within 60 days of Markham City Council declaring the Ward 7 seat vacant (by July 26, 2025) the City is required to:
  - Fill the seat by appointment.

### OR

- Pass a by-law requiring a by-election be held to fill the vacancy (Section 263 (5) of the *Act*).
- The person appointed by Council or elected via byelection will hold office until the end of the current Term of Council (November 14, 2026).

Note: If a vacancy occurs within 90 days before Voting Day (July 28, 2026) of a regular election (on October 26, 2026), the City is **NOT** required to fill the vacancy. (Section 263 (5) (3) of the *Act*).



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## **Council Vacancy Policy**

- On October 16, 2012, the City of Markham adopted a <u>Council Vacancy Policy</u> to provide an accountable and transparent process for filling any vacancy that occurs on Council.
- The City Clerk is responsible for the administration and interpretation of the Policy, including advising Council on its application.
- In accordance with the Policy, if a Council vacancy occurs after March 31<sup>st</sup> in the year immediately prior to a regular election year (i.e., after March 31, 2025), Council will fill the vacancy by appointment.

**Note**: Nothing in the Policy shall be interpreted as denying Council of it's authority to do anything permitted or required under the **Municipal Act**.



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#### Legislative Services



# **Council Vacancy Policy**

 In accordance with the Policy, Council has the following appointment options (Section 5.3 of the Policy):

**a)** Appoint an unsuccessful candidate for the Ward 7 seat in the most recent regular election (i.e., the 2022 Municipal Election);

### OR

**b)** Appoint any other qualified person (i.e., an eligible Markham voter).

• Markham City Council must complete the appointment to fill the vacant Ward 7 Councillor seat on or before **July 26, 2025**.



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Legislative Services

## **Council Vacancy Policy**

- Between 2000 2024, the following vacancies on Markham City Council that were filled through an appointment process:
  - 1. Ward 3 Councillor Joseph Virgilio appointed to the vacant Office of Regional Councillor (<u>September 15, 2009 Council</u>).
  - 2. Khalid Usman appointed to the vacant Office of Ward 7 Councillor (June 26, 2018 Council).



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### **Council Vacancy Policy**

- Council must adopt a resolution indicating its preferred appointment process at the meeting where the vacancy is declared (May 27, 2025) or at its next meeting (June 24, 2025) (Council Vacancy Policy, Section 5).
- The City Clerk will facilitate the chosen appointment process.







# Option A: Appointment of an Unsuccessful Candidate from the 2022 Municipal Election

The procedure to appoint a former Candidate to fill a vacancy is outlined in **Appendix B** of the Policy.

In **Option A**, Council has the option to:

A.Appoint the Ward 7 Candidate that received the second highest number of votes in the 2022 Municipal Election.

Appoint any other of the unsuccessful Ward 7 Candidates from the 2022 Municipal Election.



Legislative Services



# **Option A (Continued)**

- Unsuccessful Ward 7 Candidates from the 2022 Municipal Election (listed in order of votes received):
  - Nimisha Patel (2,648)
  - Shahzad Habib (1,955)
  - Neetu Gupta (1,292)
- To be considered for this appointment, a 2022 Ward 7 Candidate must still be an eligible\* Markham voter and must not otherwise be disqualified from holding office.

\*An eligible Markham voter is a Canadian citizen; &, at least 18 years of age; & a resident of Markham, or an owner or tenant of land in Markham, or the spouse of such owner or tenant; & not legally prohibited from voting; & not disqualified by any legislation from holding office.

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### Legislative Services



# **Option A (Continued)**

- If Council chooses to appoint from the pool of unsuccessful Ward 7 Candidates from the 2022 Municipal Election, those individuals will be required to submit a written expression of interest to the City Clerk.
- The City Clerk shall examine all expressions of interest received from Candidates by an established deadline to ensure the eligibility of the Candidate.
- The City Clerk will certify a List of Candidates eligible for appointment and their names will be provided to Council as part of a Council Appointment Meeting. Candidates that do not meet the eligibility requirements will be notified in writing by the City Clerk.





### **Option B: Appoint an Eligible Markham Voter**

- The procedure to appoint an eligible voter to fill a vacancy is outlined in Appendix C of the Policy.
- In Option B, Council will fill the Ward 7 vacancy by appointment of an eligible Markham voter. Council will determine the appointment process.



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# **Option B (Continued)**

- To be considered for this appointment, a candidate must be an eligible Markham voter and must not otherwise be disqualified from holding office.
- It is the Candidate's sole responsibility to meet any deadline or otherwise comply with any requirement established by Council or the City Clerk as part of the appointment process.



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# **Option B (Continued)**

- Notice of Council's decision to appoint an eligible Markham voter will be:
  - a) Posted on the City's website & social media channels; &,
  - b) Provided to ratepayer & community organizations.
- Notice will identify:
  - a) The eligibility requirements to fill the Ward 7 vacancy; &,
  - b) Any application requirements established by City Clerk, including but not limited to:
    - i. Consent of Nominee Form or written expressions of interest;
    - ii. Statement of Qualification Form;
    - iii. Declaration of Eligibility; &,
    - iv. Deadline for submissions (usually 2 weeks).



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# **Option B (Continued)**

- An Information Meeting may be organized by the City Clerk during the application period.
- All interested eligible voters must complete the application requirements established by the City Clerk.
- Following the submission deadline, the City Clerk will certify the eligible candidates and provide notice to Candidates of the date/time for the Council Appointment Meeting. This meeting will be conducted in accordance with the **Council Vacancy Policy**.



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Legislative Services

## **Next Steps**

- 1) Council to pass a resolution to declare the Ward 7 seat on Markham City Council vacant.
- 2) Council to determine which appointment process it wishes to pursue.





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#### Legislative Services

## Recommendations

- 1) That the presentation entitled "Vacancy on Markham City Council Arising From 2025 Federal Election" be received; and,
- 2) That, in accordance with the Municipal Act, Markham City Council declare the Ward 7 local Councillor seat vacant; and,
- 3) That Council provide direction on the appointment process to fill the vacancy of the Ward 7 Councillor seat; and further,
- 4) That staff be authorized and directed to do all things necessary to give effect to these resolutions.





## **Questions?**





### **By-law 2025-37**

A by-law to designate a property as being of cultural heritage value or interest "George and Eliza Brodie House" 11288 Kennedy Road

WHEREAS Pursuant to Part IV, Section 29, of the Ontario Heritage Act (the "Act"), the Council of a Municipality is authorized to enact by-laws to designate a real property, including all the buildings and structures thereon, to be of Cultural Heritage Value or Interest;

WHEREAS the property described in Schedule "A" to this By-law (the "Property") contains the cultural heritage resource known as the George and Eliza Brodie House;

AND WHEREAS the Council of the Corporation of the City of Markham, by resolution passed on December 4, 2024, has caused to be served on the owners of the lands and premises at:

Jethabhai Enterprises Ltd. 12075 Highway 27 Kleinburg, Ontario L0J 1C0

and upon the Ontario Heritage Trust, notice of intention to designate the George and Eliza Brodie House, 11288 Kennedy Road, and has caused such notice of intention to be published digitally in a manner consistent with the requirements of the Act;

AND WHEREAS Council has described the Property, set out the Statement of Cultural Heritage Value or Interest for the Property, and described the heritage attributes of the Property in Schedule "B" to this By-law, which forms part of this By-law;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF MARKHAM HEREBY ENACTS AS FOLLOWS:

1. THAT the following real property, more particularly described in Schedule "A" attached hereto and forming part of this by-law, is hereby designated as being of cultural heritage value or interest:

"George and Eliza Brodie House" 11288 Kennedy Road City of Markham The Regional Municipality of York

2. THAT the City Solicitor is hereby authorized to cause a copy of this by-law to be registered against the property described in Schedule "A" attached hereto in the property Land Registry Office.

Read a first, second, and third time and passed May 27, 2025.

Kimberley Kitteringham City Clerk

## SCHEDULE 'A' TO BY-LAW 2025-37

In the City of Markham in the Regional Municipality of York, the property municipally known as 11288 Kennedy Road, Markham, Ontario, and legally described as follows:

PART LOT 29, CONCESSION 5 MARKHAM AS IN R740509; S/T MA41530; MARKHAM; S/T EASE OVER PT 1 65R11129 AS IN R462138

PIN: 03056-0030

## SCHEDULE 'B' TO BY-LAW 2025-xx

#### STATEMENT OF SIGNIFICANCE

#### George and Eliza Brodie House

11288 Kennedy Road c.1860

The George and Eliza Brodie House is recommended for designation under Part IV, Section 29 of the <u>Ontario Heritage Act</u> as a property of cultural heritage value or interest, as described in the following Statement of Significance.

#### **Description of Property**

The George and Eliza Brodie House is a one-and-a-half storey frame dwelling located on the west side of Kennedy Road, near the east bank of the Rouge River, between the historic rural hamlets of Cashel and Almira. The house faces south and is not visible from the street.

#### **Design Value and Physical Value**

The George and Eliza Brodie House has design and physical value as a representative example of a mid-nineteenth century frame farmhouse in the vernacular Georgian architectural tradition. It is a modest vernacular dwelling designed to serve the needs of a household of modest means. The symmetrical façade and restrained formal design follows the Georgian architectural tradition that continued to influence vernacular domestic architecture in Ontario long after the Georgian period ended in 1830. Exterior materials have been renewed over time, but the original form remains readily discernable. The scale and design of this house are similar to dwellings constructed by some Markham Township landowners for the use of tenant farmers, but in this case, the house was owner-occupied when first constructed. In this way, the George and Eliza Brodie House could be considered the family's "starter home" before they decided to pursue farming elsewhere, perhaps on a more productive piece of land.

