

# Council Revised Agenda

## Revised Items are Italicized.

Meeting Number: 5  
February 26, 2019, 6:00 PM  
Council Chamber

Alternate formats for this document are available upon request.  
Council meetings are live video and audio streamed on the City's website.

*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.*

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### Pages

#### 1. CALL TO ORDER

##### INDIGENOUS LAND ACKNOWLEDGEMENT

We begin today by acknowledging that we walk upon the traditional territories of Indigenous Peoples and we recognize their history, spirituality, culture, and stewardship of the land. We are grateful to all Indigenous groups for their commitment to protect the land and its resources and we are committed to reconciliation, partnership and enhanced understanding.

#### 2. DISCLOSURE OF PECUNIARY INTEREST

#### 3. APPROVAL OF PREVIOUS MINUTES

##### 3.1 COUNCIL MINUTES FEBRUARY 12, 2019

13

1. That the Minutes of the Council Meeting held on February 12, 2019, be adopted.

#### 4. PRESENTATIONS

#### 5. DEPUTATIONS

#### 6. COMMUNICATIONS

##### 6.1 5-2019 LIQUOR LICENSE APPLICATION LANNA CUISINE (WARD 3) (3.21)

22

(New Liquor License for indoor areas)

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

## 7. PROCLAMATIONS

### 7.1 PROCLAMATION AND FLAG RAISING REQUESTS (3.4)

None

## 8. REPORT OF STANDING COMMITTEE

### 8.1 REPORT NO. 7 DEVELOPMENT SERVICES COMMITTEE (FEBRUARY 11, 2019)

Please refer to your February 11, 2019 Development Services Committee Agenda for reports.

To the Mayor and Members of Council:

That the report of the Development Services Committee be received & adopted.  
(Items 1 to 2):

#### 8.1.1 DESTINATION MARKHAM STRATEGY (10.16)

34

1. That the staff report entitled, “Destination Markham Strategy”, dated February 11th, 2019 be received; and,
2. That Council approve the Destination Markham Strategy and forward it to the newly incorporated destination marketing organization and relevant city departments; and further,
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

#### 8.1.2 WHISTLE CESSATION ON STOUFFVILLE GO LINE – THREE RURAL CROSSINGS (WARD 5) (5.12)

65

1. That the report dated February 11, 2019 entitled “Whistle Cessation on Stouffville GO Line – Three Rural Crossings (Ward 5)” be received; and,
2. That the Mayor and Clerk be authorized to enter into agreements and/or a memorandum of understanding (as required) with Metrolinx and York Region for construction of crossing safety features and implementation of whistle cessation at three (3) rural crossings (Elgin Mills Road, 9th Line and 19th Avenue) on the Stouffville GO Line, in a form satisfactory to the City Solicitor and the Chief Administrative Officer (CAO); and,

3. That the Mayor and Clerk be authorized to enter into At-Grade Crossing Modification Agreements, Crossing Agreements or similar agreements (as required) with Metrolinx for modification of the existing crossings to incorporate new crossing safety features and to implement whistle cessation at three (3) rural crossings on the Stouffville GO Line, in a form satisfactory to the City Solicitor and the CAO; and,
4. That the Mayor and Clerk be authorized to enter into the Metrolinx Liability/ Insurance/Indemnity Agreement or similar agreement (as required), which requires the road authorities to obtain insurance and assume full responsibility/liability for any claims, damages, etc., resulting from incidents that arise from or would not have arisen but for whistle cessation, in a form satisfactory to the City Solicitor and the CAO; and,
5. That Schedule “A” to the City’s Train Whistle Cessation By-law 2018-19 be amended to include the Elgin Mills Road crossing and the 19th Avenue crossing; and,
6. That the Regional Municipality of York be requested to confirm 100% funding (budget:\$43,159) and 100% liability for grade rail crossing at 9th Line (Regional Road 69), and requested to enter into an agreement or memorandum of understanding (as required) with the City of Markham and Metrolinx for construction of crossing safety features and implementation of whistle cessation at the 9th Line crossing, and enter into any additional necessary agreements with Metrolinx for implementation of whistle cessation at the 9th Line crossing; and,
7. That the Regional Municipality of York be requested to implement a 24-hour whistle cessation by-law for the 9th Line crossing; and,
8. That the Regional Municipality of York be requested to pass a Regional Council resolution for the implementation of whistle cessation for the 9th Line crossing; and further,
9. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

## 8.2 REPORT NO. 8 GENERAL COMMITTEE (FEBRUARY 19, 2019)

Please refer to your February 19, 2019 General Committee Agenda for reports.

To the Mayor and Members of Council:

That the report of the General Committee be received & adopted. (Items 1 to 4):

8.2.1 AWARD OF CONSTRUCTION TENDER 134-T-18 WEST THORNHILL – PHASE 2D STORM SEWER AND WATERMAIN REPLACEMENT (7.12)

71

1. That the report entitled “Award of Construction Tender 134-T-18 West Thornhill – Phase 2D Storm Sewer and Watermain Replacement” be received; and,
2. That the contract for Tender 134-T-18 West Thornhill – Phase 2D Storm Sewer and Watermain Replacement be awarded to the lowest priced Bidder, KAPP Infrastructure Inc. in the amount of \$7,579,708.08, inclusive of HST; and,
3. That a 10% contingency in the amount of \$757,970.81 inclusive of HST, be established to cover any additional construction costs and that authorization to approve expenditures of this contingency amount up to the specified limit be in accordance with the Expenditure Control Policy; and,
4. That the construction award in the amount of \$8,337,678.89 (\$7,579,708.08 + \$757,970.81) be funded from the following capital projects:
  - a. 058-6150-19239-005 “West Thornhill Flood Control Implementation - Phase 2D Construction”;
  - b. 053-5350-19245-005 “Cast Iron Watermain Replacement – West Thornhill Phase 2D” as outlined under the financial considerations section in this report; and,
5. That the remaining funds in project #19239 “West Thornhill Flood Control Implementation - Phase 2D Construction” in the amount \$1,734,931.67 will not be required from the Stormwater Fee Reserve and the budget remaining in project #19245 “Cast Iron Watermain Replacement – West Thornhill Phase 2D” in the amount of \$1,266,495.44 will be returned to the original funding source; and,
6. That a 5-year moratorium be placed on any major servicing and utility installation along restored areas including Grandview Avenue (Jewell St to Henderson Ave), Highland Park Blvd – North/ South leg (from Grandview Ave to Highland Park Blvd), Henderson Avenue (from Grandview

Ave to Dalmeny Rd) and Dalmeny Road (from Henderson Ave Cul-de-sac); and further,

7. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

8.2.2 AWARD OF RFP 224-R-18 CONSULTING ENGINEERING SERVICES FOR CAST IRON WATERMAIN REPLACEMENT/ REHABILITATION DESIGN AND CONTRACT ADMINISTRATION (7.12)

79

1. That the report entitled “Award of RFP 224-R-18 Consulting Engineering Services for Cast Iron Watermain Replacement/ Rehabilitation Design and Contract Administration ” be received; and,
2. That the Phase 1 (Laureleaf Area) detailed design work under contract 224-R-18 Consulting Engineering Services for Cast Iron Watermain Replacement/ Rehabilitation Design be awarded to the highest ranked, lowest priced Bidder, LEA Consulting Ltd., in the amount of \$289,391.19, inclusive of HST; and,
3. That a 10% contingency in the amount of \$28,939.12, inclusive of HST, be established to cover any additional design costs for Phase 1 (Laureleaf Area) and that authorization to approve expenditures of this contingency amount up to the specified limit be in accordance with the Expenditure Control Policy; and,
4. That the Consulting Engineering Services for Phase 1 (Laureleaf Area) detailed design award in the amount of \$318,330.31 (\$289,391.19 + \$28,939.12) be funded from the capital project 053-6150-19242-005 “Cast Iron Watermain Replacement – Design”; and,
5. That the remaining budget of \$88,669.69 in capital project #19242 “Cast Iron Watermain Replacement – Design” will be returned to the original funding source; and,
6. That the 2020/21 contract administration and design work under contract 224-R-18 Consulting Engineering Services for Cast Iron Watermain Replacement/ Rehabilitation Design be awarded to the highest ranked, lowest priced Bidder, LEA Consulting Ltd., in the following amounts (inclusive of 10% contingency):
  - 2020 Contract Administration Phase 1 (Laureleaf Area)

in the amount of \$277,435.61 (\$252,214.20 + (\$25,221.42 - contingency))

- 2020 Design Phase 2 (various locations) in the amount of \$289,042.26 (\$262,765.69 + (\$26,276.57- contingency))
  - 2021 Contract Administration Phase 2 (various locations) in the amount of \$264,395.07 (\$240,359.15 + (\$24,035.92- contingency)); and,
7. That the Consulting Engineering Services for construction and design award amounts for 2020/21 be requested as part of the 2020 and 2021 Capital budget process, subject to Council approval of the respective years capital budgets; and further,
  8. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

#### 8.2.3 PROPOSED PREGNANCY OR PARENTAL LEAVE POLICY FOR MEMBERS OF COUNCIL (12.1)

86

1. That the report titled, "*Proposed Pregnancy or Parental Leave Policy for Members of Council*" be received for information purposes; and,
2. That Markham City Council adopt the proposed *Pregnancy or Parental Leave Policy for Members of Council* included as **Appendix "A"** and further,
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

#### 8.2.4 REVISED COUNCIL CODE OF CONDUCT IN ACCORDANCE WITH BILL 68 (16.23)

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1. That the report titled, "*Revised Council Code of Conduct in Accordance with Bill 68*" be received for information purposes; and,
2. That Markham City Council adopt the revised *Council Code of Conduct* included as **Appendix "C"** to this report; and further,
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

25, 2019)

Please refer to your February 25, 2019 Development Services Committee Agenda for reports.

To the Mayor and Members of Council:

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

8.3.1 *CITY OF MARKHAM COMMENTS ON PROPOSED  
AMENDMENT 1 TO THE GROWTH PLAN FOR THE GREATER  
GOLDEN HORSESHOE, 2017 (10.0)*

138

1. That the report entitled, “City of Markham Comments on Proposed Amendment 1 to the Growth Plan for the Greater Golden Horseshoe, 2017”, dated February 25, 2019, be received; and,
2. That this report, including specific recommendations for changes to Proposed Amendment 1, as summarized in **the Revised** Appendix ‘A’, be forwarded to the Assistant Deputy Minister of Municipal Affairs and Housing, and York Region, as the City of Markham’s comments on Proposed Amendment 1 to the Growth Plan for the Greater Golden Horseshoe, the associated proposed framework for provincially significant employment zones, and the associated proposed Ontario regulation changes; and,
3. That the Province not allow urban expansions outside of a municipal comprehensive review, except where such expansions are initiated by a local municipality, are minor and are contiguous to an existing urban area with full servicing; and,
4. That the Province be advised that the City of Markham does not support the conversion of employment lands outside of the municipal comprehensive review process; and,
5. That the Province consult with the City of Markham and York Region staff on the proposed provincially significant employment zones to further refine the mapping having regard to local planning considerations; and,
6. That the Province provide a predictable **and guaranteed** program of transit funding to ensure delivery of higher order transit that is critical to support intensification in Markham; and further,

7. That staff be authorized and directed to do all things necessary to give effect to this resolution.

Council consented to ammend Recommendation #6 in the Revised Appendix A to include the following:

Recommendation 6: That the Province not allow urban expansions outside of a municipal comprehensive review, except where such expansions are initiated by a local municipality, are minor and are contiguous to an existing urban area with full servicing **or which promotes inter-municipal connectivity and provides a compelling public benefit to the community.**

## 9. MOTIONS

## 10. NOTICE OF MOTION TO RECONSIDER

## 11. NEW/OTHER BUSINESS

**Note: 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."

### 11.1 NEW/ OTHER BUSINESS: DECLARATION OF SURPLUS LANDS RELATING TO THE EAST-WEST ROAD SOUTH OF THE AANIIN COMMUNITY CENTRE (8.0) 158

Notice of Proposed Sale  
City of Markham  
Proposed Sale of Surplus Real Property  
(Pursuant to By-law 178-96)  
Map

1. That the notice of proposed sale for the City owned lands legally described as Part of Lot 5, Concession 7, being Part 1 on Reference Plan 65R-38206 attached hereto as Attachment No. 1, City of Markham, Regional Municipality of York, be confirmed.

### 11.2 NEW/OTHER BUSINESS: WATER & WASTEWATER RATE PUBLIC CONSULTATION MEETING (16.0) 159

1. That the minutes from the February 19, 2019 Water/Wastewater Rate Public Consultation meeting be received; and,
2. That the 2019 City of Markham's ("City") water/wastewater rate be increased by \$0.3238/m<sup>3</sup> from \$4.1442/m<sup>3</sup> to \$4.4680/m<sup>3</sup> effective April 1, 2019; and further,



3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

(By-law 2019-30)

**11.3 NEW/OTHER BUSINESS: APPOINTMENT TO DEVELOPMENT SERVICES SUB-COMMITTEES (16.24)**

**Unionville Subcommittee**

1. That the following Members of Markham Council be appointed to the Unionville Subcommittee for a term ending November 14, 2022, to take effect immediately:
  - Deputy Mayor Don Hamilton (Chair)
  - Councillor Alan Ho
  - Councillor Reid McAlpine
  - Councillor Amanda Collucci; and,
2. That planning and development matters pertaining to Markham Centre Advisory Committee be included as part of the mandate of the Unionville Subcommittee and that community representatives be invited to attend where there are specific agenda items; and,
3. That planning and development matters related to Historical Unionville Community Vision committee be included as part of the mandate of the Unionville Subcommittee and that community representatives be invited to attend where there are specific agenda items; and,
4. That the Unionville Subcommittee Terms of Reference be amended, accordingly.

**Markham Subcommittee**

1. That the following Members of Markham Council be appointed to the Markham Subcommittee for a term ending November 14, 2022, to take effect immediately:
  - Regional Councillor Jack Heath (Chair)
  - Councillor Karen Rea
  - Councillor Amanda Collucci
  - Councillor Andrew Keyes; and,
2. That planning and development matters related to Cornell Advisory

Group be included as part of the mandate of the Markham Subcommittee and that community representatives be invited to attend where there are specific agenda items; and,

3. That planning and development matters related to Markham Main Street Committee be included as part of the mandate of the Markham Subcommittee and that community representatives be invited to attend where there are specific agenda items; and,
4. That the Markham Subcommittee Terms of Reference be amended, accordingly; and further,
5. That the Chair and Vice-Chair of Development Services Committee are ex-officio Members of the Markham Subcommittee.