#### **Historical Value and Associative Value**

The George and Eliza Brodie House has historical value for its association with the locally-significant theme of immigration, notably the early cultural and religious diversity of Markham Township. Specifically, it is the former farmhouse of an early Scottish Presbyterian family who arrived in Upper Canada in 1835 as part of an influx of British families that settled in Markham Township beginning in the 1820s. George Brodie Jr., born in Scotland, was one of the six children of George Brodie Sr. and Jean (Milne) Brodie of Peterhead, Scotland, who purchased a farm on the western half of Lot 2, Concession 5, Whitchurch Township in 1835. Their homestead was named Craigieburn Farm. The family was a strong supporter of the Melville Presbyterian Church north of Cashel. George Brodie Jr. purchased the northeast quarter of Markham Township Lot 29, Concession 5 in 1859 and constructed a small frame farmhouse a little to the east of the meandering Rouge River. In 1868, George Brodie Jr. and his wife Eliza (Oxley) Brodie sold the farm and moved to Scott Township. In 1870, George Brodie Jr.'s brother Charles J. Brodie purchased the property, which he owned until 1887.

#### **Contextual Value**

The George and Eliza Brodie House has contextual value because it is physically, functionally, visually and historically linked to its surroundings as the farmhouse that served this agricultural property from c.1860 well into the twentieth century.

By-law 2025-37 Page 4

#### **Heritage Attributes**

Character-defining attributes that embody the cultural heritage value of the George and Eliza Brodie House are organized by their respective Ontario Regulation 9/06 criteria, as amended, below:

Heritage attributes that convey the property's design and physical value as a representative example of a small frame farmhouse of the mid-nineteenth century in the vernacular Georgian architectural tradition:

- T-shaped plan;
- One-and-a-half storey height;
- Fieldstone foundation;
- Frame exterior walls;
- Medium-pitched gable roof with projecting, open eaves and single-stack brick chimney;
- Three-bay composition of the south (primary) elevation with centrally-placed single leaf door opening;
- Flat-headed rectangular window openings;
- Shed-roofed one-storey rear addition.

Heritage attributes that convey the property's historical value for its association with the locally-significant theme of immigration, notably the early cultural and religious diversity of Markham Township, as the former farmhouse of an early Scottish Presbyterian family who were part of an influx of British families that settled in Markham Township beginning in the 1820s:

• The dwelling is a tangible reminder of Scottish-born George Brodie, the property owner from 1859 to 1868, and his brother Charles Brodie, owner from 1870 to 1887, who came to Upper Canada from Peterhead, Scotland with their parents George Brodie Sr. and Jean (Milne) Brodie in 1835

Heritage attributes that convey the property's contextual value because it is physically, functionally, visually or historically linked to its surroundings:

The location of the building on its original site facing south, a little to the east of the Rouge River, north of the historic crossroads hamlet of Cashel.

Attributes of the property that are not considered to be of cultural heritage value, or are otherwise not included in the Statement of Significance:

- Aluminum siding;
- Modern windows and doors;
- Non-functional shutters;
- Shed-roofed canopy over principal entrance;
- Enclosed side porch;
- Accessory building.



### **By-law 2025-38**

A by-law to designate part of a certain plan of subdivision not subject to Part Lot Control

Please provide date of Council Resolution or Approval (mm/dd/year)- 5/27/2025

The Council of The Corporation of the City of Markham hereby enacts as follows:

1. That Section 50(5) of the *Planning Act*, R.S.O. 1990, P.13 shall not apply to the lands within the part of a registered plan of subdivision designated as follows:

Part Block B, Plan 2886; Designated as Parts 1, 4, 5, 6, 7, 8, 9, 10, 11, 12 & 14, 65R41087; City of Markham, Regional Municipality of York

2. This By-law shall expire two years from the date of its passage by Council.

Read a first, second, and third time and passed on May 27, 2025.

Kimberley Kitteringham City Clerk

By-law 2025-38 Page 2



#### EXPLANATORY NOTE

BY-LAW NO: 2025-38 Part Lot Control Exemption By-law

#### Minto Communities Inc. PTLT 25 12146 Blocks B, Registered Plan 2886

The proposed By-law 2025-38 applies to Part Block B, Registered Plan 2886. Block B is located along Anna Russell Way, west of Eureka Street and south of Fred Varley Drive.

The purpose of this By-law is to exempt the subject block from the part lot control provisions of the *Planning Act*.

The effect of this By-law is to permit the creation of Parts 1 to 207 (inclusive) of Block B, to facilitate the conveyance of 38 back-to-back condo townhouses and 81 traditional condo townhouses.

FILE SPC 22 116603) The application to build 119 residential units and a public park has been approved under By-law 2023-19, as per the Site Plan Agreement. The park has been conveyed to the city for the purpose of a Municipal Park. The development consists of 13 blocks of townhouses, 4 blocks of back-to-back townhouses (2.84 ha) and a municipal park (0.61 ha)



### **By-law 2025-39**

Being a by-law to provide for the levy and collection of sums required by the corporation of the city of Markham for the year 2025 and to provide for the mailing of notices requiring payment of taxes for the year 2025.

WHEREAS Subsection 312(2) of the *Municipal Act, 2001* provides that the Council of a local municipality shall, after the adoption of estimates for the year, pass a by-law each year to levy a separate tax rate on the assessment in each property class in the local municipality rateable for local municipal purposes; and,

WHEREAS Sections 307 and 308 of the said *Act* require taxes to be levied upon the whole of the assessment for real property according to amounts assessed under the *Assessment Act* and that tax rates to be established in the same proportion to tax ratios; and,

WHEREAS estimates have been prepared showing the sum of \$193,983,012 raised for the lawful purpose of The Corporation of the City of Markham for the year 2025, \$425,350,022 for the Region of York and \$259,341,776 for the Boards of Education; and,

WHEREAS the Assessment Roll made in 2024 and upon which 2025 taxes are to be levied, was returned by the Municipal Property Assessment Corporation and is the last revised Assessment Roll; and

WHEREAS the total taxable assessment within the City of Markham is \$108,637,489,576; and,

NOW THEREFORE the Council of The Corporation of the City of Markham enacts as follows:

1. THAT the following property tax ratios are to be applied in determining tax rates for taxation in 2025:

PROPERTY CLASS	2025 TAX RATIO
Residential	1.000000
Multi-Residential	1.000000
Commercial	1.332100
Landfill	1.100000
Industrial	1.643200
Pipeline	0.919000
Farmland	0.250000
Managed Forest	0.250000

2. THAT the sum of \$193,983,012 shall be levied and collected for the City of Markham purposes for the year 2025 such amount to be provided for as follows:

CLASS	ASSESSMENT	TAX RATE	TAXES
Residential (RT)	94,406,344,396	0.171415%	161,826,592
Residential Shared as PIL (RH)	2,206,000	0.171415%	3,781
Residential Farm Awaiting Development (R1)	18,115,000	0.042854%	7,763
Multi-Residential (MT/NT)	1,218,279,300	0.171415%	2,088,313
Multi-Residential (Municipal Reduction)	0	0.111420%	0
Commercial (CT/DT/ST/GT)	10,920,367,287	0.228342%	24,935,770
Commercial (CU/DU/SU)	106,470,847	0.228342%	243,118
Commercial (CJ)	4,231,000	0.228342%	9,661
Commercial (CH)	19,330,800	0.228342%	44,140
Commercial (CX)	256,790,309	0.228342%	586,360

Commercial (C1) Commercial (C7)	29,480,100 37,000	0.228342%	12,633 84
Industrial (IT/KT/LT)	1,071,032,270	0.281669%	3,016,766
Industrial (IH)	64,012,673	0.281669%	180,304
Industrial (IU/KU)	28,191,800	0.281669%	79,408
Industrial (IK)	862,327	0.183085%	1,579
Industrial (IX)	262,567,700	0.281669%	739,572
Industrial (I1)	27,316,900	0.042854%	11,706
Pipelines (PT)	95,015,000	0.157530%	149,677
Farmland (FT)	104,643,167	0.042854%	44,844
Managed Forest (TT)	2,195,700	0.042854%	941
TOTAL	108,637,489,576		\$193,983,012

3. THAT the sum of \$425,350,022 shall be levied and collected for the City of Markham's share of the Regional Municipality of York Budget for the year 2025, such amount to be provided for as follows:

CLASS	ASSESSMENT	TAX RATE	TAXES
Residential (RT)	94,406,344,396	0.375863%	354,838,518
Residential Shared as PIL (RH)	2,206,000	0.375863%	8,292
Residential Farm Awaiting Development (R1)	18,115,000	0.093966%	17,022
Multi-Residential (MT/NT)	1,218,279,300	0.375863%	4,579,061
Multi-Residential (Municipal Reduction)	0	0.244311%	0
Commercial (CT/DT/ST/GT)	10,920,367,287	0.500687%	54,676,859
Commercial (CU/DU/SU)	106,470,847	0.500687%	533,086
Commercial (CJ)	4,231,000	0.500687%	21,184
Commercial (CH)	19,330,800	0.500687%	96,787
Commercial (CX)	256,790,309	0.500687%	1,285,716
Commercial (C1)	29,480,100	0.093966%	27,701
Commercial (C7)	37,000	0.500687%	185
Industrial (IT/KT/LT)	1,071,032,270	0.617618%	6,614,888
Industrial (IH)	64,012,673	0.617618%	395,354
Industrial (IU/KU)	28,191,800	0.617618%	174,118
Industrial (IK)	862,327	0.617618%	5,326
Industrial (IX)	262,567,700	0.617618%	1,621,665
Industrial (I1)	27,316,900	0.093966%	25,669
Pipelines (PT)	95,015,000	0.345418%	328,199
Farmland (FT)	104,643,167	0.093966%	98,329
Managed Forest (TT)	2,195,700	0.093966%	2,063
TOTAL	108,637,489,576		\$425,350,021