#### **Thornhill Subcommittee**

1. That the following Members of Markham Council be appointed to the Thornhill Subcommittee for a term ending November 14, 2022, to take effect immediately:
  - Regional Councillor Jim Jones (Chair)
  - Councillor Keith Irish
  - Councillor Khalid Usman;
  - Councillor Isa Lee; and,
2. That planning and development matters related to the Langstaff area be included as part of the mandate of the Thornhill Subcommittee, and further,
3. That the Thornhill Subcommittee Terms of Reference be amended, accordingly.

#### **Milliken Subcommittee**

1. That the following Members of Markham Council be appointed to the Milliken Subcommittee for a term ending November 14, 2022, to take effect immediately:
  - Regional Councillor Joe Li (Chair)
  - Councillor Khalid Usman
  - Councillor Isa Lee; and,
2. That planning and development matters related to the Milliken Mills Main Street Advisory Committee be included as part of the mandate of the Milliken Subcommittee and that community representatives be invited to attend where there are specific agenda items; and further,

3. That the Milliken Subcommittee Terms of Reference be amended, accordingly.

Council consented to appoint Councillor Isa Lee to the Thornhill Subcommittee to Recommendation #1 and that the Chair and Vice-Chair of Development Services Committee be ex-officios of the Markham Subcommittee to Recommendation #5:

#### Thornhill Subcommittee

1. That the following Members of Markham Council be appointed to the Thornhill Subcommittee for a term ending November 14, 2022, to take effect immediately:
  - Regional Councillor Jim Jones (Chair)
  - Councillor Keith Irish
  - Councillor Khalid Usman;
  - **Councillor Isa Lee; and,**

#### Markham Subcommittee

**5. That the Chair and Vice-Chair of Development Services Committee are ex-officio Members of the Markham Subcommittee.**

## 12. ANNOUNCEMENTS

## 13. BY-LAWS - THREE READINGS

That By-laws 2019-28 to 2019-30 be given three readings and enacted.

That By-laws 2019-28 to 2019-30 be given three readings and enacted.

### Three Readings

- |      |   |     |
|------|---|-----|
| 13.1 | <p>BY-LAW 2019-28 CORNELL ROUGE DEVELOPMENT CORPORATION,<br/>PART LOT CONTROL EXEMPTION BY-LAW</p> <p>A by-law to designate part of a certain plan of subdivision not subject to Part Lot Control, Blocks 215 and 216 (inclusive), Registered Plan 65M-4354, 1878 to 1902 Donald Cousens Parkway.</p> | 161 |
| 13.2 | <p>BY-LAW 2019-29 CORNELL ROUGE DEVELOPMENT CORPORATION,<br/>PART LOT CONTROL EXEMPTION BY-LAW</p> <p>A by-law to designate part of a certain plan of subdivision not subject to Part Lot Control, Blocks 96-101 (inclusive), Registered Plan 65M-4513, 22-66</p>                                     | 163 |

Harvest Filed Road.

- 13.3 BY-LAW 2019-30 2018 WATER/WASTEWATER RATES (EFFECTIVE APRIL 1, 2019) 165

A by-law to amend By-law No. 2002-276, being a by-law to impose fees or charges for services or activities provided or done by the City of Markham.

(New/Other Business Item 11.2)

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

That By-law 2019-31 be given three readings and enacted.

##### **Three Readings**

BY-LAW 2019-31 A BY-LAW TO CONFIRM THE PROCEEDINGS OF THE COUNCIL MEETING OF FEBRUARY 26, 2019.

No attachment

#### 15. **ADJOURNMENT**

That the Council meeting be adjourned at 7:02 p.m.



## Council Minutes

**Meeting No. 4**  
**February 12, 2019, 1:00 PM**  
**Council Chamber**

Roll Call	Mayor Frank Scarpitti	Councillor Reid McAlpine
	Deputy Mayor Don Hamilton	Councillor Karen Rea
	Regional Councillor Jack Heath	Councillor Andrew Keyes
	Regional Councillor Jim Jones	Councillor Amanda Collucci
	Councillor Keith Irish	Councillor Khalid Usman
	Councillor Alan Ho	Councillor Isa Lee
Regrets Staff	Regional Councillor Joe Li	
	Andy Taylor, Chief Administrative Officer	Kimberley Kitteringham, City Clerk
	Trinela Cane, Commissioner, Corporate Services	Martha Pettit, Deputy City Clerk
	Arvin Prasad, Commissioner, Development Services	John Wong, Technology Support Specialist II
	Catherine Conrad, City Solicitor & Acting Director, Human Resources	Biju Karumanchery, Director, Planning & Urban Design
	Joel Lustig, Treasurer	Phoebe Fu, Director, Environmental Services
	Bryan Frois, Chief of Staff	

**Alternate formats for this document are available upon request**

### 1. CALL TO ORDER

#### INDIGENOUS LAND ACKNOWLEDGEMENT

We begin today by acknowledging that we walk upon the traditional territories of Indigenous Peoples and we recognize their history, spirituality, culture, and stewardship of the land. We are grateful to all Indigenous groups for their commitment to protect the land and its resources and we are committed to reconciliation, partnership and enhanced understanding.

The meeting of Council convened at 1:06 PM on February 12, 2019 in the Council Chamber. Mayor Frank Scarpitti presided.

**2. DISCLOSURE OF PECUNIARY INTEREST**

None disclosed.

**3. APPROVAL OF PREVIOUS MINUTES**

**3.1 COUNCIL MINUTES JANUARY 29, 2019**

Moved by Councillor Reid McAlpine

Seconded by Councillor Alan Ho

1. That the Minutes of the Council Meeting held on January 29, 2019, be adopted.

**Carried**

**4. PRESENTATIONS**

There were no presentations.

**5. DEPUTATIONS**

There were no deputations.

**6. COMMUNICATIONS**

**6.1 3-2019 LIQUOR LICENSE APPLICATION IKON BAR & LOUNGE, (WARD 8) (3.21)**

Request for the City of Markham to complete the Municipal Information Form.  
(New Liquor License for indoor areas).

Moved by Councillor Khalid Usman

Seconded by Councillor Andrew Keyes

That Council receive and consent to the disposition of this communication.

**Carried**

## 6.2 4-2019 MEMO TO COUNCIL - REVISIONS TO RECOMMENDATIONS

Additional City of Markham Comments on the Province's Increasing Housing Supply in Ontario Consultation Document (7.11)

(Report 6, Item 8.2.1)

See Report 6, Item 8.2.1 for Council's decision on this matter.

Moved by Regional Councillor Jim Jones

Seconded by Councillor Alan Ho

That Council receive and consent to the disposition of this communication.

**Carried**

## 7. PROCLAMATIONS

### 7.1 PROCLAMATION AND FLAG RAISING REQUESTS (3.4)

Moved by Councillor Isa Lee

Seconded by Councillor Khalid Usman

1. That the following proclamations, issued by the City Clerk in accordance with the City of Markham Proclamation Policy, be received for information purposes:
  - a. Heritage Week - February 18-24, 201
  - b. Philippines Independence Day - June 9, 201
  - c. Black History Month - February 2019 Epilepsy Awareness Month - March 2019
  - d. Purple Day (Epilepsy Awareness) - March 26, 2019
  - e. Day of Mourning for Workers Killed or Injured on the Job - April 28, 201
  - f. Philippine Week - June 9 - 16, 2019
  - g. Franco-Ontarian Day - September 25, 2019
2. That the following request for flag to be raised at the Anthony Roman Markham Civic Centre flagpole, approved by the City Clerk in accordance with the City of Markham Community Flag Raisings & Flag Protocol Policy, be received for information purposes:
  - a. Heritage Week - February 18-24, 2019 (Organized by Heritage Markham Committee)
  - b. Black History Month - February 19 - 22, 2019 (Organized by the Markham African Caribbean Canadian Association (MACCA))
  - c. Day of Mourning for Workers Killed or Injured on the Job - April 28, 2019 (Organized by City of Markham)

- d. Philippine Week - June 9 - 16, 2019 (Organized by the Markham Federation of Filipino Canadians)
- e. Franco-Ontarian Day - September 25, 2019 (Organized by L'Association Francophone de la Region de York)

**Carried**

## **8. REPORT OF STANDING COMMITTEE**

### **8.1 REPORT NO. 5 DEVELOPMENT SERVICES COMMITTEE (JANUARY 28, 2019)**

Moved by Regional Councillor Jim Jones  
Seconded by Deputy Mayor Don Hamilton

That the report of the Development Services Committee be received & adopted.  
(Items 1 to 2):

**Carried**

#### **8.1.1 COMMENTS ON BILL 66, RESTORING ONTARIO'S COMPETITIVENESS ACT, 2018, PROPOSED OPEN-FOR-BUSINESS TOOL AND PROPOSED REGULATION (10.0)**

Moved by Regional Councillor Jim Jones  
Seconded by Deputy Mayor Don Hamilton

1. That the report entitled "City of Markham Comments on Bill 66, Restoring Ontario's Competitiveness Act, 2018, Proposed Open-For-Business Planning Tool and New Regulation Under the Planning Act" dated January 28, 2019 be received; and further,
2. That the City of Markham indicate its support for the Province's deletion of Schedule 10 from Bill 66.

**Carried**

#### **Amendment:**

Council consented to amend the resolution by deleting Recommendation No. 3:

3. That the City request that the Province extend the deadline for submissions so that the City may provide further feedback on how



to help facilitate investment, create jobs and streamline the planning process related to growth in the Greater Horseshoe.

8.1.2 FRIENDS OF THE MARKHAM MUSEUM BOARD MINUTES AND EXTRACT DATED NOVEMBER 10, 2018 AND MINUTES DATED JUNE 6, 2018,

Moved by Regional Councillor Jack Heath

Seconded by Councillor Andrew Keyes

1. That the minutes of the Friends of the Markham Museum Board meetings held June 6, 2018, September 12, 2018 and October 10, 2018, be received for information purposes; and,
2. That Council endorse the recommendations from the November 10, 2018 Friends of the Markham Museum Board Extract:

“That the list of artifacts (Attachment A) from the Chapman House and the remaining Strickler Barn items be approved for deaccession and sent to the City of Markham for approval; and,

That the list of artifacts (Attachment B) from the Wilson Variety Hall be approved for deaccession and submitted to the City of Markham for final approval; and further;

That the list of artifacts (Attachment C) from the Baptist Church and Hoover House be approved for deaccession and submitted to the City of Markham for final approval.”

**Carried**

8.2 REPORT NO. 6 GENERAL COMMITTEE (FEBRUARY 4 2019)

That the report of the General Committee be received & adopted. (1 item):

8.2.1 ADDITIONAL CITY OF MARKHAM COMMENTS ON THE PROVINCE’S INCREASING HOUSING SUPPLY IN ONTARIO CONSULTATION DOCUMENT (7.11)

Moved by Regional Councillor Jim Jones

Seconded by Councillor Alan Ho

1. That the report entitled “Additional City of Markham Comments on the Province’s Increasing Housing Supply in Ontario Consultation Document”, dated February 4, 2019 be received; and,

2. That the report entitled “Additional City of Markham Comments on the Province’s Increasing Housing Supply in Ontario Consultation Document”, dated February 4, 2019, be forwarded to the Assistant Deputy Minister of Municipal Affairs and Housing; and,
3. That the City of Markham work with the Province to streamline development application processes and consider, among other initiatives, the following:
  - a. The Province allow for alternative forms of statutory Public Meetings to obtain public input on applications where Official Plan amendments are not required;
  - b. Streamline application review processes undertaken by Provincial ministries and agencies and Upper Tier Municipalities by mandating appropriate application review timelines, having regard for the application approval timelines established under the Planning Act.
  - c. Amend the Development Charges Act, 1997, as amended, and its associated Regulations 82/98, to provide an exemption for second dwelling units constructed at the time that a new residential dwelling unit is constructed.
4. That the City of Markham request the Province to review their One Window Planning Service for input, review, and approval of planning applications that includes streamlining review processes and utilize technology for enhanced coordination between Ministries; and,
5. That the City of Markham request the Province to amend the Development Charges Act, 1997 as amended, to eliminate the 10% reduction for services and reduce the list of ineligible services; and further,
6. That the City of Markham forward a letter to the Province outlining the steps Markham has taken to improve processes within the existing framework.

**Carried**

**Amendment:**

Council consented to amend the resolution by adding the following clause as Recommendation No. 6:

**6. That the City of Markham forward a letter to the Province outlining the steps Markham has taken to improve processes within the existing framework.**

**9. MOTIONS**

There were no motions.

**10. NOTICE OF MOTION TO RECONSIDER**

There were no notices of motions.

**11. NEW/OTHER BUSINESS**

**11.1 JOINT-COUNCIL MEETING REQUEST**

Regional Councillor Jim Jones requested that a joint-Council meeting between Markham City Council, Richmond Hill Town Council and Vaughan City Council to discuss various inter-jurisdictional matters including rapid transit and cash-in-lieu of parkland.

**11.2 MAYOR'S MEETING WITH PROVINCIAL ADVISORS**

Councillor Karen Rea inquired about the upcoming Mayor's Meeting with Provincial Advisors and requested that Markham City Councillors have an opportunity to provide input. The Mayor suggested Council consider passing a resolution to send to the Province.

**11.3 HYDRO-POLE REPLACEMENT - WARD 3**

Deputy Mayor Don Hamilton noted that Hydro Pole replacements were taking place in Ward 3. The Chief Administrative Officer was requested to review the matter and provide Council with an update.

**12. ANNOUNCEMENTS**

There were no announcements.

**13. BY-LAWS**

There were no By-laws to be considered.

**14. CONFIDENTIAL ITEMS**

Council consented to not resolve into confidential session.

**14.1 COUNCIL**

**14.1.1 MINUTES OF CONFIDENTIAL COUNCIL MEETING DECEMBER 12, 2018 (16.0)**

Moved by Councillor Karen Rea  
 Seconded by Councillor Keith Irish

1. That the minutes of the Confidential Council meeting of December 12, 2018 be confirmed.

**Carried**

#### 14.2 GENERAL COMMITTEE - FEBRUARY 4, 2019

##### 14.2.1 A PROPOSED OR PENDING ACQUISITION OR DISPOSITION OF LAND BY THE MUNICIPALITY OR LOCAL BOARD (WARD 7) (8.0) [Section 239 (2) (c)]

Moved by Councillor Khalid Usman  
 Seconded by Councillor Isa Lee

1. That the report entitled “Declaration of Surplus of lands relating to the East-West road South of the Aaniin Community Centre” be received; and,
2. That in accordance with By-law 178-96 the City declare the lands described as Part of Lot 5, Concession 7, being Part 1 on Reference Plan 65R-38206 attached hereto as Attachment No. 1, City of Markham, Regional Municipality of York, as surplus, being lands originally set out for road servicing; and,
3. That the foregoing recommendations be reported out at the next or subsequent public Council meeting; and further,
4. That Staff be authorized and directed to do all things necessary to give effect to the foregoing.

**Carried**

#### 14.3 DEVELOPMENT SERVICES COMMITTEE - FEBRUARY 11, 2019

##### 14.3.1 LITIGATION OR POTENTIAL LITIGATION, INCLUDING MATTERS BEFORE ADMINISTRATIVE TRIBUNALS, AFFECTING THE MUNICIPALITY OR

Moved by Regional Councillor Jim Jones  
 Seconded by Councillor Keith Irish

1. That the confidential report entitled “2014 City of Markham Official Plan, Part 1 – LPAT Settlement Hearing” dated February 11, 2019, be received; and,

2. That the proposed modifications to the 2014 City of Markham Official Plan – Part 1, as outlined in Appendix ‘A’ of the report entitled “2014 City of Markham Official Plan, Part 1 – LPAT Settlement Hearing” dated February 11, 2019, be endorsed, and forwarded to the Local Planning Appeal Tribunal for approval; and,
3. That this matter be forwarded to Council for endorsement on February 12, 2019; and further,
4. That staff and legal counsel be authorized and directed to do all things necessary to give effect to this resolution.

**Carried**

## **15. CONFIRMATORY BY-LAW - THREE READINGS**

Moved by Councillor Amanda Collucci

Seconded by Councillor Karen Rea

That By-law 2019-27 be given three readings and enacted.

Three Readings

BY-LAW 2019-27 - A BY-LAW TO CONFIRM THE PROCEEDINGS OF THE COUNCIL MEETING OF FEBRUARY 12, 2010.

**Carried**

## **16. ADJOURNMENT**

Moved by Councillor Isa Lee

Seconded by Councillor Keith Irish

That the Council meeting be adjourned at 1:51 pm.

**Carried**

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Kimberley Kitteringham

City Clerk

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Frank Scarpitti

Mayor

## Municipal Information

## Section 1 - Application Details

Premises Name LANNA CUISINE	Premises Telephone Number 6139861328		
Contact Name KEN JIAN YAO	Contact's Telephone Number 6139861328	Email Address canadajapantrade@hotmail.com	
Address 170 enterprise blvd unit j105	City / Town Markham	Province / State ON	Postal Code L6G 1B3

☒ Indoor areas

☐ Outdoor areas

## Section 2 - Municipal Clerk's Official Notice of Application for a Liquor Sales Licence in your Municipality

**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 of the Village, Town, Township or City was known as)

MARKHAM

☒ Wet (for spirits, beer, wine)    ☐ Damp (for beer and wine only)    ☐ Dry

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.**

Signature of Municipal Official	Title
Address of Municipal Office	Date <div> <div>YYYY</div> <div>MM</div> <div>DD</div> </div>

What is the closest major intersection to the restaurant? <i>Birchmount Rd &amp; Enterprise</i>	What is the distance between the restaurant and the closest residential area? (in kilometres) <i>0.100 K</i>
Does the restaurant have a valid Business Licence issued by the City of Markham?  Yes      No Business Licence Number: _____ If no, please note that a Business Licence is required.	Does the restaurant have a working Fire Alarm System?  <input checked="" type="radio"/> Yes <input type="radio"/> No
Type of restaurant (select one) Family      Roadhouse      Sports Bar <input checked="" type="radio"/> 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 existing operations?  <input checked="" type="radio"/> No <input type="radio"/> Yes If yes, please provide the <u>current</u> existing maximum seating capacity: _____ If no, please provide the <u>planned</u> existing maximum seating capacity: <i>90 seat</i>	
<b>Location History</b>	
Has a Building Permit been applied for or obtained for this location? <input checked="" type="radio"/> Yes      Building Permit Number: <i>18249404</i> <i>000 00 AL</i> <input checked="" type="radio"/> No	
Was the location previously used as a restaurant?      Yes <input checked="" type="radio"/> 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 restaurant, has construction or alteration been proposed?  Yes <input checked="" type="radio"/> No If yes, please provide Alteration Permit Number: _____	

  
Applicant's Signature

*Feb 13 / 2019*  
Date

Project

1170 ENTERPRISE  
BLVD, UNIT 145

MARKHAM, ON

Title

## SPACE PLAN

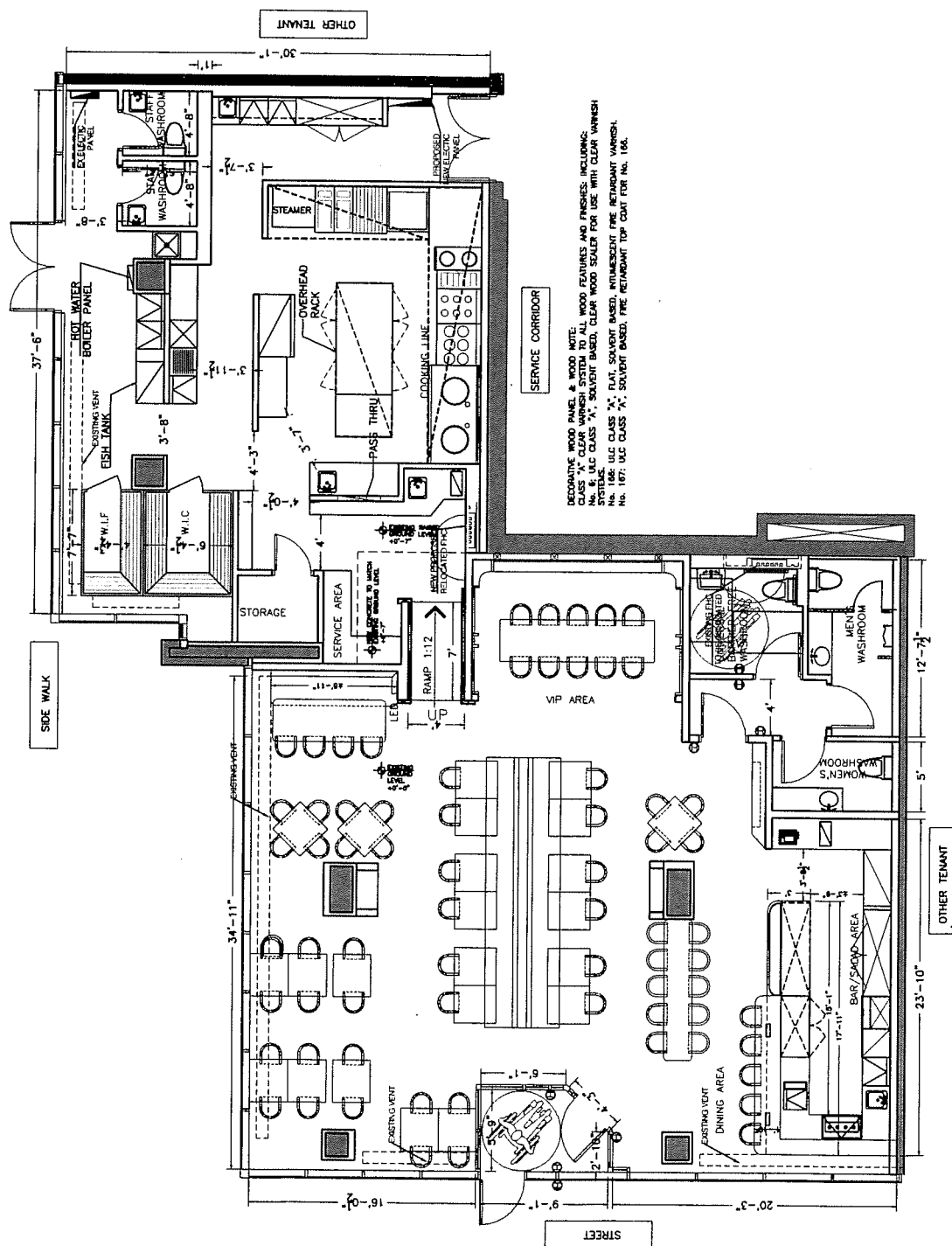
Scale: 1/8" = 1'-0"

Date OCT, 2018

Drawn by M.Y

Dwg. No. A-01

Rev. RV:03



01 SPACE PLAN  
A-01 SCALE: 1/8" = 1'-0"



## Menu

### Soup & Salad

\*S1 Tom Yum Goong

冬阴功汤

1 bow/位 6.95 1 pot/窝 12.95

S2

Tom Yum Goong with coconut milk

冬阴功椰奶汤

1 bow/位 6.95 1 pot/窝 12.95

S3 Coconut Chicken Soup

椰香鸡汤

1 bow/位 6.95 1 pot/窝 12.95

S4 Coconut seafood Soup

椰香海鲜汤

1 bow/位 7.95 1 pot/窝 13.95

S5 Grilled beef (AAA grade) salad

炭烧牛排沙拉 14.95

S6 Mango shrimp salad

芒果大虾沙拉 12.95

S7 Green papaya salad

青木瓜沙拉 8.95

S8 Sashimi sweet shrimp in Thai style 泰式甜虾刺身 25.95

S9 Sashimi lobster Market price

泰式龙虾刺身 市场价

\*S10 Curry pomelo salad

柚子沙拉 14.95

## Appetizer 头盘

A1 Mango shrimp spring rolls

芒果虾卷 7.95

A2 Pandan leaf wrap chicken

泰式斑斓鸡 3 pc 9.95

\*A3 Fried crispy chicken with Thai basil 金不换脆皮鸡块 7.95

A4 Classic fried shrimp cake

经典泰式虾饼 6pc 13.95

A5 Classic fried fish cake

惹味咖喱鱼饼 6pc 12.95

\*A6 Classic thai street food platter

泰风味小吃拼盘 15.95

A7 Satay chicken skewer

沙爹鸡肉串 7.95

A8 Satay beef skewer

沙爹牛肉串 8.95

## Main course 主菜

Signature curry crab with cured egg sauce 招牌金沙咖喱蟹

M1 Blue crab /蓝蟹 29.95

\*M2 Jumbo crab /珍宝蟹 49.95

M3 Soft shell crab / 软壳蟹 32.95

M4 Signature Singapore curry crab with garlic bread

招牌新加坡咖喱面包蟹 49.95

M5 Signature curry prawns with cured egg sauce

招牌金沙咖喱大虾 29.95

\*M6 Golden lemongrass garlic prawns 金蒜香茅大虾 22.95

M7 Golden lemongrass garlic Boston lobster marker price

金蒜香茅波士顿龙虾 市价

\*M8 Charcoal grilled pork neck

炭烧猪颈肉 16.95

M9 Charcoal grilled AAA beef striploin 炭烧 AAA 牛排 24.95

M10 Green curry chicken

青咖喱鸡 18.95

M11 Green curry beef short ribs

青咖喱牛肋 20.95

M12 Panang red curry beef short ribs

柏能红咖喱牛肋 24.95

M13 Panang red curry pork neck

柏能红咖喱猪颈肉 21.95

\*M14 Signature massaman curry lamb shoulder

招牌玛沙文咖喱羊肩肉 27.95

M15 Massaman curry beef short ribs

招牌玛沙文咖喱牛肋 24.95

\*M16 Yellow curry chicken leg with potato

黄咖喱土豆炖鸡腿 16.95

M17 Yellow curry beef short ribs

黄咖喱牛肋肉 18.95

M18 Grilled chicken in Thai style

泰式烤鸡 23.95 (half 半只)

36.95 (whole 全只)

Deep fried fish with sweet chilli sauce 泰甜酸黄金活鱼

M19 青斑 sea bass 市价

\*M20 罗非鱼 talapia 28.95

M21 巴萨鱼柳 Basa fillet 23.95

M22 Deep fried shrimp with sweet chilli sauce 泰甜酸黄金大虾 25.95

M23 Seafood Omelet

泰式海鲜煎蛋饼 22.95

M24 Chicken Omelet

泰式鸡肉煎蛋饼 16.95

## Vegetable 蔬菜

M31 Bangkok Street style Stir fried Morning Glory 曼谷地道蝦酱通菜 15.95

M32 Chiang Mai style Stir fried mushrooms 清迈香辣炒菌菇 16.95

M33 Steamed sayote fresh Vegetables with chicken broth

鸡汤浸佛手瓜 15.95

Noodle & Rice 主食

R01 Thai boat noodle (beef)

驰名传统牛肉船面 15.95

R02 Thai Northern style curry chicken noodle 泰北经典咖喱鸡面 15.95

R03 Pineapple fried rice with chicken

菠萝鸡肉炒饭 16.95

R04 Pineapple fried rice with seafood

菠萝海鲜炒饭 19.95

R05 Phad Thai with choice of chicken, beef, pork.

泰式金边粉

鸡肉/牛肉/猪肉 16.95

\*R06 泰式大虾金边粉 22.95

Phad Thai with Prawns

## Dessert 甜品

D01 Rainbow taro dumpling with coconut sauce 椰汁彩虹芋圆 6.95

D02 House made coconut ice cream  
秘制椰子雪糕 6.95

D03 Mango and sticky rice crepe roll with coconut sauce  
芒果椰香班戟糯米卷 6.95

\*D04 Mango and coconut sticky rice  
芒果糯米饭 8.95

D05 Mango and 3 colour sticky rice  
三色芒果糯米饭 9.95

\*D06 Classic thai dessert tower  
兰纳经典甜品拼盘 19.95

## Cocktail and drink menu

Kir royal 皇家极品 7.95

Cream de cassis , strawberry & lime

MIMOSA 含羞草 7.95

Orange juice , peach liqueur

LYCHEE BRUT 干型荔枝 7.95

Lychee Liqueur, Mint sprig

Made in Chiang Mai 清迈制造 12.95

Captain Morgan rum , Orange cubes, fresh mint , brown sugar, red bull

Lanna Margarita 兰纳玛格丽特 12.95

Jose Cuervo especail gold tequila, triple sec, coconut cream, fresh pineapple, smooth with pandan leaves & raw sugar

Mekhong Thai whiskey 湄公威士忌 12.95

-traditionally known as "spirit of Thailand", mango juice , coconut Milk, and lime juice.