4. THAT the sum of \$259,341,776 shall be levied and collected for the City of Markham's share of the Boards of Education Budget for the year 2025, such amount to be provided for as follows:

CLASS	ASSESSMENT	TAX RATE	TAXES
Residential (RT)	94,406,344,396	0.153000%	144,441,707
Residential Shared as PIL (RH)	2,206,000	0.153000%	3,375
Residential Farm Awaiting Development (R1)	18,115,000	0.038250%	6,929
Multi-Residential (MT/NT)	1,218,279,300	0.153000%	1,863,967
Commercial (CT/DT/ST/GT)	10,920,367,287	0.880000%	96,099,232
Commercial (CU/DU/SU)	106,470,847	0.880000%	936,943
Commercial (CX)	256,790,309	0.880000%	2,259,755
Commercial (C1)	29,480,100	0.038250%	11,276
Commercial (C7)	37,000	0.880000%	326
Industrial (IT/KT/LT)	1,071,032,270	0.880000%	9,425,084
Industrial (IU/KU)	28,191,800	0.880000%	248,088
Industrial (IX)	262,567,700	0.880000%	2,310,596
Industrial (I1)	27,316,900	0.038250%	10,449
Pipelines (PT)	95,015,000	0.880000%	836,132
Farmland (FT)	104,643,167	0.038250%	40,026

Managed Forest (TT)	2,195,700	0.038250%	840			
TOTAL	108,549,052,776		\$258,494,725			
Plus: Taxable – Full Share PIL (CH, CJ, IH, IK)						
Taxed at education rate but revenue retained by	City		\$847,051			
TOTAL EDUCATION LEVY			\$259,341,776			

5. THAT a Waste Collection and Disposal Grant totaling \$135,860 shall be provided proportionately to the following Residential Condominium properties.

CONDOMINIUM NUMBER	ADDRESS	UNITS
YRC #226	7811 Yonge Street	148
YRC #550	7451 Yonge Street	21
YRC #618	55 Austin Drive	142
YRC #636	25 Austin Drive	149
YRC #784	7805 Bayview Avenue	341
YRC #792	610 Bullock Drive	235
YRC #794	7825 Bayview Avenue	337

6. THAT the sum of \$239,640 shall be levied on non-residential properties located within the boundaries of the City of Markham's Markham Village Business Improvement Area for the year 2025, such amount to be provided for as follows:

CLASS	ASSESSMENT	TAX RATE	TAXES
Commercial	\$88,630,922	0.270380%	\$239,640

7. THAT the sum of \$214,221 shall be levied on non-residential properties located within the boundaries of the City of Markham's Unionville Business Improvement Area for the year 2025, such amount to be provided for as follows:

CLASS	ASSESSMENT	TAX RATE	TAXES
Commercial	\$55,889,000	0.383297%	\$214,221

8. THAT the sum of \$1,286 shall be levied against all properties in the Farmland Class and collected for membership fees in the Federation of Agriculture for the Region of York for the year 2025, such amount to be provided for as follows:

CLASS	ASSESSMENT	TAX RATE	TAXES
Farmland (FT)	\$104,643,167	0.001229%	\$1,286

- 9. THAT there shall be a levy upon the Markham Stouffville Hospital in the estimated amount of \$28,200 pursuant to Subsection 323(3) of the *Municipal Act*, 2001, such amount being the sum of \$75.00 for each of the estimated 376 provincially rated beds and a levy upon Seneca College in the estimated amount of \$243,900 pursuant to Subsection 323(1) of the *Municipal Act*, 2001, such sum being \$75.00 for each of the estimated 3,252 full time enrolled students as determined by the Minister of Training, Colleges and Universities. The figures included here are 2024 figures as the 2025 information is not yet available from the Ministry of Municipal Affairs and Housing.
- 10. THAT there shall be levied upon Utility Transmission Lines (UH) the sum of \$762,185 for the year 2025, such amount to be provided for as follows:

DESCRIPTION	ACRES	RATE PER ACRE	CITY	REGION	EDUCATION	TOTAL
Hydro One	373.13	\$834.02	\$90,177	\$221,021		\$311,198
Hydro One	373.13	\$1,208.66			\$450,987	\$450,987
TOTAL			\$90,177	\$221,021	\$450,987	\$762,185

\* Education revenue of \$450,987 retained by City

11. THAT there shall be levied upon Railway Rights of Ways (WT) the sum of \$477,221 for the year 2025, such amount to be provided for as follows:

DESCRIPTION	ACRES	RATE PER ACRE	СІТҮ	REGION	EDUCATION	TOTAL
Canadian National Railways	244.62	\$624.33	\$44,255	\$108,468		\$152,724
Canadian National Railways	244.62	\$822.69			\$201,246	\$201,246
Canadian Pacific Railways	48.42	\$624.33	\$8,760	\$21,470		\$30,230
Canadian Pacific Railways	48.42	\$822.69			\$39,835	\$39,835
Metrolinx	85.19	\$624.33	\$15,412	\$37,775		\$53,187
ТОТ	Γ <b>AL</b>		\$68,427	\$167,713	\$241,081	\$477,221

12. THAT for the purposes of paying the owners' portion of debt charges pursuant to *Ontario Regulation 390/02* under the *Municipal Act, 2001* (previously the *Local Improvement Act*), as authorized by the following by-laws, the amounts listed below shall be levied and collected from the owners of the properties liable therefore:

EFFECTIVE / EXPIRY DATE	PURPOSE	AMOUNT
(2006-2025)	Buttonville	\$6,179

13. THAT for the purposes of paying the owners' portion of debt charges pursuant to Section 391 of the *Municipal Act, 2001* as authorized by the following by-laws, the amounts listed below shall be levied and collected from the owners of the properties liable therefore:

EFFECTIVE / EXPIRY DATE	PURPOSE	AMOUNT	
(2016-2025)	Main Street	\$7,229	
(2020-2029)	Houghton Blvd	\$27,239	
TOTAL	TOTAL		

- 14. THAT pursuant to Regional By-law No. A-0303-2002-020, a tax rebate totaling \$8,002.63 (City share is \$1,963.01) be provided to the Markham District Veterans Association for its property located at 7 Washington Street for 2025 upon the provision of documentation in a form satisfactory to the Treasurer.
- 15. THAT the Treasurer shall add to the Collector's Roll, all or any arrears for service provided by: the *Power Commission Act* (hydro-electric power), the *Weed Control Act*, the *Ditches and Watercourses Act*, the *Public Utilities Act*, the *Tile Drainage Act*, and the *Ontario Building Code*; and any other collection agreements charges approved by Council which shall be collected by the Collector in the same manner and at the same time as all other rates and levies.
- 16. THAT the Interim Tax Levies which were payable in two instalments on February 5, 2025, and March 5, 2025 shall be shown as a reduction on the final levy.
- 17. THAT the net amount of taxes levied by this By-law shall be due and payable in equal instalments as follows.

PROPERTIES	INSTALMENTS
Residential, Farmland and Pipelines	1. July 7, 2025
	2. August 5, 2025
Commercial, Industrial and Multi-Residential	1. October 6, 2025
Commercial, mousural and Multi-Residential	2. November 5, 2025

- 18. THAT those residential property owners who have applied and meet the conditions for the Pre-authorized Payment Program for taxes as approved by Council will have the taxes levied under this By-law paid by automatic withdrawal in six (6) equal instalments:
  - i. July 1, 2025;
  - ii. August 1, 2025;
  - iii. September 1, 2025;
  - iv. October 1, 2025;

- v. November 1, 2025; and
- vi. December 1, 2025
- 19. THAT those residential property owners who have applied and meet the conditions for the Pre-authorized Payment Program for taxes as approved by Council will have the taxes levied under this By-law paid by automatic withdrawal in three (3) equal instalments:
  - i. July 7, 2025;
  - ii. August 5, 2025; and
  - iii. September 5, 2025.
- 20. THAT those commercial, industrial and multi-residential property owners who have applied and meet the conditions for the Pre-authorized Payment Program for taxes as approved by Council will have the taxes levied under this By-law paid by automatic withdrawal in three (3) equal instalments:
  - i. October 6, 2025;
  - ii. November 5, 2025; and
  - iii. December 5, 2025.
- 21. THAT those residential property owners who have applied and meet the conditions for the Pre-authorized Payment Program for taxes as approved by Council will have the taxes levied under this By-law paid by automatic withdrawal in two (2) equal instalments:
  - i. July 7, 2025; and
  - ii. August 5, 2025.
- 22. THAT those commercial, industrial and multi-residential property owners who have applied and meet the conditions for the Pre-authorized Payment Program for taxes as approved by Council will have the taxes levied under this By-law paid by automatic withdrawal in two (2) equal instalments:
  - i. October 6, 2025; and
  - ii. November 5, 2025.
- 23. THAT as provided in Subsections 345(1) and (2) of the *Municipal Act 2001*, if the taxes or any class or instalment thereof so levied in accordance with this By-law remain unpaid following the due date, a penalty of 1 per cent (1.00%) on the fourth day of default, and one and one quarter per cent (1.25%) per month (15% per annum), on the first day each calendar month thereafter, of the taxes remaining unpaid shall be levied until December 31, 2025.
- 24. THAT as provided in Subsection 345(3) of the *Municipal Act, 2001*, if any taxes levied pursuant to this By-law remain unpaid as at December 31, 2025, interest at the rate of one and one quarter per cent (1.25%) per month (15% per annum) of the unpaid taxes shall be levied from January 1, 2026 and for each month or fraction thereof until such taxes are paid.
- 25. THAT all taxes levied by any By-law and which remain unpaid as at the date of passing this By-law, shall have interest charged at the same rate of one and one quarter per cent (1.25%) per month (15% per annum) calculated on the unpaid taxes, on the first day of each calendar month thereafter, of the taxes remaining unpaid shall be levied until December 31, 2025.
- 26. THAT the Treasurer of The Corporation of The City of Markham is hereby authorized and directed to serve personally or to mail or cause to be mailed notices of the taxes hereby levied to the person or persons taxed at the person's residence or place of business or upon the premises in respect of which the taxes are payable by such person, or the ratepayer's mortgage company or third party designated by the property owner.
- 27. THAT the property taxes are payable to The Corporation of The City of Markham, 101 Town Centre Boulevard, Markham, Ontario, L3R 9W3. Upon payment of any applicable fee, and if paid on or before the due date imprinted on the bill, taxes may also be paid at most chartered banks in the Province of Ontario.