Lost in Bangkok 迷失于曼谷 10.95

Rum , lemongrass, young ginger, hot basil , fresh lime , brown sugar, soda water, ginger ale

Thai sangria 泰国桑格利亚 11.95

Fresh seasonal Thai fruits, apple, fresh passion fruit, mango, London dry gin, maple syrup , top with Sinha beer

Pomelo Julep 香柚朱利 11.95

Vodka, Orange liqueur, fresh pomelo, tangerine juice, monin pomegranate syrup

Pattaya mojito 芭提雅之夏 11.95

Rum , fresh lime , mint leaves, soda

## Beer

Draft 16oz

Sapporo 8.95

Stella 8.95

Erdinger 8.95

Bottle 375 ml / Can 500 ml

Sapporo 6.95 BTL / 11.95 CAN

Asahi 6.95

Sinha 6.95

Tsing Tao 6.95

Tiger 6.95

Heniken 6.95

Budweiser 6.95

Stella 6.95

Erdinger 7.95

Guinness 7.95

Wine by the glass 5 oz & bottle (750ml)

Sparkling & champagne

Bottega Petalo Il Vino Dell'Amore Moscato Sparkling

9.95 gls / 39.95 Btl

Mumm Cordon Rouge Brut Champagne 109.95 Btl

White wine

Angels Gate Gewurztraminer VQA

Ontario

9.95 gls / 39.95 btl

Oyster Bay Sauvignon Blanc

New Zealand

9.95 gls / 39.95 btl

Danzante Pinot Grigio

Delle Venezie IGT ITALY

9.95 gls / 39.95 btl

Anne de Laweiss Collection Pinot Gris 2016 Alsace France 45.95 btl

Robert Mondavi Private Selection Chardonnay California 45.95 btl

Red

Beringer Main & Vine Cabernet Sauvignon California 6.95 gls / 32.95 Btl

Rosemount Diamond Shiraz Australia  
9.95 gls / 39.95 Btl

Wolf Blass Yellow Label Pinot Noir  
Pinot Noir  
9.95 gls / 39.95 Btl

Gabbiano Chianti Classico DOCG  
Chianti Italy  
9.95 gls / 39.95 Btl

Robert Mondavi Napa Valley Cabernet Sauvignon 69.95 Btl

Wolf Blass Grey Label Shiraz  
Red - 72.95 Btl

Blanville Clos Des Legendes 2012  
Syrah Blend 118.95 Btl



## Soft drinks

Orange & carrot shake 6.95

Coconut shake 6.95

Mango shake 6.95

Pop 2.95

Coke /Diet coke/Sprite

Ice tea /Ginger ale/Tonic water

San Pellegrino 5.95 (s) 10.95 (L)

Pirrier 5.95 (s) 9.95 (L)

Thai traditional tea 6.95

Chinese jasmine Mao Feng tea 7.95

Japanese sencha fruity tea 7.95

Taiwan oolong tea 7.95

Earl Grey India tea 7.95

Thai ice milk tea 5.95

Thai ice coffee 5.95

Regular coffee 2.95

Espresso 5.95

Cappuccino 5.95

Latte 5.95

Mocha 5.95



Report to: Development Services Committee

Meeting Date: February 11, 2019

**SUBJECT:** Destination Markham Strategy  
**PREPARED BY:** Christina Kakaflikas, Ext. 6590

**RECOMMENDATION:**

- 1) That the staff report entitled, “Destination Markham Strategy”, dated February 11<sup>th</sup>, 2019 be received;
- 2) That Council approve the Destination Markham Strategy and forward it to the newly incorporated destination marketing organization and relevant city departments; and
- 3) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**EXECUTIVE SUMMARY:**

The Destination Markham strategy is based on extensive consultation with external stakeholders and City staff across all commissions. The staff report presents findings of stakeholder consultations and identifies strengths, weaknesses, opportunities and threats of Markham as a destination for visitors, residents, talent and business. The strategy also proposes value proposition statements for each of the above target audiences and recommends strategic priorities for action by the City and its newly incorporated destination marketing organization.

**PURPOSE:**

The purpose of this staff report is to describe the outcomes and findings of the Destination Markham Strategy stakeholder consultations, and strategic recommendations. The purpose of the Destination Markham Strategy is as follows:

- To promote greater knowledge, communication and awareness of Markham as a preferred place to live, visit, work and do business;
- To articulate Markham’s value proposition for each of the strategy’s target audiences: residents, visitors, talent, and business;
- To pinpoint and leverage opportunities for collaborative destination-focused communications and integrated branding;
- To identify and leverage city strengths and points of distinction, and to inspire active participation and engagement from residents, visitors, workforce and business; and
- To align and leverage destination attraction efforts, programs, and resources within the organization and externally with stakeholder organizations.

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The following considerations are outside the scope of the Destination Markham Strategy:

- Corporate Communications Strategy and Branding Strategy. This will be the subject of a separate initiative in 2020.
- Destination Markham is not a tourism strategy. This will be the subject of a future initiative of the newly incorporated destination marketing organization.
- Revisions to existing strategies and plans to align to the recommended Destination Markham Strategy (eg. Markham 2020, Markham Culture Policy and Plan, etc.). These revisions/updates are anticipated outcomes/next steps of the Destination Markham strategy.

### **BACKGROUND:**

Markham is a prosperous and admired community with a high quality of life. Over the years, Markham has made strategic investments to build a well-planned city guided by core values of: strong financial management; progressive planning focused on building complete communities; heritage preservation; environmental stewardship; thriving arts and culture; and meeting and often exceeding the needs and expectations of its diverse residents and businesses. Until now, however, the City of Markham has not undertaken a comprehensive look at itself as a destination. The City is seeking to adopt a strategy to position itself as a destination city.

Destination Markham is a corporate wide umbrella strategy and a key part of the City of Markham's 2015-2019 Corporate Strategic Plan entitled, *Building Markham's Future Together (BMFT)*. BMFT focuses on four goals as follows:

1. Exceptional Services by Exceptional People
2. Engaged, Diverse & Thriving City  
Goal: Promoting Markham as the Best Place in Canada to Invest and Locate Knowledge Based Industries
  - a. Support the development of a York University Campus
  - b. Stimulate new business formation and commercialization through increased market awareness of the Markham Convergence Centre, ventureLAB, and the Markham Small Business Centre
  - c. Increase Foreign Direct Investment in Markham
  - d. Create Destination Markham
3. Safe & Sustainable Community
4. Stewardship of Money & Resources

Section 5 of Markham's Official Plan, *A Strong and Diverse Economy* focuses specifically on Markham's tourism opportunities as follows:

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It is the policy of Council:

- 5.1.8.1 To recognize Markham's distinct neighbourhoods, cultural heritage resources, hotels, recreation opportunities, and cultural programs, festivals, facilities and attractions, including the Fred Varley Art Gallery and the Markham Museum, Markham Theatre, unique shopping experiences, agri-tourism, and the Rouge National Urban Park and connected natural heritage systems, as part of the City's tourism assets.
- 5.1.8.2 To work with provincial tourism organizations, Parks Canada and York Region to promote Markham's tourism assets.
- 5.1.8.3 To direct new local tourism attractions, including theatres and cinemas, to Markham's Centres and Corridors, which provide enhanced connectivity and convenient travel to local attractions.
- 5.1.8.4 To encourage the protection and enhancement of Markham's cultural heritage resources in order to provide for additional economic development and tourism opportunities.

Markham's corporate strategy, *Building Markham's Future Together* and the City's Official Plan each reference building Markham as a destination city. Currently, there are many policies, initiatives and programs across city departments that reference destination attraction goals. For example, *Shared Places*, *Our Spaces*, Markham's Public Realm Strategy points to the importance of creating quality public spaces for residents to enjoy and as a means to attract talent to the City. The Flato Theatre Strategy speaks to the competitive advantage of Markham's culturally diverse programming as a draw for visitors and as a differentiator for Markham. *A Vision for Sport Development*, Markham's Sport Strategy includes "raising the profile of Markham through Sport Tourism" as a key objective. *Markham 2020* the City's Economic Development Strategy focuses on attracting investment and supporting local businesses to succeed and grow in Markham.

Staff across all Commissions are engaged in destination attraction efforts but until now, there has been no cross-commission, holistic framework to steer the City's efforts towards a corporate-wide set of destination goals, objectives and action plans.

## **OPTIONS/ DISCUSSION:**

Destination Markham is a corporate-wide, umbrella strategy that involved the participation and collaboration of the Office of the Chief Administrative Officer and departments from all three commissions: Development Services; Corporate Services; and Community and Fire Services. While the Department of Economic Growth, Culture and Entrepreneurship is the project lead on Destination Markham, all commissions provided input in the project scope and in the focus group consultations.

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The Destination Markham strategy does not replace existing departmental strategies and operational plans. Rather, the Destination Markham strategy is intended to better link existing plans and strategies to overarching goals related to attracting visitors, residents, talent and business.

Following is an outline of the project methodology and timeline.

- Step 1: Project Scope (Feb '17 -Aug '17)
- Step 2: Literature Review (April '17 to October '17)
- Step 3: Internal Staff Focus Groups, Surveys, One on One Interviews with External Stakeholders (Aug '17 -March '18)
- Step 4: Synthesis of Quantitative and Qualitative Information (Feb. '18 – Mar '18)
- Step 5: Draft Report and Visualization (Feb '18- May '18)
- Step 6: Presentation to Executive Leadership Team (May '18)
- Step 7: Destination Marketing Organization governance and consultation (Aug '18)
- Step 7: Submission to Council – Draft Destination Marketing Organization business plan (Sept '18)
- Step 9: Destination Markham Strategy Report to Council (Feb 2019)

The term 'destination strategy' has a different meaning to different audiences. For some, a destination strategy is equivalent to a tourism strategy. Others interpret a destination strategy to imply a city branding exercise. Some may view this type of strategy to be more of a public relations and civic pride campaign. With the broad range of possible interpretations, staff set out first to establish the project scope of the Destination Markham strategy.

Step One of the Destination Markham strategy focused on identifying and articulating the project scope through research, and working with key staff from across all commissions and Markham's Executive Leadership Team.

Step Two was a literature review of the related internal strategies and documents; city strategies and best practices; marketing, research and analysis produced by destination stakeholders in Markham and York Region including Central Counties Tourism and York Region Arts Council.

Step Three focused on gathering primary, qualitative information about the perceptions of Markham with respect to strengths, weaknesses, threats and opportunities as a destination city. Interviews were conducted with external stakeholders and internal staff.

Step Four involved analyzing and synthesizing information collected in Step Two and Three.

Step Five and Six included drafting the report and engaging a designer to assist with visualizing the research findings and creating a visual identity for Destination Markham.

Step Seven focused on aligning to new provincial legislation that allows for the collection of an accommodation tax by municipalities. This will enable the City to invest in destination attraction initiatives.

Step Eight was the development of an application by the City to establish a destination marketing organization pursuant to the provincial accommodations tax legislation.

Step Nine is the drafting of final report including Destination Markham Strategic priorities/next steps.

## **Vision**

Successful strategies are inspired by a vision. The vision describes the central outcome of the strategy and helps an organization and its stakeholders to stay focused on what is important. Ultimately, the strategy recommendations and actions will bring Markham closer to the vision of Destination Markham.

### ***Destination Markham Vision:***

*Markham will be among the top places in Canada to live, work, play and do business. Markham will be regarded as a highly desirable, welcoming place with distinctive, high quality attractions and exceptional amenities for residents, visitors, talent and business. Together with its stakeholders and the community, Markham will co-create and promote distinctive experiences for residents and visitors; and grow opportunities for businesses and talent to thrive in the 21<sup>st</sup> century.*

The way in which a vision is implemented is essential to achieving the vision outcomes. The following guiding principles demonstrate Markham's values as an organization and as a destination city. The guiding principles also speak to the City's desired reputation.

### **Guiding Principles:**

1. Promote Markham through partnership and collaboration
2. Position the City as a tech and innovation hub, and centre of creativity
3. Utilize digital tools and channels to promote the City and its competitive advantages
4. Leverage Markham's diversity as a positive distinction and point of pride
5. Support sports tourism
6. Link parks, natural trail systems, cycling and pedestrian pathways with Markham attractions and events

7. Build well planned and complete communities with transit and pedestrian access to employment, amenities, public spaces and places
8. Preserve our heritage assets
9. Grow sustainably and consistent with Markham's Greenprint Sustainability Plan
10. Adhere to responsible financial stewardship and good governance

### **Literature Review; Key Findings:**

Although several organizations in the Markham area do some form of destination marketing, no organization has a holistic and coordinated strategy in place focusing on Markham

A number of organizations in the Markham area promote local and regional attractions and events as part of their mandate. Following is a description of the key organizations.

Central Counties Tourism (CCT) is the Regional Tourism Organization that promotes attractions and events in York Region, Durham Region, and the Hills of the Headwaters (Erin, Caledon, Dufferin County, Mono and Shelburne). CCT targets visitors from the GTA and beyond and select US Border States. Another example is the York Region Arts Council (YRAC). York Region designated YRAC as the destination marketing organization for promoting attractions, festivals and events across York Region, mainly through its website [www.experienceyork.ca](http://www.experienceyork.ca). YRAC's target audience is primarily York Region residents.

In addition, Information Markham, Markham Arts Council, the two Main Street Business Improvement Areas and others are, to varying degrees, engaged in efforts to draw visitation to area attractions by either local residents or visitors. Similarly, organizations such as Toronto Global and York Link promote the region as an attractive place for businesses and talent. The City of Markham's Department of Economic Growth, Culture and Entrepreneurship markets Markham as Canada's High Tech Capital and collaborates with numerous stakeholders including the above regional agencies.