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28. AND THAT those residents who qualify for the Low-Income Seniors and Low-Income Disabled Tax Deferral program shall apply to the City of Markham – Property Tax Division in accordance with the program policies as established by The Regional Municipality of York. The amount of deferral for 2025 will be determined once the application has been received and approved. The deferral amount may not be reflected on the 2025 final tax billing issued in accordance with this By-law.

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS **27**<sup>th</sup> DAY OF MAY, 2025.

Kimberley Kitteringham City Clerk



### **BY-LAW 2025-40**

#### A BY-LAW TO AMEND BY-LAW NO. 2024-137, BEING A BY-LAW TO ESTABLISH AN ADMINISTRATIVE MONETARY PENALTY SYSTEM (AMPS) FOR CONTRAVENTIONS OF DESIGNATED BY-LAWS IN THE CITY OF MARKHAM

**WHEREAS** Section 11 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended ("*Municipal Act*") provides that a municipality may pass by-laws respecting health, safety and well-being of persons and protection of persons and property, including consumer protection; and

**WHEREAS** Section 150 of the *Municipal Act* defines a business as any business, activity or undertaking wholly or partly carried on within the municipality even if the business is being carried on from a location outside the municipality; and

**WHEREAS** Section 151(1) of the *Municipal Act* provides that a municipality may provide for a system of licenses with respect to a business, as defined in section 150 of the *Municipal Act*, and may prohibit the carrying on or engaging in the business without a license, refuse to grant a license or revoke or suspend a license, impose conditions as a requirement of obtaining, holding, or renewing a license, and license, regulate or govern real and personal property used for a business and the persons carrying it on or engaged in it; and

**WHEREAS** Section 391(1) of the *Municipal Act* provides that a municipality may impose fees and charges on persons for services or activities provided or done by or on behalf of it; and

**WHEREAS** Section 434.1 of the *Municipal Act* provides that a municipality may require a person to pay an administrative penalty if the municipality is satisfied that a person has failed to comply with a by-law of the municipality passed under the *Municipal Act*; and

**WHEREAS** Section 434.2(1) of the *Municipal Act* provides that an administrative penalty imposed by a municipality on a person constitutes a debt of the person to the municipality.

NOW THEREFORE the Council of The Corporation of the City of Markham enacts as follows:

That the AMPS By-law 2024-137 be amended as follows:

(1) That Section 3.2(c) be added as follows:

If a person attends at the date, time and location or electronic method for a scheduled Screening Review but has failed to file the appropriate Authorization to Act as Agent form with the City, the Screening Officer shall, in their sole discretion, provide the person 10 calendar days to submit the form. If the form is received the Screening Officer shall conduct the Screening Review, however, if the form is not received, the Screening Officer shall:

- i. Deem the person to have abandoned the appeal;
- **ii.** Confirm the Administrative Penalty.

Read a first, second, and third time and passed on May 27th, 2025

Kimberley Kitteringham City Clerk



## **By-law 2025-41**

## A By-Law to establish a system of Administrative Monetary Penalties for violations of Automated Enforcement Systems in the City of Markham

**WHEREAS** Section 11 of the *Municipal Act, 2001*, S.O. 2001, c. 25 ("*Municipal Act, 2001*") authorizes municipalities to enact by-laws respecting spheres of jurisdiction including highways;

**AND WHEREAS** Section 21.1 of the *Highway Traffic Act,* R.S.O. 1990, c. H. 8, as amended, ("*HTA*") provides that an administrative penalty may be imposed to promote compliance with the Act and the regulations on a person who belongs to a prescribed class, being persons who own a motor vehicle pursuant to Section 5(1) of Ontario Regulation 355/22 made pursuant to the *HTA* ("O. Reg 355/22"), for contraventions of those prescribed provisions set out in Section 2 of O. Reg. 355/22 (the "Prescribed Provisions");

**AND WHEREAS** Section 205.1 of the *HTA* authorizes the use of an ASE system in a community safety zone designated by a by-law passed under subsection 214.1(1) of the *HTA* where the prescribed rate of speed is less than 80 kilometers per hour, or in a school zone designated by a by-law passed under paragraph (a) of subsection 128(5) of the *HTA*;

**AND WHEREAS** Section 3 of O. Reg. 355/22 provides that a penalty order may prescribe the following contraventions for the purposes of imposing an administrative penalty pursuant to Section 21.1 of the Act: subsection 128(1) Speeding where evidence of the contravention is obtained through the use of an ASE system ; subsection 144(18) Red Light - fail to stop where evidence of the contravention is obtained through the use of a red light camera system; and subsections 175 (11.1 and 12.1) fail to stop for school bus where evidence of the contravention is obtained through the use of an automated school bus camera system;

**AND WHEREAS** O. Reg. 355/22 authorizes municipalities to pass By-laws imposing fees and charges under Section 391 of the *Municipal Act, 2001* in connection with services related to an administrative penalty imposed under Section 21.1 of the *HTA*;

**AND WHEREAS** the Council of the City considers it desirable and necessary to provide for a system of administrative penalties and administrative fees to regulate and enforce motor vehicle contraventions in relation to speeding, red light fail to stop and fail to stop for school bus via automated camera-based enforcement.

## NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF MARKHAM ENACTS AS FOLLOWS:

#### 1. TITLE

**1.1.** This by-law shall be known and cited as the "Administrative Penalties for Automated Enforcement By-law."

#### 2. DEFINITIONS

- **2.1.** In this By-law, the following terms shall have the following meanings:
  - i. **"Administrative Fee"** means a fee in respect of services related to an Administrative Penalty that may be imposed pursuant to Section 22(2) of O. Reg 355/22 and that is listed in Schedule "C" of this By-law;
  - ii. **"Administrative Penalty"** means a monetary penalty that is applicable to a Contravention, and which is calculated in accordance with Section 6 of O. Reg 355/22;
  - iii. "Authorized Person" means a person employed by the City that meets all the other criteria set out in Section 4 of O. Reg. 355/22, including that the person has been designated as a provincial offences officer by the MTO under subsection 1 (3) of the Provincial Offences Act ("POA") for the purpose of all or any of the classes of offences in those parts of the HTA listed in Section 4 of O. Reg. 355/22, and that the designation authorizes the person to issue a certificate of offence under Section 3 (2) of the POA for a Contravention;
  - iv. **"Authorized Representative"** means a person acting on behalf of an Owner in a process or proceeding pursuant to this By-law as identified in an Authorization to Act as Agent form;
  - v. "Camera System" means an ASE system authorized under Part XIV.1 of the HTA and described in O. Reg. 398/19, a red light camara system described in O. Reg. 277/99 of the HTA that may be used to evidence a contravention of subsection 144(18) of the HTA in accordance with Part XIV.2 of the HTA, and an automated school bus camera system authorized under Part XIV.3 of the HTA and described in O. Reg. 424/20;
  - vi. "City" means the Corporation of the City of Markham.
  - vii. "Clerk" means the City Clerk or their delegate or designate

- viii. **"Community Safety Zone"** means that part of a highway, designated by bylaw pursuant to the HTA and signed as a Community Safety Zone.
- ix. **"Contravention"** means a contravention of, or a failure to comply with a Prescribed Provision.
- x. "Council" means the Council of the City of Markham;
- xi. **"Day"** means any calendar day;
- xii. **"Financial Hardship"** means special or specified circumstances that partially or fully exempt a Person from paying a Penalty Notice, including any Administrative Fees so as to avoid undue monetary difficulties
- xiii. **"Hearing Officer"** means a person appointed by Council to conduct Hearing Reviews in accordance with this By-law;
- xiv. **"Hearing Review"** means the second stage of an appeal of a Penalty Order comprised of a review of a Screening Review Decision by a Hearing Officer described in paragraphs 4 to 7 of subsection 11 (1) of O. Reg. 355/22;
- xv. **"Hearing Review Decision"** means a notice which contains the decision of a Hearing Officer, delivered in accordance with Section 6.8 of this By-law;
- xvi. **"Holiday"** means a Saturday, Sunday, any statutory holiday in the Province of Ontario, or any Day the offices for the City are officially closed for business;
- xvii. **"HTA"** means the Highway Traffic Act, R.S.O. 1990, c. H. 8, as amended;
- xviii. "Ministry" means the Ontario Ministry of Transportation;
- xix. "Municipal Act" means the Municipal Act, 2001, S.O. 2001, c. 25, as amended;
- xx. **"O. Reg 355/22"** means Ontario Regulation 355/22 made pursuant to the HTA and titled "Administrative Penalties for Contraventions Detected Using Camera Systems";
- xxi. **"Owner"** in relation to a motor vehicle has the same meaning as set out in O. Reg. 355/22;
- xxii. **"Penalty Order"** means an order issued by an Authorized Person that imposes an administrative penalty for a Contravention of a Prescribed Provision pursuant to s. 21.1 of the HTA and O. Reg 355/22;
- xxiii. **"Prescribed Provision"** means those provisions of the HTA referred to in paragraphs 1, 2 and 4 of Section 2 of O. Reg. 355/22;

- xxiv. **"Request for Review by Hearing Officer"** means a request which may be made in accordance with Section 6 of this By-law for an appeal of a Screening Decision;
- xxv. "Request for Review by Screening Officer" means a request by a person who is subject to a Penalty Order made in accordance with Section 5 of this By-law for the first stage of an appeal by a person who is subject to a Penalty Order;
- xxvi. **"School Safety Zone"** means that part of a highway, designated by by-law pursuant to the HTA and signed as a School Safety Zone;
- xxvii. **"Screening Officer"** means a person employed by the City to review Administrative Penalties and appeals by way of review of Penalty Orders;
- xxviii. **"Screening Review"** means the first stage of an appeal of a Penalty Order comprised of a review of the Penalty Order by a Screening Officer described in paragraphs 1 to 3 of subsection 11 (1) of O. Reg. 355/22.
- xxix. **"Screening Review Decision"** means a notice which contains the decision of a Screening Officer, delivered in accordance with Section 5.11 of this By-law.
- xxx. **"Victims' Justice Fund Component"** means that portion of an Administrative Penalty that is required to be credited to the victim's justice fund account in accordance with Section 19 of O. Reg 355/22, which amount is set out in Schedule "B" of this By-law.
- **2.2.** A reference in this By-law to any other by-law, legislation or regulation shall be deemed to be to a reference to that by-law, legislation, or regulation as amended or superseded.