Markham events and attractions are not well known outside Markham

The absence of large-scale tourist attractions in Markham coupled with low consumer awareness of Central Counties Tourism and the York Durham Headwaters brand suggests Markham needs to invest proactively and strategically to position itself as a destination city for visitors.

Research conducted through the course of developing this strategy suggests many of the amenities and experiences sought by visitors are also highly valued by residents, and the reverse is also true.

Marketing to local residents can be an effective way to reach visitors. Approximately 60% of visitors to Markham visit friends and relatives who live in the city (Source: Statistics Canada's Travel Survey of the Residents of Canada; Statistics Canada's International

Travel Survey, 2015). When residents act as guides to their visitors, they also spend time and money locally and act as ambassadors for Markham.

Attracting talent to Markham is increasingly dependent on investing in similar amenities and unique experiences as those enjoyed by residents and visitors.

Markham's economic vitality will depend on our ability to attract talent (individuals who work in Markham or are considering working in Markham). Creating a preferred place for talent positions the City to attract more employers, particularly knowledge-based companies that require specialized skills. Urban development projects, such as Markham Centre with live, work and play options and access to transit and a variety of housing types, position Markham well to compete for and attract companies, high quality jobs and talent.

### **Stakeholder Consultations, Key Findings:**

Staff conducted interviews with over 25 external stakeholders and over a dozen internal staff to gauge perceptions and awareness of Markham attractions and to identify assets and strengths. See Attachment 2 for the interview questions. The list of those interviewed is as follows:

<b>External Stakeholders</b>	
Angus Glen Golf Club	Main Street Markham Business Improvement Area (BIA)
Association of Chinese Canadian Entrepreneurs (ACCE)	Main Street Unionville Business Improvement Area (BIA)
Central Counties Tourism (CCT)	Markham Mayor's Youth Advisory Committee
CBRE	Private Citizens/Volunteers (4 interviews)
General Motors	Remington Group
Hilton Hotel and Convention Centre	Regional Municipality of York
IBM	Seneca College
Information Markham	Seneca Planning Technician students
Liberty Development	Small businesses (3 interviews)
Local artist	Survey Questionnaire at Canada 150 event
Markham Arts Council	ventureLAB
Markham Board of Trade	York Region Arts Council
Markham, Richmond Hill, Vaughan Chinese Business Association	York University
<b>City of Markham Staff Survey and Focus Group Discussions</b>	
CAO's office	Markham Public Library
Corporate Communications and Community Engagement	Planning & Urban Design
Economic Growth, Culture, and	Public Realm

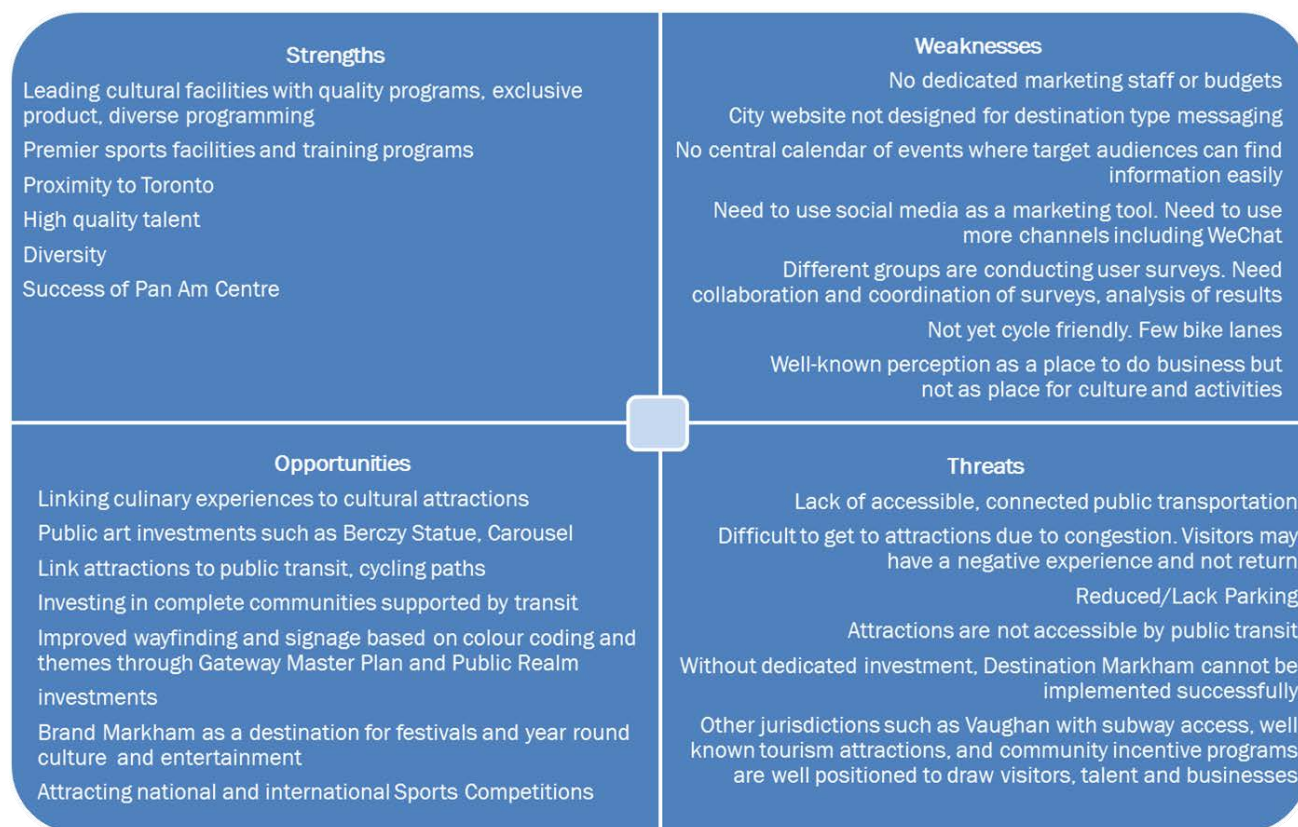


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Entrepreneurship
Heritage
Information Technology Services
Recreation Services
Sustainability

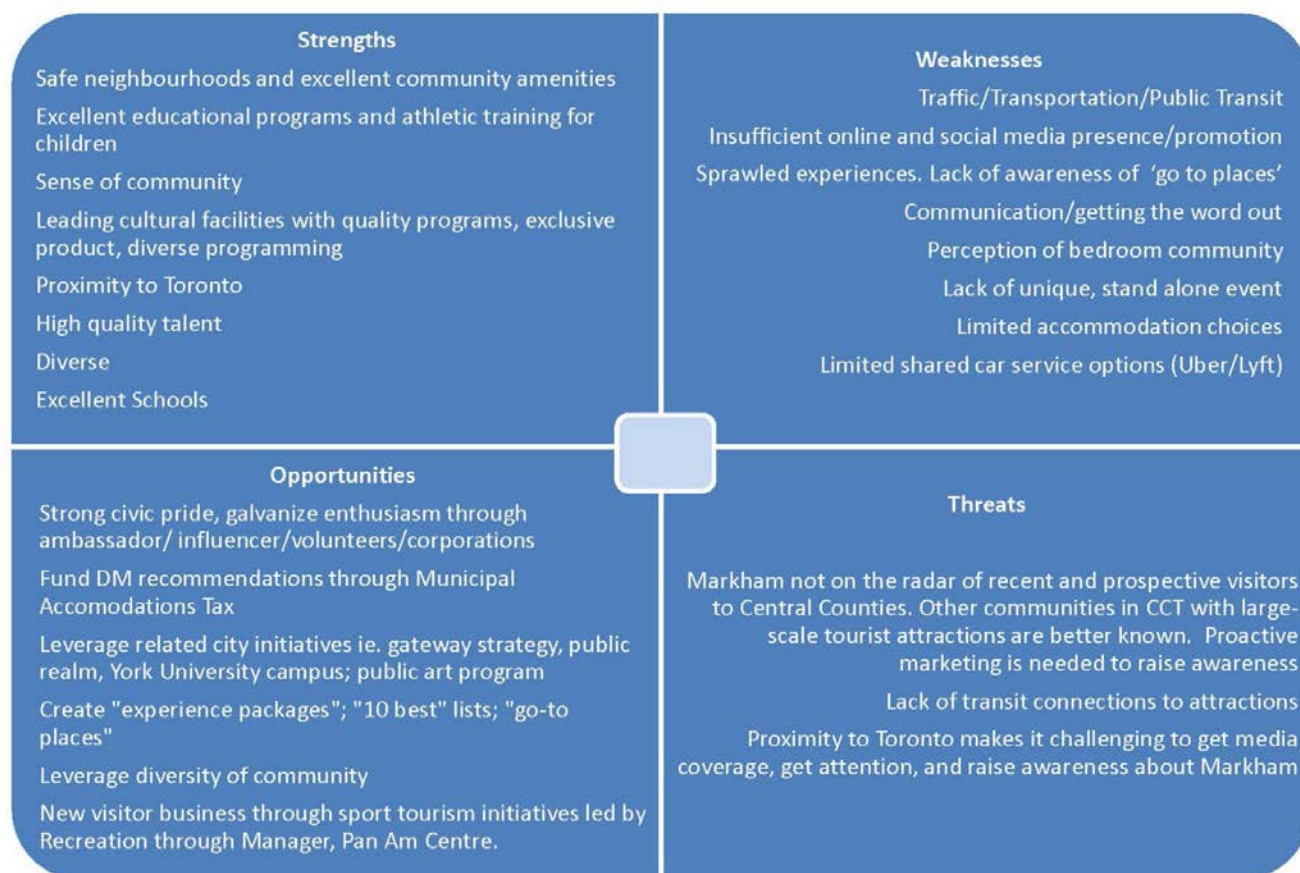
The following pages summarize the feedback and results of the consultations with internal and external stakeholders. The survey results are grouped by target audience (residents, visitors, business, and talent) and expressed as Strengths, Weaknesses, Opportunities, and Threats.

**Figure 1: Staff Corporate Findings- Destination Strengths, Weaknesses, Opportunities, and Threats**



The top destination strengths identified by staff relate to the high quality, diverse arts and cultural programming, sports programming, and facilities in Markham. The top opportunities to grow Markham's status as a destination city were identified as linking together culinary experiences with arts and cultural attractions, and linking attractions with infrastructure such as public transit, pedestrian and cycling paths, and natural trail systems.

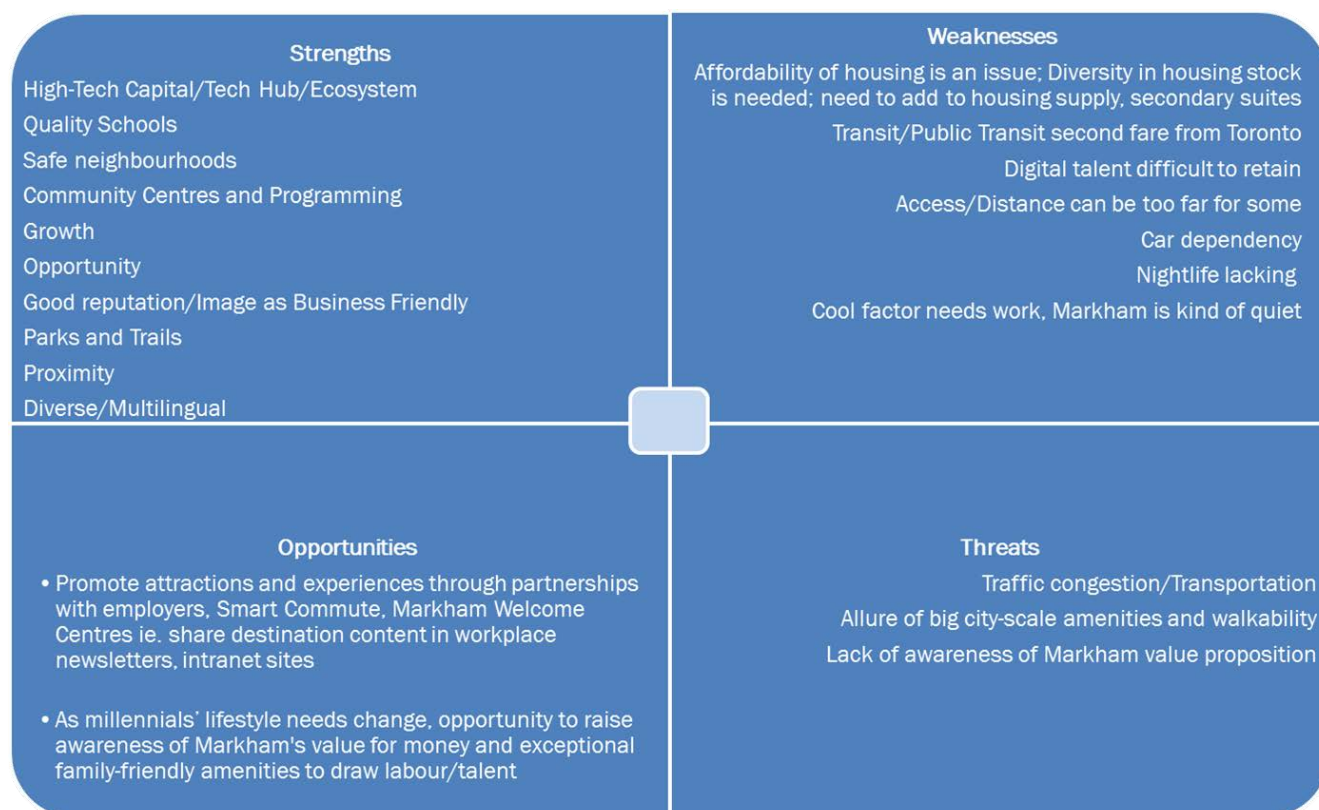
Top weaknesses include a lack of marketing mechanisms such as a dedicated destination website with centralized and easily accessible information about where to go and what to do in Markham. As well, staff identified the need for more active use of social media channels and an overall digital marketing strategy. Top threats included lack of accessible public transit and insufficient connectivity to attractions.

**Figure 2: Stakeholder Perceptions of Markham as an Attractive Place to Visit**

External stakeholders echoed many of the comments made by staff including the significance of diverse arts and cultural programming as a draw for visitors. Safety, a sense of community, and excellent community amenities were identified as strengths in attracting visitors. Traffic/public transit and insufficient marketing and promotion including regular social media engagement were identified as the top weaknesses along with lack of awareness of where to go for visitor experiences in Markham.

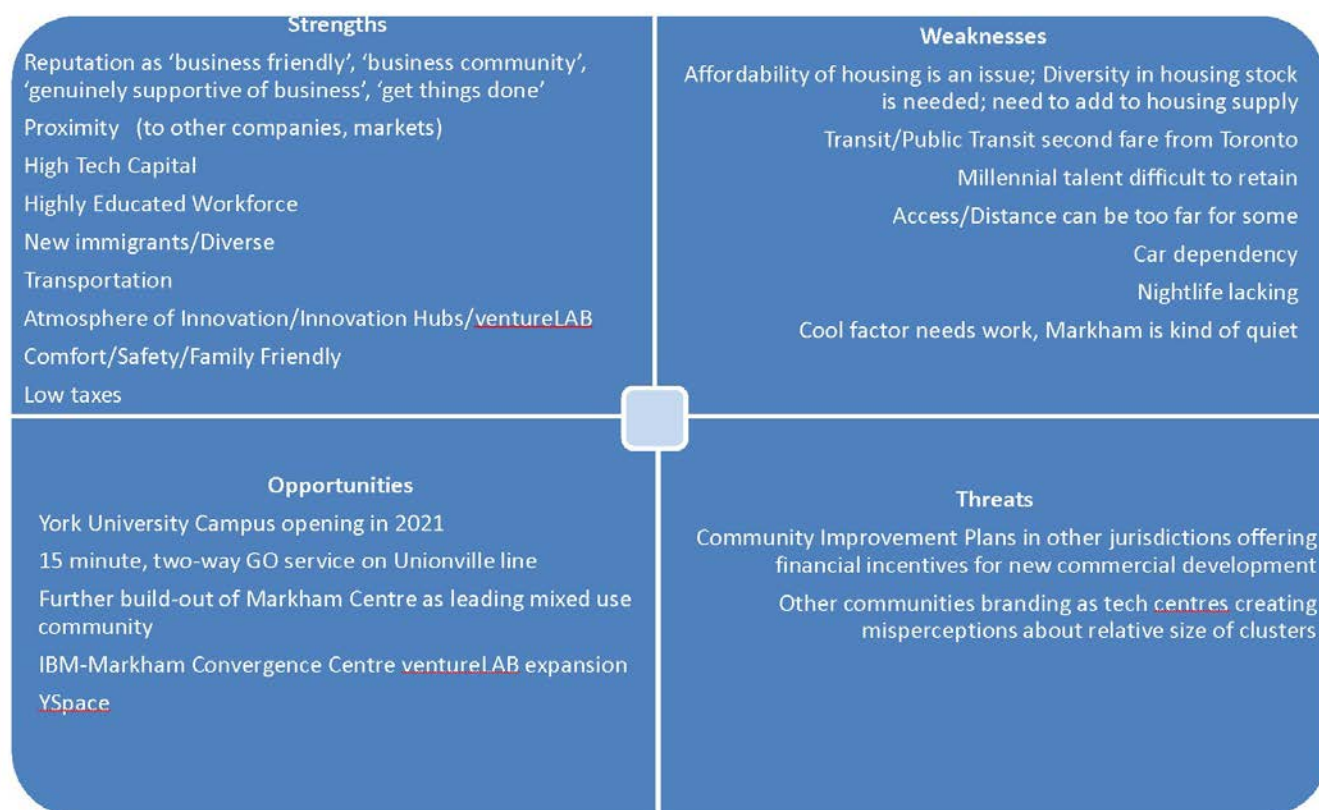
**Figure 3: Perceptions of Markham as an Attractive Place for Residents**

For residents, many of Markham's positive attributes relate to Markham's strong sense of community anchored by excellent schools and community amenities and cultural and recreation programming. Safety and diversity were cited as strengths along with proximity to Toronto and high quality talent. Transit was listed as a weakness along with a lack of a central source for information about events and attractions. Transit connectivity and housing affordability were identified as threats.

**Figure 4: Perceptions of Markham as a Place to Work**

Perceptions of Markham as an attractive place to work were generally positive, particularly for high tech companies. Housing affordability and access to public transit were identified as weaknesses. Opportunities included engaging in partnerships with private companies and business associations to promote destinations/attractions and targeting millennials who may be rethinking their lifestyle to accommodate changing needs such as growing families, home ownership, and easier access to quality amenities. Once again, transportation was identified as a threat along with lack of awareness of Markham's value proposition. The allure of downtown Toronto's amenities, accessibility and walkability was also seen as a threat to Markham's ability to attract talent.



**Figure 5: Perceptions of Markham as a Place for Business**

Markham is well known and well regarded as a business friendly city that acts quickly to facilitate investment. Markham's long standing reputation as Canada's High Tech Capital is listed as a strength when attracting and retaining business. Mirroring the weaknesses listed in the other categories, housing affordability and access to transit remain the top weaknesses along with challenges in attracting millennial talent and perceived lack of night life. The proposed York University Markham campus was identified as the top opportunity to attract business. The two-way, 15-minute GO train service is also an opportunity to attract and retain business in Markham.

Overall, stakeholders responded to the Destination Markham project with enthusiasm and support and viewed the strategic initiative as a positive step in improving Markham's visibility as a Destination city.

### Value Proposition Statements

One of most important objectives of the interviews, surveys, and focus group sessions was to achieve a better understanding and articulation of the characteristics and assets that make Markham stand out from its competition in terms of attracting visitors, residents, talent and business.

Based on the literature review and results of the stakeholder consultations, the following value proposition statements have been developed for the key target audiences: visitors, residents, talent and businesses.

#### **Visitors:**

The world's best, at your doorstep. Uniquely diverse and vibrant arts and cultural programming; exceptional Asian cuisine; best of class athletes and sports; Rouge national urban park.

#### **Residents:**

A caring community with an enviable quality of life: All of the best you can provide to your family and kids; welcoming, safe city; quality programs, services, public spaces and places.

#### **Talent:**

Quality, Innovation Community in the centre of the GTA: top-rated schools and amenities; great neighbourhoods; open spaces and natural experiences; rich ecosystem of tech companies; easy access to urban culinary, cultural experiences.

#### **Business:**

Business-Friendly, "make it happen", culture of Innovation: Strong Tech Cluster focused on Enterprise Solutions; Educated, Diverse Talent; Low Taxes; embedded in GTA ecosystem; Proximity to Markets.

Understanding and communicating Markham's unique and authentic attributes in a consistent manner will help staff, elected officials and stakeholders to effectively market and position the City to their respective target audiences. Over time, consistent marketing and communication will help to build Markham's brand among key stakeholders.

### Destination Markham Strategic Priorities:

Staff are recommending the following strategic priorities be undertaken to address the issues and opportunities identified through the literature review, focus groups and interviews.

Strategic Priority #1: Establish a Destination Marketing organization to advance tourism development and attraction in collaboration with existing tourism stakeholders

In 2017, the Ontario government passed legislation allowing municipalities to collect a municipal accommodations tax to assist in attracting tourism to their communities. In 2018, and concurrent with the development of the Destination Markham strategy, staff in

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Finance and Economic Development worked together on a report recommending the implementation of a 4% accommodation tax effective January 1, 2019 and the creation of a Destination Marketing Corporation to which 50% of the accommodations tax raised would flow. The above staff recommendations were approved by Council on April 23rd, 2018. Once established and operational, the Markham destination marketing corporation will guide and implement the Destination Markham program's tourism and destination marketing objectives.

#### Strategic Priority #2: Enhance digital presence of Markham as a destination

Strengthening Markham's digital presence is critically important. When exploring places to visit, live, work or invest, most will begin their search online visiting websites and blogs, using social media and reading consumer/employee reviews and company testimonials and posts. Increasingly, searches are done via mobile device. Viewer impressions gathered during this stage of exploration are made quickly. To keep and grow viewer interest, accurate and current information must be easily accessible and visually compelling.

#### Strategic Priority #3: Align and integrate consistent communication across city departments

Stakeholder interviews revealed a lack of clarity about Markham's brand as a destination. More integrated and consistent communication with stakeholders would help clarify Markham's brand to external audiences. Markham can align and better communicate strategic messaging by developing and sharing "unity standards" and value proposition statements with departments across the corporation. Tourism Calgary's brand standards is an excellent example of how an organization can unify and mobilize communication (<http://web1.visitcalgary.com/sites/default/files/brand-standards-guide-feb-2015.pdf>).

The unity standards recommended in Attachment 3 borrow from Tourism Calgary and are recommended as guidelines when posting articles and photos, and sharing stories about Markham attractions and attributes. Unity standards help reinforce key messages and over time, help build and clarify Markham's brand.

#### Strategic Priority #4: Establish a Destination Markham Influencers Group (DMIG)

The purpose of the DMIG is to engage external stakeholders with broad networks to actively promote and serve as ambassadors of Markham, promoting local sites, attractions, and events and creating positive word of mouth messaging that aligns with Markham's value proposition statements. The stories generated and shared will help promote the Markham experience and leverage DMIG networks. The DMIG would comprise entrepreneurs, students, residents, and partner organizations.



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Strategic Priority #5: Leverage Existing Communications Tools and Databases to streamline and improve communication

- Leverage Checkmark (the City's intranet portal) to share information internally across the Corporation
  - Use Checkmark as a platform to share inventory of DM assets
  - Use Checkmark as a platform for sharing information about Markham calendar of events
- Volunteers and their families are natural partners in promoting Markham as they regularly attend events and can help spread the word about Markham through their networks. It is recommended that the City leverage Markham's volunteer database to share content; promote events; reinforce key messages; increase awareness; and access broader networks and audiences.

Strategic Priority #6: Undertake a City-led Branding Strategy for Markham

Recommend the City's Corporate Communications and Community Engagement team engage a consultant to lead a branding strategy for the City of Markham in collaboration with Destination Markham DMO.

Strategic Priority #7: Create/Designate 'Destination Advocate'

Engage Destination Advocate in planning process and policy development. For example, engage a destination/place making professional in the development of master plans and secondary plans. A Destination Advocate would help ensure a visitor and talent lens is applied to planning and development policies. As an example, there is an opportunity to connect wayfinding, gateway strategies, and community master plans with Markham attractions. Simple changes like incorporating distances in kilometres as well travel time by foot, bike, and car in city wayfinding (signage and digital/mobile applications) may facilitate more participation a local attractions and events and help to inform would be employees of desirable amenities near places of employment.

Similarly, incorporate a "talent" lens in the development of employment areas to ensure employment areas incorporate amenities, are pedestrian friendly and accessible via public transit to attract talent, particularly the younger workforce.

Strategic Priority #8: Link infrastructure investments such as the development of Markham's trail system with Markham attractions

Trail systems are part of the circulatory system of the City. They are attractions in and of themselves but can also serve as active transportation corridors to link other attractions (including cultural amenities, public art, parks, and major annual festivals) and link to major transit hubs such as GO stations. Marketing and promotion of Markham's trail system, access points, distances to transit and nearby amenities, etc. is best achieved through a combination of physical and digital wayfinding via signage, maps and mobile applications.

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### Strategic Priority #9: Incorporate talent attraction in Markham's next Economic Strategy (2020-2021)

The trend for employers and talent to locate in downtown Toronto, particularly in knowledge-based industries, is anticipated to continue. To compete for companies and jobs in specialized and emerging sectors, Markham will need to identify and implement meaningful measures to attract and retain talent. As such, it is recommended that talent attraction be a key component of a new Economic Development Strategy to be undertaken in 2020-2021.

In closing, in addition to the above strategic priorities, discussions held during the course of this report generated a number of tactical ideas for further consideration as outlined in Attachment 4.

## **CONCLUSION**

At its core, Destination Markham is about city building. It is about working across departments and Commissions with an emphasis on internal collaboration and in partnership with external stakeholders to build Markham's reputation and reinforce the qualities that distinguish our community from others. Visitors, Talent, Residents, and Businesses have many choices about where to live, invest, work and visit. Destination Markham helps Markham to better understand and communicate our strengths in a strategic and compelling manner. When fully operational the City's destination marketing organization will have the resources to implement this strategy and continue the work started through the development of this strategy.

Destination Markham outcomes can be successfully achieved by applying the following operating principles:

- Invest dedicated resources through the Municipal Accommodations Tax and establishing a Destination Marketing Organization (DMO)
- Build a robust, multi-platform digital presence
- Communicate with consistent, clear messaging
- Integrated Branding – Use the Markham Unity Messaging Checklist
- People-Focused Storytelling
- Apply a Destination Lens to Planning and City Building

The outcome of this strategy is to inform the discussion about how to address Markham as a destination for activity and investment. The report should be circulated to the relevant departments and to the new destination marketing organization.

## **FINANCIAL CONSIDERATIONS**

There are no financial considerations arising from this report. As per the staff report to General Committee dated April 23, 2018 Markham will implement a Municipal

Accommodations Tax beginning January 1<sup>st</sup>, 2019. The MAT is estimated to generate \$2.6 million, 50% of revenue to be directed towards the City of Markham, and the remaining 50% of revenue to be directed to the new Markham Destination Marketing Organization (DMO). A report outlining the governance, mandate and suggested priorities was adopted by Council in September 2018.

**HUMAN RESOURCES CONSIDERATIONS**

There are no Human Resources considerations at this time.

**ALIGNMENT WITH STRATEGIC PRIORITIES:**

Destination Markham is a corporate-wide umbrella strategy and a key part of the City of Markham's 2015-2019 Corporate Strategic Plan, *Building Markham's Future Together (BMFT)*.

**BUSINESS UNITS CONSULTED AND AFFECTED:**

The Destination Markham staff team included representation from CAO's office, Markham Public Library, Corporate Communications and Community Engagement, Planning & Urban Design, Economic Growth, Culture, and Entrepreneurship Public Realm, Heritage, Recreation Services, Information Technology Services and Sustainability.