#### 3. APPLICATION OF THIS BY-LAW

**3.1.** This By-law shall apply to Contraventions of any Prescribed Provision where evidence has been obtained through the use of a Camera System.

#### 4. PENALTY ORDER

- **4.1.** An Authorized Person that is satisfied that there has been a Contravention of a Prescribed Provision may, by Penalty Order, impose an Administrative Penalty on an Owner of the motor vehicle involved in the Contravention no later than twenty-three (23) Days after the Day on which the Contravention occurred.
- **4.2.** A Penalty Order shall be in a form prescribed by the Clerk and shall include the following information:

- i. A unique file number.
- ii. The provision contravened.
- iii. The date and location of the Contravention.
- iv. An identification of the motor vehicle that is involved in the Contravention.
- v. The amount of the Administrative Penalty.
- vi. A statement that the Owner of the motor vehicle must, no later than thirty (30) Days after the Day the Penalty Order is served on them, pay the Administrative Penalty unless they commence an appeal in accordance with Section 5 of this By-law.
- vii. A statement that the Owner of the motor vehicle may, no later than thirty (30) Days after the Day the Penalty Order is deemed served, commence an appeal in accordance with Section 5 of this By-law; and
- viii. Information regarding the appeal process including the manner in which to commence an appeal.
- **4.3.** A Penalty Order may include the following information:
  - i. A copy of a photograph or image of the motor vehicle involved in the Contravention.
  - ii. Statement(s) by the Authorized Person that are certified to be true in respect of the Contravention or in respect of the service of the Penalty Order.
- **4.4.** A Penalty Order may be served in accordance with Section 9 of this By-law.
- **4.5.** Every person who is subject to a Penalty Order shall pay the City within thirty (30) Days, the applicable Administrative Penalty and Administrative Fee, unless the person commences an appeal by submitting a Request for Review by Screening Officer.

#### 5. REVIEW BY SCREENING OFFICER

- 5.1. A person who is served with a Penalty Order may commence an appeal of the Penalty Order by submitting a Request for Review by Screening Officer within thirty (30) Days after the date on which service of the Penalty Order is deemed to have been affected pursuant to Section 9.1 (b) of this By-law.
- **5.2.** A person or Authorized Representative may submit a Request for Review by a Screening Officer in the manner set out in the Penalty Order and in accordance with Section 10 of this By-law.
- **5.3.** A Request for Review by Screening Officer shall include the Penalty Order file number, the person's contact information including phone number, address, and electronic mail address as available, and the reason(s) for the appeal.

- **5.4.** Where a conflict of interest is identified, the Screening Officer shall administratively confirm the Penalty Order and submit a Request for Hearing Review and provide notice of the Hearing Review to the person or Authorized Representative. For greater certainty, a conflict of interest when identified includes the following:
  - i. Where the Screening Officer has professional or personal association with a person; or
  - ii. Where the Owner includes the City, or a professional or personal association to the City.
- **5.5.** The Screening Officer shall determine if the Screening Review is to be conducted orally, electronically or in writing and shall provide a notice of the Screening Review date, time and location to the person requesting the appeal in accordance with Section 9 of this By-law.
- **5.6.** Where the Screening Officer determines that the Screening Review is to be conducted in writing, the person shall be served with a notice of the Screening Review indicating that the review will be conducted in writing. The notice to the person shall include the methods of delivering all documents, evidence, submissions and any other information that the person believes should be considered by the Screening Officer to the City (methods of delivery as set out in Section 10 of this By-law), and the date by which all documents, evidence, submissions and any other information are to be delivered to the City.
- **5.7.** If a date and time is scheduled for a person to make oral submissions in respect of a Screening Review, the person shall attend at the scheduled date, time and location or electronic method.
- **5.8.** No witnesses shall be called in a Screening Review.
- **5.9.** The Screening Officer shall not make a decision unless the person has been given an opportunity to make submissions in the same manner in which the Screening Review is conducted.
- **5.10.** The Screening Officer may confirm, vary, or set aside the Penalty Order in accordance with Section 8 of this By-law, and shall do so as soon as practical after the review is complete.
- **5.11.** The Screening Officer shall serve a copy of the Screening Review Decision to the person appealing the Penalty Order in accordance with Section 9 of this By-law as soon as practical after the decision is made.
- **5.12.** If the Screening Review Decision does not result in the Penalty Order being set aside, the person who is subject to the Penalty Order shall pay the Administrative Penalty within 30 days after the Screening Review Decision is deemed to have been

served on the person unless the person has made a Request for Review by Hearing Officer in accordance with Section 6 of this By-law.

- **5.13.** If a Screening Officer considers it fair and appropriate in the circumstances, the person may be approved for a plan of periodic payments that extends beyond the thirty (30)-Day deadline in accordance with Section 8 of this By-law.
- **5.14.** If a person, or Authorized Representative fails to attend at a date, time and location or electronic method for a scheduled Screening Review, or fails to provide any written appeal documents and submissions, the Screening Officer shall:
  - i. Deem the person to have abandoned the appeal;
  - ii. Confirm the Administrative Penalty; and
  - iii. Add \$60.00 to the Administrative Penalty pursuant to paragraph 3 of subsection 14(2) of O. Reg. 355/22.
- **5.15** If a person attends at the date, time and location or electronic method for a scheduled Screening Review but has failed to file the appropriate Authorization to Act as Agent form with the City, the Screening Officer shall, in their sole discretion, provide the person 10 calendar days to submit the form. If the form is received the Screening Officer shall conduct the Screening Review, however, if the form is not received, the Screening Officer shall:
  - i. Deem the person to have abandoned the appeal;
  - ii. Confirm the Administrative Penalty; and
  - iii. Add \$60.00 to the Administrative Penalty pursuant to paragraph of subsection 14(2) of O. Reg 355/22.

#### 6. REVIEW BY HEARING OFFICER

- **6.1.** A person or Authorized Representative may submit a Request for Review by Hearing Officer within thirty (30) Days after the date on which the service of the Screening Review Decision is deemed to have been affected pursuant to Section 9 of this By-law.
- **6.2.** If a person or Authorized Representative has not submitted a Request for Review by Hearing Officer within thirty (30) Days, the Screening Review Decision shall be deemed final.
- **6.3.** A person or Authorized Representative may submit a Request for Review by a Hearing Officer, in the manner set out in the Screening Review Decision and in accordance with Section 10 of this By-law.

- **6.4.** A Request for Review by Hearing Officer shall include the Penalty Order file number, the person's contact information including phone number, address, and electronic mail address as available, and the reason(s) for the appeal.
- **6.5.** The Hearing Officer shall determine if the Hearing Review is to be conducted orally, electronically or in writing. A Notice of Hearing Review shall be served by the City to the person requesting the appeal as soon as practicable in accordance with Section 9 of this By-law.
- **6.6.** The Hearing Officer shall not make a determination with respect to a review of the Screening Decision where a person or when applicable, a City representative appears, unless they have given the person and City representative an opportunity to be heard.
- **6.7.** The Hearing Officer may confirm, vary, or set aside the Penalty Order in accordance with Section 8 of this By-law, and shall do so as soon as practical after the review is complete.
- **6.8.** The Hearing Officer shall serve a copy of the Hearing Review Decision to the person requesting the appeal in accordance with Section 9 of this By-law as soon as practical after the decision is made.
- **6.9.** If the Hearing Review of a Penalty Order does not result in the Penalty Order being set aside, the person who is subject to the Penalty Order shall within thirty (30) Days following the date of the Hearing Review Decision pay the Administrative Penalty as set out in the Hearing Review Decision.
- 6.10. If a Hearing Officer considers it fair and appropriate in the circumstances, the person may be approved for a plan of periodic payments that extends beyond the thirty (30)-Day due date in accordance with Section 8 of this By-law.
- **6.11.** If the person fails to appear at the time date and location for a scheduled Hearing Review, or fails to provide any written appeal documents and submissions, the Hearing Officer shall:
  - i. Deem the person to have abandoned the appeal;
  - ii. Confirm the Screening Decision and the Administrative Penalty as it may have been affected by the Screening Review Decision; and
  - iii. Add \$60.00 to the Administrative Penalty pursuant to paragraph 3 of subsection 14(2) of O. Reg. 355/22.
- **6.12.** The decision of a Hearing Officer is final and not subject to review, including review by any Court.

#### 7. TIME EXTENSION

- **7.1.** A person or Authorized Representative may request a time extension of the thirty (30) day time period to request a Screening Review referred to in Section 5.1 above, or of the thirty (30) day time period to request a Hearing Review referred to in Section 6.1 above and either the Screening Officer or Hearing Officer, as the case may be, if they consider the extension fair an appropriate in the circumstances may grant an extension, even after the applicable thirty (30) day period has expired.
- **7.2.** A person or Authorized Representative may submit a request for time extension by submitting a completed Time Extension Form and delivering it to the City in accordance with Section 10 of this By-law.
- **7.3.** A request for a time extension to appeal, shall include the following:
  - i. Penalty Order file number;
  - ii. Person's contact information (phone number, address and electronic mail address as available).
  - iii. Reasons for which the time extension is being requested;
  - iv. Copy of any supporting documentation to support the reason for the time extension request; and
  - v. Reasons for having failed to request a Screening Review or Hearing Review within the time limit prescribed in this By-law.
- **7.4.** If a Screening Officer considers it fair and appropriate in the circumstances, they may extend the thirty (30)-Day period to request a Screening Review, and the time extension may be made even after the thirty (30)-Day period has expired.
- **7.5.** If a Hearing Officer considers it fair and appropriate in the circumstances, they may extend the thirty (30)-Day period to request a Hearing Review, and the extension may be made even after the thirty (30)-Day period has expired.

#### 8. DECISIONS OF THE SCREENING OR HEARING OFFICER

- **8.1.** In deciding whether to confirm, vary or set aside a Penalty Order, a Screening Officer shall determine whether it was reasonable for the Authorized Person to impose the Penalty Order.
- **8.2.** In deciding whether to confirm, vary or set aside a Penalty Order, a Hearing Officer shall determine whether the decision of the Screening Officer was reasonable.
- **8.3.** In making a determination, a Screening Officer or Hearing Officer, as the case may be, may consider the following information if available:
  - i. Photographs or images taken by the Camera System or enforcement system, as applicable.

- ii. Statements, including certified statements made by the Authorized Person who imposed the Penalty Order.
- iii. Documents, including certified documents and any Ministry or out of Province proof of ownership documents, setting out the name and address of the person who is subject to the Penalty Order, a description of the permit and the plate number of the motor vehicle.
- iv. Submissions by the person requesting the appeal made either in writing or in the manner in which the appeal is conducted.
- v. Submissions by or on behalf of the City in which the Contravention that is the subject of the Penalty Order occurred, made either in writing or in the way the appeal is conducted; and
- vi. Any other information, materials or submissions considered to be credible or trustworthy in the circumstances.
- **8.4.** If a Screening Officer or Hearing Officer decides to vary the amount of an Administrative Penalty, they shall vary the amount in accordance with the following:
  - i. If the total amount of an Administrative Penalty is decreased, the Victims' Justice Fund Component shall be reduced proportionally to the decrease in the total penalty amount as set out in Schedule B of this By-law.
  - ii. If the total amount of the Administrative Penalty is decreased to zero (0), the Victims' Justice Fund Component is also zero (0).
  - iii. If a person fails to attend in-person as requested, at a date, time and location for a Screening or Hearing Review, the amount of the Administrative Penalty shall be increased by \$60.00 in accordance with Schedule C of this By-law, and this amount shall not affect the Victims' Justice Fund Component portion calculation.
  - iv. The Administrative Penalty shall not be increased other than in accordance with Section 8.4 (c) of this By-law.
- **8.5.** A person claiming financial hardship or seeking a plan of period payments under this By-law, shall provide documented proof of the financial hardship to the Screening Officer or the Hearing Officer, as applicable, and approval of a plan of periodic payment may be conditional on the payment of a specified amount of the Administrative Penalty and Victims' Justice Fund Component being made on or before a specified date.
- **8.6.** In respect to considerations for undue financial hardship, the person shall provide documented proof of financial assistance such as:
  - i. Old Age Security.
  - ii. Canada Pension.
  - iii. Guaranteed Income Supplement.
  - iv. Disability Pension.

- v. Ontario Student Assistance Program; or
- vi. Any other form of social assistance.
- **8.7.** Where an Administrative Penalty is set aside by a Screening Officer or Hearing Officer, any Administrative Fee(s) is also cancelled.
- **8.8.** A Screening Officer or Hearing Officer does not have the jurisdiction to consider questions relating to the validity of a statute, regulation or by-law or the constitutional applicability or operability of any statute, regulation or by-law.
- **8.9.** If before a final decision is made in respect of an appeal, a Screening Officer or Hearing Officer, becomes aware that contrary to subsection 21.1 (4) of the HTA, the person who is subject to the Penalty Order is charged with an offence under the HTA in respect of the same Contravention, the Screening Officer or Hearing Officer shall set aside the Penalty Order.

#### 9. SERVICE OF DOCUMENTS

- **9.1.** The service of any document, including a Penalty Order, Screening Review Decision or Hearing Review Decision issued pursuant to this By-law, when delivered in any of the following ways, is deemed served:
  - i. Immediately, when a copy is delivered to the person to whom it is addressed.
  - ii. On the seventh (7) Day following the Day a copy is sent by mail or courier to the person's last known address; or
  - iii. Immediately upon sending a copy by electronic mail to the person's last known electronic mail address.
- **9.2.** For the purposes of administration of this this By-law, a person's most recent address includes the address that appears on the Ministry's records in respect of the holder of the plate portion of the permit for the motor vehicle involved in the Contravention, and may include an electronic mail address provided by the person to the City as may be required by a form, practice or policy necessary to implement this By-law.
- **9.3.** If a person who is subject to a Penalty Order resides outside Ontario, or in the case of a corporation, has its principal place of business outside of Ontario, service may be effected on the person by mail or by courier to the address outside of Ontario, and service shall be deemed to be effected on the seventh (7) Day following the Day on which it was mailed or couriered.
- **9.4.** For the purpose of Section 9.2, the address may be determined from a document obtained from the government of any province or territory of Canada, or from the government of a state of the United States of America, or from a person or entity authorized by any such government to keep records of vehicle permits, number places or other evidence of vehicle ownership in that jurisdiction.

#### **10.NOTICES TO CITY**

- **10.1.** Any notice or document to be delivered to the City provided for in this By-law shall be in writing and delivered to the Legislative Services Department, AMPS Division in any of the following manners:
  - i. By completing and submitting an on-line form through the City's designated online portal set out on the City's website or on the Penalty Order.
  - ii. Personally, by delivering a copy to the city during its regular business hours to the address set out on the City's website or on the Penalty Order.
  - iii. By mail provided mailing ensures the notice or document is received by any due date stated addressed to the address set out on the City's website or on the Penalty Order; or
  - iv. By e-mail at the e-mail address set out on the City's website or on the Penalty Order.

#### **11. ADMINISTRATION**

- **11.1** The Clerk, or any individual designated by the Clerk for this purpose in writing, shall administer this By-law and establish any additional practices and procedures necessary to implement this By-law and may amend such practices and procedures from time to time as the Clerk deems necessary, without amendment to this By-law provided that such practices and procedures are not in conflict, or inconsistent with any applicable statute or regulation.
- **11.2** The Clerk, or any individual designated by the Clerk for this purpose in writing, shall prescribe all forms and notices, including the Penalty Order, necessary to implement this By-law and may amend such forms and notices from time to time as the Clerk deems necessary, without amendment to this By-law, provided that the contents of such forms and notices are not in conflict, or inconsistent with the HTA or any Regulations.
- **11.3** An Administrative Penalty and/or any Administrative Fee(s), that is confirmed or reduced, or in respect of which the time for periodic payments has been extended, remaining unpaid after the date when it is due and payable, constitutes a debt to the City owed by the person.
- **11.4** Where an Administrative Penalty for Contravention of the HTA, and any applicable Administrative Fee(s) are not paid by the due date, the City may notify the Ministry, and the Ministry may refuse to issue or validate the permit of the Owner until the Administrative Penalty and any applicable Administrative Fee(s) are paid to the Ministry.
- **11.5** Where a person makes payments to the City of any Administrative Penalty and/or Administrative Fee(s), by negotiable instrument for which there are insufficient funds available in the account on which the instrument is drawn, the person shall pay to the City the NSF Fee set out in the City's Fees and Charges By-law 2012-137 as amended.

- **11.6** Any time limit that would otherwise expire on a Holiday is extended to the next Day that is not a Holiday.
- **11.7** When an Administrative Penalty is paid, the City shall arrange for the Victims' Justice Fund Component as determined in Schedule B of this By-law, to be credited to the provincial Victims' Justice Fund account before retaining any portion of the payment.
- **11.8** Any schedule attached to this By-law forms part of this By-law.

#### **12. SEVERABILITY**

**12.1** Should any provision, or any part of a provision, of this By-law to be declared invalid, or to be of no force and effect, by a court of competent jurisdiction, it is the intent of the Council that a such provision, or any part of a provision, shall be severed from this By-law, and every other provision of this By-law shall be applied and enforced in accordance with its terms to the extent possible according to law.

## READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS 27<sup>th</sup> DAY OF MAY, 2025.

Kimberley Kitteringham City Clerk

### SCHEDULE "A"

#### ADMINISTRATIVE PENALTY FOR AUTOMATED ENFORCEMENT BY-LAW

Administrative Penalties for Speeding Contraventions Detected Using Camera Systems

#### RATE OF SPEED FEE

In accordance with Table 1 Ontario Regulation 355/22 Administrative Penalties for Contraventions Detected Using Camera Systems

#### In respect of a Contravention of subsection 128(1) of the HTA

COLUMN 1	COLUMN 2	COLUMN 3
TIER	KM/HR OVER MAXIMUM SPEED LIMIT	RATE OF PENALTY
1	1 - 19 km / hr.	\$5.00 per km
2	20 - 29 km / hr.	\$7.50 per km
3	30 - 49 km / hr.	\$12.00 per km
4	50 km / hr. or more	\$19.50 per km

#### SCHEDULE "B"

#### ADMINISTRATIVE PENALTY FOR AUTOMATED ENFORCEMENT BY-LAW

#### VICTIM COMPONENT FEE

In accordance with Table 2 Ontario Regulation 355/22 Administrative Penalties for Contraventions Detected Using Camera Systems

#### In respect of a Contravention of subsection 128(1) of the HTA

COLUMN 1	COLUMN 2	COLUMN 3
TIER	PENALTY AMOUNT IN ACCORDANCE WITH SCHEDULE A	VICTIM COMPONENT FEE AMOUNT
1	\$0 - \$50	\$10
2	\$51 - \$75	\$15
3	\$76 - \$100	\$20
4	\$101 - \$150	\$25
5	\$151 - \$200	\$35
6	\$201 - \$250	\$50
7	\$251 - \$300	\$60
8	\$301 - \$350	\$75
9	\$351 - \$400	\$85
10	\$401 - \$450	\$95
11	\$451 - \$500	\$110
12	\$501 - \$1000	\$125
13	\$1000+	25% of Penalty Amount

### SCHEDULE "C"

#### ADMINISTRATIVE PENALTY FOR AUTOMATED ENFORCEMENT BY-LAW

#### ADMINISTRATIVE FEES

#### In accordance with Ontario Regulation 355/22 Administrative Penalties for Contraventions Detected Using Camera Systems

COLUMN 1	COLUMN 2	COLUMN 3
ITEM	FEE DESCRIPTION	FEE AMOUNT
1	Screening Review No Show Fee	\$60.00
2	Hearing Review No Show Fee	\$60.00
3	Hearing Review Appointment	\$8.25



## **By-law 2025-42**

#### BE IT ENACTED BY THE COUNCIL OF THE CORPORATION OF THE CITY OF MARKHAM THAT TRAFFIC BY-LAW 106-71 BE AND THE SAME IS HEREBY AMENDED AS FOLLOWS:

**WHEREAS** Schedule 24 of Traffic By-law 106-71, pertaining to "Community Safety Zones", be amended by adding the following.

COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4	COLUMN 5
LOCATION	<u>STREET</u>	FROM	<u>T0</u>	TIMES & DAYS
St. Rene Goupil - St. Luke Catholic School	Aileen Road	Green Lane	John Street	At All Times & Days
St. Rene Goupil - St. Luke Catholic School	Green Lane	Bayview Avenue	Kings College Road	At All Times & Days
Thornlea Secondary School / Willowbrook Public School	Willowbrook Road	Bayview Avenue	Green Lane	At All Times & Days
Baythorn Public School	Baythorn Drive	Normark Road	Donalbain Crescent	At All Times & Days
St. Anthony Catholic School	Kirk Drive	Thornybrae Drive	Banquo Road	At All Times & Days
Stornoway Crescent Public School	Stornoway Crescent	Romfield Circuit (west intersection)	Romfield Circuit (east intersection)	At All Times & Days
Woodland Public School	Royal Orchard Boulevard	Baythorn Drive	Kirk Drive	At All Times & Days
Thornhill Secondary School	Dudley Avenue	Elgin Street	Clark Avenue	At All Times & Days
E.J. Sand Public School	Henderson Avenue	Clark Avenue	Elgin Street	At All Times & Days
Henderson Avenue Public School	Henderson Avenue	Doncaster Avenue	Grandview Avenue	At All Times & Days
Johnsview Village Public School	Porterfield Crescent	Reith Way	Bowman Way	At All Times & Days
Bayview Fairways Public School	Bayview Fairways Drive	John Street	Sea Island Path	At All Times & Days
Bayview Fairways Public School	John Street	Aileen Road	Dawn Hill Trail	At All Times & Days
Bayview Glen Public School	Limcombe Drive	Laureleaf Road	Seinecliffe Road	At All Times & Days

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Bayview Glen Public School	Laureleaf Road	Daffodil Avenue	100 metres south of Limcombe Drive	At All Times & Days
German Mills Public School / St. Michael Catholic Academy	Simonston Boulevard	Don Mills Road (south intersection)	Granada Court	At All Times & Days
Victoria Square Public School	Prince of Wales Drive	Gillings Street	Helford Street	At All Times & Days
Victoria Square Public School	Helford Street	Prince of Wales Drive	Duke of Cornwall Drive	At All Times & Days
Nokiidaa Public School	Russell Dawson Road	Woodbine Avenue	Murison Drive	At All Times & Days
Nokiidaa Public School	Murison Drive	Russell Dawson Road	Lebarr Road	At All Times & Days
Sir Wilfrid Laurier Public School	Stony Hill Boulevard	Victoria Square Boulevard	Hazelton Avenue	At All Times & Days
Sir Wilfrid Laurier Public School	Hazelton Avenue	Stony Hill Boulevard	Pillar Rock Crescent (south intersection)	At All Times & Days
Lincoln Alexander Public School	Hillmount Road	Moss Creek Boulevard	Willow Heights Boulevard	At All Times & Days
Lincoln Alexander Public School	Moss Creek Boulevard	Hillmount Road	Carter Place	At All Times & Days
Lincoln Alexander Public School	Willow Heights Boulevard	Hillmount Road	Edgewood Crescent (north intersection)	At All Times & Days
St. Augustine Catholic High School	Rodick Road	Macrill Road	Calvert Road	At All Times & Days
Ashton Meadows Public School	Calvert Road	Woodbine Avenue	Thackeray Court	At All Times & Days
St. Monica Catholic Elementary School	Calvert Road	Eyer Drive	Village Gate Drive	At All Times & Days
Buttonville Public School / Elementary School Catholic Sainte- Marguerite- Bourgeoys	John Button Boulevard	Buttonfield Road	Burr Crescen (south intersection)	At All Times & Days
St. Justin Martyr Catholic Elementary School	Hollingham Road	Lockridge Avenue	Conistan (E)	At All Times & Days
Coledale Public School	Coledale Road	Loweswater Avenue	300m south of Loweswater Avenue	At All Times & Days
Unionville High School	Apple Creek Boulevard	Warden Avenue	150m west of Town Centre Boulevard	At All Times & Days

	Town Centre	_		At All
Unionville High School	Boulevard / Hollingham Road	Cox Boulevard	Halstead Drive	Times & Days
William Berczy Public School	Carlton Road	Village Parkway	Fred Varley Drive	At All Times & Days
Blessed John XXIII Catholic School	Krieghoff Avenue	Village Parkway	Fred Varley Drive	At All Times & Days
Parkview Public School	Fonthill Boulevard	Fred Varley Drive	Merchant Road	At All Times & Days
Unionville Public School	Main St Unionville	Toogood Pond	Rosemead Close	At All Times & Days
Bill Crothers Secondary School	Main St Unionville	Enterprise Boulevard	Richard Maynard	At All Times & Days
Bill Crothers Secondary School	Enterprise Boulevard	University Boulevard	Main St Unionville	At All Times & Days
Bill Crothers Secondary School	Bill Crothers Drive	Enterprise Boulevard	End Limit	At All Times & Days
St. Matthew Catholic Elementary School	Waterbridge Lane	Juniper Crescent (south intersection)	Foxmeadow Lane	At All Times & Days
Central Park Public School	Central Park Drive	West Side Drive	Havagal Crescent (south intersection)	At All Times & Days
Markville Secondary School	Carlton Road	McCowan Road	Central Park Drive	At All Times & Days
Unionville Meadows Public School	South Unionville Avenue	Harry Cook Drive	Zio Carlo Drive	At All Times & Days
Bur Oak Secondary School	Dogwood Street	Bur Oak Avenue	Galway Gate	At All Times & Days
St. Edward Catholic Elementary School / Ramer Wood Public School	Cairns Drive	Crandall Drive	Raymerville Drive (south intersection)	At All Times & Days
James Robinson Public School	Robinson Street	Galsworthy Drive	Windridge Drive	At All Times & Days
James Robinson Public School	Galsworthy Drive	Abercorn Road	Honeybourne Crescent (south)	At All Times & Days
Roy H. Crosby Public School	Drakefield Road	Lakevista Avenue	200m east of Lakevista Avenue	At All Times & Days
Edward T. Crowle Public School	Larkin Avenue	Fincham Avenue	Heisey Drive	At All Times & Days
Kateri Tekawitha Catholic School	Fincham Avenue	Meyer Circle	50m east of Emeline Crescent	At All Times & Days

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Reesor Park Public School	Wootten Way	Sir Lancelot Drive	Sir Tristram Place (north intersection)	
Franklin Street Public School	Franklin Street	George Street	Church Street	At All Times & Days
Markham District High School	Church Street	Elm Street	Newton Gate	At All Times & Days
William Armstrong Public School	Major Button's Drive	Wootten Way	James Speight Road	At All Times & Days
Sam Chapman Public School	Delray Drive	Donald Cousens Parkway	Gordon Weeden Road	At All Times & Days
Sam Chapman Public School	Alfred Paterson Drive	lannucci Crescent (east intersection)	Warton Court	At All Times & Days
Mount Joy Public School	Williamson Road	Jenmat Drive	Rachett Road	At All Times & Days
Mount Joy Public School	Bur Oak Avenue	Cathmar Drive	Balmano Road	At All Times & Days
Greensborough Public School	Bur Oak Avenue	Chancery Road	Ambercroft Street	At All Times & Days
Greensborough Public School	Alfred Paterson Drive	Wyndermere Court	Reston Ridge Street	At All Times & Days
Little Rouge Public School	Bur Oak Avenue	Evaridge Drive	Highbury Court	At All Times & Days
Little Rouge Public School	Country Glen Road	Northvale Road	Bur Oak Avenue	At All Times & Days
Little Rouge Public School	Northvale Rpad	Evaridge Drive	Ivy Stone Court	At All Times & Days
Bill Hogarth Secondary School	Bur Oak Avenue	White's Hill Avenue	Cornell Meadows Avenue	At All Times & Days
Bill Hogarth Secondary School	Almira Avenue	Walkerville Road	Bittersweet Street	At All Times & Days
Bill Hogarth Secondary School	Donald Sim Avenue	Walkerville Road	Disk Drive	At All Times & Days
St. Joseph Catholic Elementary School / Black Walnut Public School	Cornell Centre Boulevard	Morning Dove Drive	Lawrence Pilkington	At All Times & Days
St. Joseph Catholic Elementary School	White's Hill Avenue	Cornwall Drive	John Allan Cameron Street	At All Times & Days
Black Walnut Public School	John Allan Cameron Street	White's Hill Avenue	50m south of Autumn Glow Drive	At All Times & Days
Black Walnut Public School	Shady Oaks Avenue	Cornell Centre Boulevard	Rock Garden Street	At All Times & Days