**RECOMMENDED BY:**

Arvin Prasad  
Commissioner, Development Services



Stephen Chait  
Director, Economic Growth, Culture  
and Entrepreneurship

**ATTACHMENTS:**

1. Destination Markham Presentation
2. Survey Questions
3. Branding Unity Standards
4. Additional Tactical Recommendations for Further Exploration

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**Attachment 2: Survey Questions**

1. What do you consider to be Markham's biggest attraction(s) in terms of drawing visitors from outside the City? This could be an event, a place, a public space, a neighbourhood, etc.
  2. What do you consider to be Markham's biggest attraction(s) in terms of drawing local residents? This could be an event, a place, a public space, a neighbourhood, etc.
  3. What in your view are Markham's strengths in terms of attracting and retaining workforce?
  4. What do you consider to be Markham's strengths in terms of attracting and retaining businesses?
  5. What is the most well recognized landmark or place in Markham known by both residents and non-residents of Markham?
  6. What do you think Markham can be doing better to encourage residents to take part in Markham events and festivities?
  7. What do you think Markham can be doing better to attract visitors from outside our City?
  8. Please indicate all the terms – words, verbs, expressions – that come to mind when you think about Markham.
    - a. What is your opinion about these terms?
- Very negative                  negative                  neutral                  positive                  very positive
9. What do you think is Markham's greatest challenge(s) when it comes to attracting visitors to our City?
  10. What do you believe is Markham's greatest opportunity to attract more visitors?

### **Attachment 3: Unity of Messaging, Markham Message checklist**

#### **Audience Value Proposition:**

- **Visitors:** The world's best, at your doorstep. Uniquely diverse and vibrant arts and cultural programming; Exceptional Asian cuisine; best of class athletes and sports.
- **Residents:** A caring community with an enviable quality of life: All of the best you can provide to your family and kids; welcoming city; quality programs, services, public spaces and places.
- **Talent:** Quality, Innovation Community in the centre of the GTA: Fine Schools and Amenities; great neighbourhoods; open spaces and natural experiences; rich ecosystem of Tech companies; easy access to urban experiences.
- **Business:** Business-Friendly, "make it happen", culture of Innovation: Strong Tech Cluster focused on Enterprise Solutions; Educated, Diverse Talent; Low Taxes; embedded in GTA ecosystem; Proximity to Markets

The following checklist will help ensure all related projects support the above value statements.

- Are we showcasing the various attractions and activities within Markham?
- Are we reinforcing the idea that Markham is uniquely diverse and smart?
- Are we addressing the intended target audience and their value propositions? (residents, visitors, talent, businesses)
- Are we highlighting Markham's competitive advantage as a technology hub?

#### **Photography checklist**

**Any image being considered for use should answer the following questions:**

- Does the image show people as well as buildings?
- Is the image framed around the subject? Be careful not to include ceilings and floors in the frame.
- Does the image show an authentic experience?
- Is the moment captured relevant to our target audiences?
- Is the photography inviting and emotional?
- Does the photography highlight something unique about Markham?
- Does the photography capture an inspiring moment?

#### **Writing checklist**

To ensure a written piece is on brand, ask yourself the following five questions:

- Does it convey one or the entire list of core Markham attributes described in Destination Markham?
- Does the piece capture an inspiring moment?
- Is the tone positive and energetic?

- Does it engage the senses, conveying what one might see, hear, touch, taste or smell?
- Does it use active language?
- Does it use correct grammar and vocabulary?

**Attachment 4: Additional Tactical Recommendations for Further Exploration**

The following are ideas of note arising from the stakeholder consultations, which merit further exploration and follow up with partner organizations:

Host Inaugural Annual “Markham Trails Open” Event to promote Trail System and Bob Hunter National Park and connections to cultural attractions and events such as Doors Open. Introduce cultural and culinary experiences along Markham’s trail system pathways.

Explore special designations for Main Street Unionville, Markham Main Street, Markham Centre as key visitor destination zones. Support BIAs in developing and implementing ideas for visitor attraction.



Attachment 1

# DESTINATION MARKHAM

*A BETTER WAY OF LIVING*

FEBRUARY 11, 2019



Photo by Robert Hyland

# VISION

Markham will be among the top places in Canada to live, work, play and do business. Markham will be regarded as a highly desirable, welcoming place with distinctive, high quality attractions and exceptional amenities for residents, visitors, talent and business. Together with its stakeholders and the community, Markham will co-create and promote distinctive experiences for residents and visitors; and grow opportunities for businesses and talent to thrive in the 21<sup>st</sup> century.



# THE PURPOSE OF THE DESTINATION MARKHAM STRATEGY IS AS FOLLOWS:

- To promote greater knowledge, communication and awareness of Markham as a preferred place to live, visit, work and do business
- To articulate and leverage opportunities for collaborative destination-focused communications and integrated branding
- To identify Markham's value proposition for each of the strategy's target audiences: residents, visitors, talent, businesses
- To identify and leverage city strengths and points of distinction and inspire active participation and engagement from residents, visitors, workforce and business
- To better align and leverage destination attraction efforts and resources within the organization and externally with stakeholder organizations

# PERCEPTION AND REALITY

- Markham is well-known as a place to do business but perception as a place for culture and activities, lifestyle and quality experiences needs strengthening.
- Markham does not have large-scale tourist attractions and therefore needs to be proactive and strategic in distinguishing and promoting itself as a community with things to do and see and quality experiences to be had.

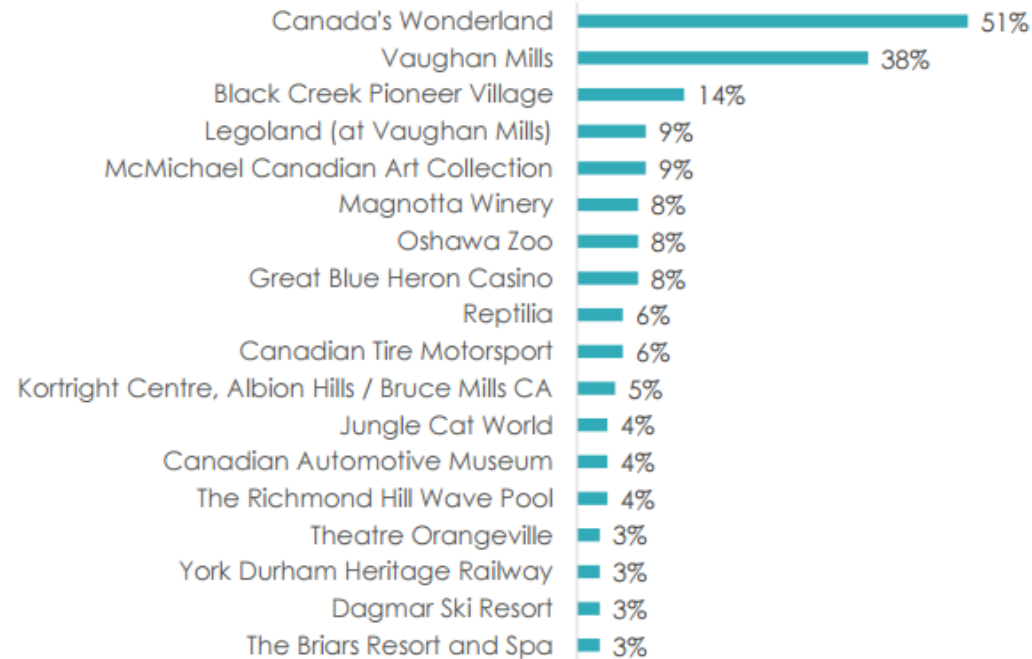
# MARKET REALITIES

## Attractions Visited in Past 12 Months

Among Recent Visitors, **Canada's Wonderland** and **Vaughan Mills** were the most common attractions visited.

### % of Recent Visitors Who Visited Attraction in Past 12 Months – Top Mentions\*

Base: Recent Visitors (n=302)



\*Top mentions – mentioned by at least 3% of Recent Visitors  
Q14a. Which of the following attractions, if any, have you visited in the past 12 months?

Source: Central Counties Tourism, Strategic Navigator Audience Research Findings, July 28, 2017

# MARKHAM HOTEL BUSINESS

- Many of the hoteliers indicated that on average, 70% of their room stays are attributed to the corporate clientele who are located in Markham
- The remaining 30% of room stays was attributed to leisure and sports related activities (i.e. local sports tournaments, large events and attractions occurring in neighbouring municipalities in Toronto, Richmond Hill and Vaughan)
- Most hoteliers indicated they currently experience an acceptable level of occupancy (i.e. 70 – 85%) during the months of April through November
- The remaining months are deemed the “low demand period” and as such, the average daily room prices are adjusted to accommodate the less demand period

Source: City of Markham Hotelier Stakeholder Consultations, MAT, March/April 2018

# TARGET AUDIENCES ARE LINKED

- Amenities and experiences sought by visitors are also highly valued by residents
- When residents act as guides to their visitors, they also act as ambassadors for Markham
- A community's amenities and unique experiences are not only valued by residents and visitors, they are increasingly valued by Talent
- More than ever, Business follows Talent. Particularly in Tech and other KBIs
- If Markham is to remain a competitive location for business, our ability to attract talent will continue to be a growing priority
- Creating a preferred place for talent positions us well to attract more companies

# VALUE PROPOSITION STATEMENTS

## Visitors:

The world's best, at your doorstep. Uniquely diverse and vibrant arts and cultural programming; exceptional Asian cuisine; best of class athletes and sports; Rouge national urban park.

## Residents:

A caring community with an enviable quality of life: All of the best you can provide to your family and kids; welcoming, safe city; quality programs, services, public spaces and places.

## Talent:

Quality, Innovation Community in the centre of the GTA: top-rated schools and amenities; great neighbourhoods; open spaces and natural experiences; rich ecosystem of Tech companies; easy access to urban culinary, cultural experiences.

## Business:

Business-Friendly, "make it happen", culture of Innovation: Strong Tech Cluster focused on Enterprise Solutions; Educated, Diverse Talent; Low Taxes; embedded in GTA ecosystem; Proximity to Markets.



# HOW WILL WE ACHIEVE DESTINATION MARKHAM OUTCOMES?

## Strategic Priorities:

1. Establish Destination Marketing Municipal Corporation
2. Enhance digital presence
3. Align and integrate consistent communication
4. Establish a Destination Markham Influencers Group (DMIG)
5. Leverage Existing Communications Tools and Databases
6. Undertake a City-led Branding Strategy for Markham
7. Create 'Destination Advocate' role in City Building
8. Link infrastructure investments with Markham attractions
9. Incorporate talent attraction in Markham's next Economic Strategy (2020-2021)

# QUESTIONS

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Report to: Development Services Committee

Meeting Date: February 11, 2019

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**SUBJECT:** Whistle Cessation on Stouffville GO Line – Three Rural Crossings  
(Ward 5)

**PREPARED BY:** Peter Chan, P.Eng., Capital Works Engineer, ext. 4055

**REVIEWED BY:** Alain Cachola, P.Eng., Senior Manager, Infrastructure & Capital  
Works, ext. 2711

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**RECOMMENDATION**

- 1) That the report dated February 11, 2019 entitled “Whistle Cessation on Stouffville GO Line – Three Rural Crossings (Ward 5)” be received; and,
- 2) That the Mayor and Clerk be authorized to enter into agreements and/or a memorandum of understanding (as required) with Metrolinx and York Region for construction of crossing safety features and implementation of whistle cessation at three (3) rural crossings (Elgin Mills Road, 9<sup>th</sup> Line and 19<sup>th</sup> Avenue) on the Stouffville GO Line, in a form satisfactory to the City Solicitor and the Chief Administrative Officer (CAO); and,
- 3) That the Mayor and Clerk be authorized to enter into At-Grade Crossing Modification Agreements, Crossing Agreements or similar agreements (as required) with Metrolinx for modification of the existing crossings to incorporate new crossing safety features and to implement whistle cessation at three (3) rural crossings on the Stouffville GO Line, in a form satisfactory to the City Solicitor and the CAO; and,
- 4) That the Mayor and Clerk be authorized to enter into the Metrolinx Liability/Insurance/Indemnity Agreement or similar agreement (as required), which requires the road authorities to obtain insurance and assume full responsibility/liability for any claims, damages, etc., resulting from incidents that arise from or would not have arisen but for whistle cessation, in a form satisfactory to the City Solicitor and the CAO; and,
- 5) That Schedule “A” to the City’s Train Whistle Cessation By-law 2018-19 be amended to include the Elgin Mills Road crossing and the 19<sup>th</sup> Avenue crossing; and,
- 6) That the Regional Municipality of York be requested to confirm 100% funding (budget:\$43,159) and 100% liability for grade rail crossing at 9<sup>th</sup> Line (Regional Road 69), and requested to enter into an agreement or memorandum of understanding (as required) with the City of Markham and Metrolinx for construction of crossing safety features and implementation of whistle cessation at the 9<sup>th</sup> Line crossing, and enter into any additional necessary agreements with Metrolinx for implementation of whistle cessation at the 9<sup>th</sup> Line crossing; and,

- 
- 7) That the Regional Municipality of York be requested to implement a 24-hour whistle cessation by-law for the 9<sup>th</sup> Line crossing; and,
  - 8) That the Regional Municipality of York be requested to pass a Regional Council resolution for the implementation of whistle cessation for the 9<sup>th</sup> Line crossing; and further,
  - 9) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

## **BACKGROUND**

At the Development Services Committee meeting on November 21, 2016, Staff was directed to review and report on other crossings that may be appropriate for whistle cessation. The remaining three rural crossings on the Stouffville Line, namely Elgin Mills Road, 9<sup>th</sup> Line and 19<sup>th</sup> Avenue, were identified as potential crossings for implementation of whistle cessation. Staff was directed to refer these three crossings to a future budget process. The purpose of this report is to seek Council's authority to proceed with the planning, design and construction of safety features at these three crossings for the implementation of whistle cessation.

## **DISCUSSION**

1. Agreements or MOU for the Construction of Crossing Safety Features (with Metrolinx and York Region)  
Staff is seeking Council's authorization for the Mayor and Clerk to enter into agreements and/or memoranda of understanding (MOU) (as required) with Metrolinx and York Region for the construction of crossing safety features to implement whistle cessation at the three (3) rural crossings on the Stouffville GO Line, similar to the terms of the MOU executed on January 1, 2018 for the 13 urban crossings on the Stouffville Line, and in a form satisfactory to the City Solicitor and CAO.
2. At-Grade Crossing Modification Agreements (with Metrolinx)  
As the three (3) rural grade crossings will be modified to accommodate whistle cessation, there will be new arrangements and responsibilities for the ownership, operations and maintenance of these new or modified safety features. Metrolinx requires the road authorities to enter into new crossing agreements or modify existing crossing agreements to reflect the safety upgrades. Therefore, Staff is seeking Council's authorization for the Mayor and Clerk to enter into At-Grade Crossing Modification Agreements, Crossing Agreements or similar agreements (as required) with Metrolinx for the crossings that are within Markham's jurisdiction, in a form satisfactory to the City Solicitor and CAO. These agreements may need to be executed prior to the start of construction of the safety upgrades, if required by Metrolinx. York

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Region will also need to enter into these agreements for road crossings under the Region's jurisdiction. These At-Grade Crossing Modification Agreements / Crossing Agreements are under the jurisdiction of the City's Operations Department.