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Cornell Village Public School	Country Glen Road	Christian Reesor Park Avenue (north intersection)	Cornell Meadows Avenue	At All Times & Days
Cornell Village Public School	Cornell Common Road	Country Glen Road	200m west of Country Glen Road	At All Times & Days
St. Julia Biliart Catholic Elementary School	Bur Oak Avenue	Northside Road	Rainbow Valley Cres (west intersection)	At All Times & Days
St. Julia Biliart Catholic Elementary School	Swan Park Road	Neeley Road	Royal Crown Road	At All Times & Days
Rouge Park Public School	Riverlands Avenue	Donald Cousens Parkway	Cornell Rouge Boulevard	At All Times & Days
All Saints Catholic School / Castlemore Public School	Castlemore Avenue	150m west of The Bridle Walk	150m east of Ridgecrest Road	At All Times & Days
All Saints Catholic School	The Bridle Walk	Saxony Drive	Elmrill Road	At All Times & Days
Castlemore Public School	Ridgecrest Road	Glenhaven Street	Wiltshire Drive	At All Times & Days
Pierre Elliot Trudeau High School	Bur Oak Avenue	Madison Heights Boulevard	Brock Avenue	At All Times & Days
Beckett Farm Public School	Beckett Avenue	Harbord Street	50m east of Brock Avenue	At All Times & Days
Beckett Farm Public School	Brock Avenue	Hua Du Avenue	Busch Avenue	At All Times & Days
Stonebridge Public School	Stonebridge Drive	Manorwood Drive	50m south of Wilfred Murison Avenue	At All Times & Days
Stonebridge Public School	Wilfred Murison Avenue	Barkwood Hollow	Oxfordshire Street	At All Times & Days
John McCrae Public School	Stricker Avenue	Hammersly Boulevard	Fred McLaren Boulevard	At All Times & Days
John McCrae Public School	Fred McLaren Boulevard	Staynor Crescent	Roy Rainey Avenue	At All Times & Days
Donald Cousens Public School	Mingay Avenue	Hammersly Boulevard	100m south of Fred McLaren Boulevard	At All Times & Days
Donald Cousens Public School	Fred McLaren Boulevard	Ralph Chalmers Avenue	Kindy Street	At All Times & Days
Fred Varley Public School	James Parrott Avenue	Astrid Terrace	Roy Rainey Avenue	At All Times & Days
Fred Varley Public School	Alexander Lawrie Avenue	Barnstone Drive	Thimbleweed Street	At All Times & Days
Sir Richard W. Scott Catholic Elementary School	Roxbury Street	Codlin Street	14 <sup>th</sup> Avenue	At All Times & Days

				At All
Boxwood Public School	Boxwood Crescent	Bluebell Drive	Havelock Gate	Times & Days
Cedarwood Public School	Elson Street	150m west of Tawney Road	200m east of Tawney Road	At All Times & Days
Legacy Public School	Rouge Bank Drive	Russell Jarvis Drive	250m west of Russell Jarvis Drive	At All Times & Days
Legacy Public School	Russell Jarvis Drive	Rouge Bank Drive	Juneberry Avenue	At All Times & Days
David Suzuki Public School	Riverwalk Drive	Coakwell Drive	50m east of Barter Street	At All Times & Days
David Suzuki Public School	Fieldside Street	Riverwalk Drive	Berger Avenue	At All Times & Days
Milliken Mills Public School / Mother Teresa Catholic School	Birchmount Road	Ferguson Gate	Harvest Moon Drive	At All Times & Days
Milliken Mills Public School / Mother Teresa Catholic School	Risebrough Circuit	Birchmount Road	Ferguson Gate	At All Times & Days
Highgate Public School	Highgate Drive	Birchmount Road	Clydesdale Road	At All Times & Days
St. Francis Xavier Catholic Elementary School	Highglen Avenue	Caldbeck Avenue	Hoake Trail	At All Times & Days
Randall Public School	Randall Avenue	Galbraith Crescent	100m east of Hillcroft Drive	At All Times & Days
Aldergrove Public School	Aldergrove Drive	Teddington Avenue	Kirton Court	At All Times & Days
St. Benedict Catholic Elementary School	Aldergrove Drive	Winston Road	Digby Crescent (north intersection)	At All Times & Days
Wilclay Public School	Wilclay Avenue	Cartmel Drive	Hillcroft Drive	At All Times & Days
Coppard Glen Public School	Coppard Avenue	Highglen Avenue	Claircrest Road	At All Times & Days
Armadale Public School	Coppard Avenue	Elson Street	William Honey Crescent (north intersection)	At All Times & Days
Middlefield Collegiate Institute	Highglen Avenue	Featherstone Avenue	150m east of Middlefield Road	At All Times & Days
Middlefield Collegiate Institute	Middlefield Road	Golden Avenue	150m north of Highglen Avenue	At All Times & Days
Ellen Fairclough Public School	Brando Avenue	Highglen Avenue	Golden Avenue	At All Times & Days
Markham Gateway Public School	Fonda Road	Golden Avenue	Ralph Court	At All Times & Days

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Parkland Public School	Coxworth Avenue	Mary Pearson Drive	Elson Street	At All Times & Days
San Lorenzo Ruiz Catholic School	Roy Rainey Avenue	Wingrove Street	250m north of Bur Oak Avenue	At All Times & Days
San Lorenzo Ruiz Catholic School / Bur Oak Secondary School / Wismer Public School	Bur Oak Avenue	Trailsbrook Terrace	McKennon Street	At All Times & Days
Wismer Public School	Mingay Avenue	Raspberry Ridge Drive	150m north of Bur Oak Avenue	At All Times & Days
Sunrise Montessori School	Amber Street	160m south of Bentley Street	220m west of Hood Road	At All Times & Days
Somerset Academy / Yip's Music & Montessori Elementary School	Brimley Road / Beckenridge Drive	Ravenhill Crescent	Highglen Avenue	At All Times & Days
Somerset Academy / Yip's Music & Montessori Elementary School	Lee Avenue	50m east of Noble Street	Brimley Road	At All Times & Days
Wesley Christian Academy	Heritage Road	McCowan Road	205m west of Laidlaw Boulevard	At All Times & Days
Town Centre Private Schools (76 Amarillo Avenue)	Denison Street	100m west of Milliken Meadows Drive / Gorvette Road	Kennedy Road	At All Times & Days
Town Centre Private Schools (76 Amarillo Avenue)	Amarillo Avenue	Denison Street	Macon Place	At All Times & Days
Town Centre Montessori / Town Centre Private Schools (155 Clayton Drive)	Clayton Drive	200m south of Denison Street	Kennedy Road	At All Times & Days
J Addison School	Valleywood Drive / Apple Creek Boulevard	125m west of Renfrew Drive	McIntosh Drive	At All Times & Days
Peoples Christian Academy / J Addison School	Renfrew Drive	370m north of Valleywood Drive	End Limit	At All Times & Days
Metro International Secondary Academy	Simonston Boulevard	Waggoners Wells Lane	Shrivenham Court	At All Times & Days
Amberson High School	Birchmount Road	180m south of Ferguson Gate / Bibury Gate	50m south of Riseborough Circuit / Harvest Moon Drive	At All Times & Days
NOIC Academy	Featherstone Avenue	Cimmaron Street	70m north of Denison Street	At All Times & Days

Green High School	Porterfield Crescent	Green Lane	John Street	At All Times & Days
Queens Montessori Academy	Denison Street	250m east of Warden Avenue	190m west of Birchmount Road	At All Times & Days
Mastermind Montessori School	Markland Street	140m north of Russell Dawson Road	50m south of Major Mackenzie Drive	At All Times & Days
Cambridge Academy	Wignall Crescent / Old Wellington Street	McPhillips Avenue	50m west of Markham Road	At All Times & Days
Wishing Well Montessori and Elementary School	Cochrane Drive	440m west of East Valhalla Drive	330m south of Lanark Road	At All Times & Days
Toronto Farsi School	Centre Street / Thornhill Summit Drive	Elizabeth Street	Robert West Lane	At All Times & Days
Montessori North	Meadowbrook Lane	Highway 7	End Limit	At All Times & Days

## READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS 27<sup>th</sup> DAY OF MAY 2025.

Kimberley Kitteringham City Clerk



A By-law to confirm the proceedings of the Council Meeting held on May 27, 2025.

The Council of The Corporation of the City of Markham hereby enacts as follows:

- That the action of the Council Meeting held on May 27, 2025 in respect to each motion, resolution and other action passed and taken by the Council at the said meeting is, except where prior approval of the Local Planning Appeal Tribunal is required, hereby adopted ratified and confirmed.
- 2. That the Mayor and the proper officers of the City are hereby authorized and directed to do all things necessary to give effect to the said action or to obtain approvals where required and to execute all documents as may be necessary in that behalf and the Clerk is hereby authorized and directed to affix The Corporate Seal to all such documents.

Read a first, second, and third time and passed May 27, 2025.

Kimberley Kitteringham City Clerk