3. Metrolinx Liability/Insurance/Indemnity Agreement (between Metrolinx and Markham/Region)

As indicated in the September 2015 and May 2016 Staff reports, all road jurisdictions requesting whistle cessation on Metrolinx corridors are required (by Metrolinx) to enter into the Metrolinx Liability/Insurance/Indemnity Agreement, or similar agreement (as required). As indicated previously, the Liability/Insurance/Indemnity Agreement requires the road authorities to obtain insurance and assume full responsibility/liability for any claims, damages, etc., resulting from incidents that arise from or would not have arisen but for the whistle cessation. This agreement needs to be executed prior to Metrolinx notifying Transport Canada that it has arranged to have whistling ceased at these crossings. The City entered into this agreement on January 1, 2018 with Metrolinx for the 13 urban crossings on the Stouffville Line. Therefore, Staff is now seeking Council's authorization for the Mayor and Clerk to enter into the Metrolinx Liability/ Insurance/Indemnity Agreement or similar agreement (as required), in a form satisfactory to the City Solicitor and CAO for the 3 rural crossings.

4. Under the Transport Canada Rail Safety Act, municipalities have to follow the "Procedure for Train Whistling at Public Grade Crossings" before they can implement whistle cessation. Step 6 of this eight-step procedure requires municipalities to pass a Council resolution declaring that it agrees that whistles should not be used. Council passed the "Train Whistle Cessation By-law" (By-law 2018-19) on April 3, 2018 for the 7 urban crossings on roads under the City's jurisdiction. Council is requested to amend Schedule "A" of By-law 2018-19 to include the crossings under the City's jurisdiction at Elgin Mills Road and 19<sup>th</sup> Avenue.
5. As the 9<sup>th</sup> Line crossing is under the jurisdiction of York Region, York Region is requested to fund this crossing and assume the liability as per the Metrolinx Liability/ Insurance/Indemnity Agreement. The Region is requested to enter into a tri-party agreement or MOU (as required) with Metrolinx and Markham for the construction of crossing safety features to implement whistle cessation. The Region will also enter into its own Metrolinx Liability/Insurance/Indemnity Agreement or similar agreement (as required) for the 9<sup>th</sup> Line crossing.

**FINANCIAL CONSIDERATIONS:**

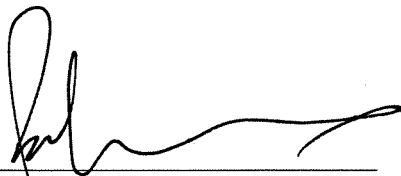
Staff has included a budget for this project in the 2019 Capital Budget Process (Project Number 19260) in the amount of \$173,500. Markham's share is estimated at \$130,341 and the Region of York's share at \$43,159.

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**BUSINESS UNITS CONSULTED AND AFFECTED:**

This report was reviewed by the Finance (Risk Management), Operations and Legal Departments and their comments have been incorporated into this report.

**RECOMMENDED BY:**

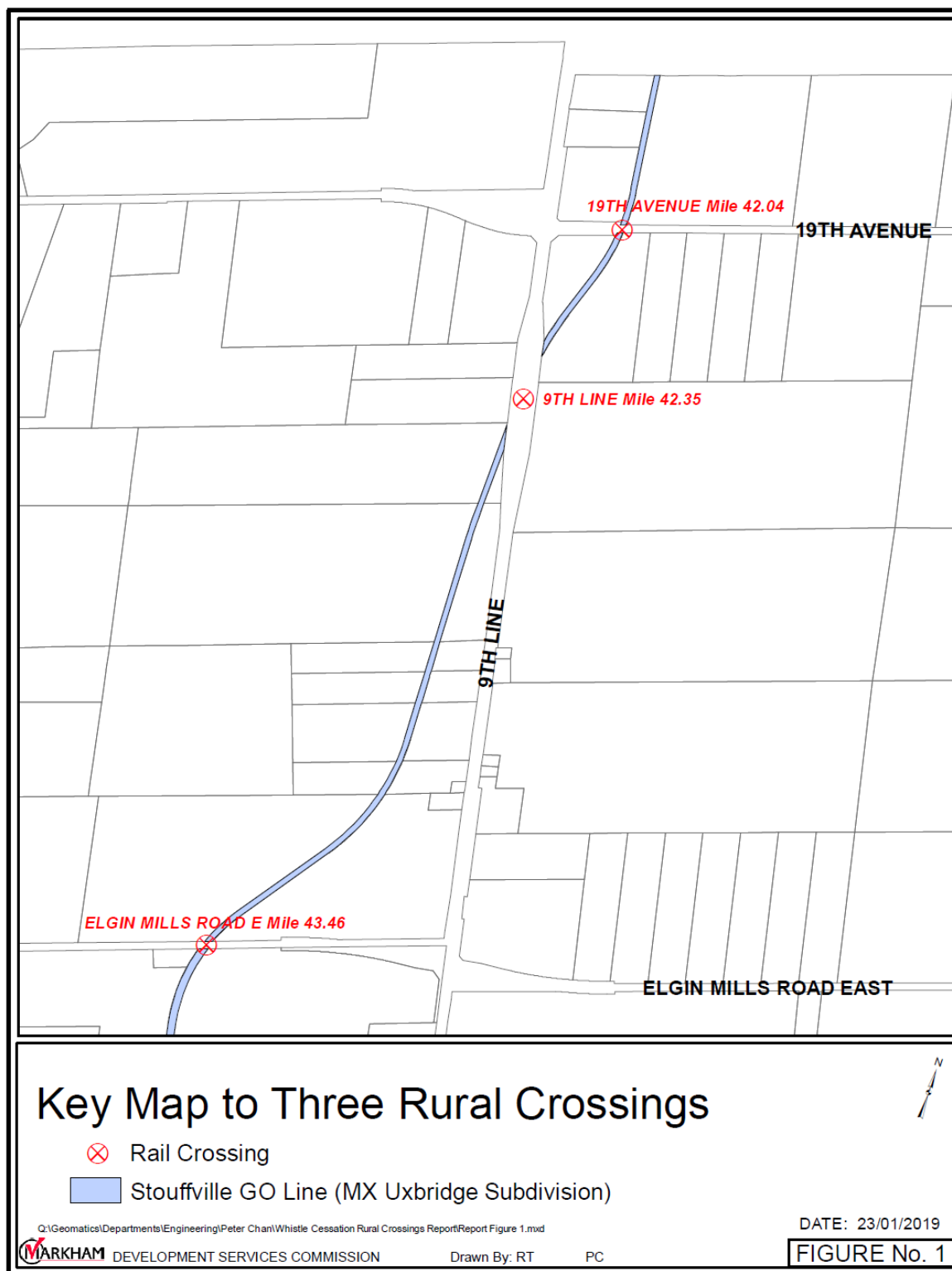


Brian Lee, P.Eng.  
Director of Engineering



Arvin Prasad, M.C.I.P., R.P.P.  
Commissioner, Development Services

Figure No. 1 – key Map to Three Rural Crossings  
Attachment – Schedule ‘A’ to By-Law 2018-19



ATTACHMENT

Schedule “A”

City (Anti-Whistling) Crossing Locations

Castlemore Avenue
Bur Oak Avenue
Main Street Markham
Snider Drive
Main Street Unionville
Eureka Street
Denison Street
Elgin Mills Road
19 <sup>th</sup> Avenue



Report to: General Committee

Meeting Date: February 19, 2019

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**SUBJECT:** Award of Construction Tender 134-T-18 West Thornhill – Phase 2D Storm Sewer and Watermain Replacement

**PREPARED BY:** Prathapan Kumar, Senior Manager, Environmental Services, Ext. 2989  
Flora Chan, Senior Buyer, Ext. 3189

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**RECOMMENDATIONS:**

- 1) THAT the report entitled “Award of Construction Tender 134-T-18 West Thornhill – Phase 2D Storm Sewer and Watermain Replacement” be received;
- 2) AND THAT the contract for Tender 134-T-18 West Thornhill – Phase 2D Storm Sewer and Watermain Replacement be awarded to the lowest priced Bidder, KAPP Infrastructure Inc. in the amount of \$7,579,708.08, inclusive of HST;
- 3) AND THAT a 10% contingency in the amount of \$757,970.81 inclusive of HST, be established to cover any additional construction costs and that authorization to approve expenditures of this contingency amount up to the specified limit be in accordance with the Expenditure Control Policy;
- 4) AND THAT the construction award in the amount of \$8,337,678.89 (\$7,579,708.08 + \$757,970.81) be funded from the following capital projects:
  - (a) 058-6150-19239-005 “West Thornhill Flood Control Implementation - Phase 2D Construction”; and
  - (b) 053-5350-19245-005 “Cast Iron Watermain Replacement – West Thornhill Phase 2D” as outlined under the financial considerations section in this report;
- 5) AND THAT the remaining funds in project #19239 “West Thornhill Flood Control Implementation - Phase 2D Construction” in the amount \$1,734,931.67 will not be required from the Stormwater Fee Reserve and the budget remaining in project #19245 “Cast Iron Watermain Replacement – West Thornhill Phase 2D” in the amount of \$1,266,495.44 will be returned to the original funding source;
- 6) AND THAT a 5-year moratorium be placed on any major servicing and utility installation along restored areas including Grandview Avenue (Jewell St to Henderson Ave), Highland Park Blvd – North/ South leg (from Grandview Ave to Highland Park Blvd), Henderson Avenue (from Grandview Ave to Dalmeny Rd) and Dalmeny Road (from Henderson Ave Cul-de-sac)
- 7) AND 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 obtain Council approval to award the contract for the West Thornhill – Phase 2D Storm Sewer and Watermain Replacement.

**BACKGROUND:**

The stormwater flood control implementation strategy was approved by Council on November 8, 2011 for the West Thornhill area in accordance with the City's November 2010 Class EA Study. The City-wide Flood Control Program is a 30-year program with an estimated cost of \$234M - \$288M (2014 dollars). The first phase (1A, 1B & 1C) of the remediation includes storm sewer capacity upgrades in the Bayview Glen neighbourhood and the second phase (2A, 2B, 2C & 2D) includes the Grandview area. Phase 1 and 2 was proposed to be completed in a 5-year period by 2019 as outlined in the table below:

Area	Proposed Implementation Schedule	Status
Phase 1A: Bayview Glen Area	2014 - 2015	Total Completion as of Nov 2016; Maintenance completion Nov 2017
Phase 1B: Bayview Glen Area	2015 - 2016	Substantially completed as of Aug 2016; Maintenance completion Aug 2018
Phase 1C: Canadiana Road	2016	Substantially completed as of Dec 2016; Maintenance completion Dec 2018;
Phase 2A: Grandview Area	2016 - 2017	Substantially completed as of Dec 2016; Maintenance completion Dec 2018
Phase 2B: Grandview Area (Park & Proctor Ave)	2017 - 2018	Substantially completed as of Dec 2017; Maintenance completion Dec 2019
Phase 2C: Grandview Area	2018 - 2019	Anticipated Substantial Completion – Oct 2019;
<b>Phase 2D: Grandview Area (This Award)</b>	<b>2019 - 2020</b>	<b>Construction Commencement April 2019</b>
Phase 3: Clark Ave/ Henderson Area	2020 - 2023	
Phase 4: Royal Orchard Area	2021 & 2023 - 2026	

To support the program, on June 24, 2014, Council approved the structure of the stormwater fee rates in order to meet the annual revenue target for the first 5-year cycle of the Program. The new stormwater fee is a 30-year initiative, to improve storm drainage capacity and limit flooding risks in urban areas.

On June 24, 2014 Council approved a \$47 annual fee per residential property commencing 2015 and on September 28, 2015 Council approved \$29 annual fee per \$100,000 of current value assessment (CVA) for non-residential properties commencing 2016. Stormwater Fee will be re-assessed again in 2020.

**Construction Tender for Phase 2D**

Due to the scope of the project, contractors were prequalified to ensure that they had the necessary qualifications, experience and resources to complete the work in accordance with the City's requirements and within the specified timelines. Prequalification 279-P-13 was issued in accordance with the Purchasing By-law 2004-341.



**Pre-Qualification Information (279-P-13)**

Prequalification closed on	October 29, 2013
Number of Contractors picking up the Pre-qualification document	16
Number of Contractors responding to the Pre-qualification	12
Number of Contractors Pre-qualified	6

**Construction Tender Information (134-T-18)**

Bids closed on	January 25 2019
Number picking up the Bid document	4
Number responding to the Bid	4

Note: two (2) bidders that were pre-qualified did not pick up the bid document or submit a bid.

**Price Summary**

<b>Bidder</b>	<b>Bid Price (Incl. of HST)</b>
<b>KAPP Infrastructure Inc.</b>	\$ 7,579,708.08
Lancorp Construction Co Ltd.	\$ 8,632,636.02
Memme Excavation Company Limited	\$ 10,666,142.00
Dagmar Construction Inc.	\$ 11,119,367.83

**OPTIONS/ DISCUSSION:**Watermain Replacement

The existing cast iron watermain on Grandview Avenue, Highland Park Boulevard, Dalmeny Road and Delair Crescent are close to the end of their life cycle. Combined replacement of services will minimize disruption to the local community by avoiding replacement of watermain and repair of the roadway at a later date.

The replacement of cast iron watermain is consistent with the City's strategy to upgrade aged and deficient watermain to improve supply capacity and reliability. Replacement of these old cast iron watermain will also offer improved reliability (less risk of breaks) as well as improve water quality and flows for domestic and fire demand. Based on experience, cast iron watermain are susceptible to internal and external corrosion as they age which leads to poor water quality and increased watermain breaks. The new watermain replacement material will be PVC pipe, which has a service life of 90 years and is superior as it is heat resistant, chemical resistant and non-corrosive.

The Tender award includes the replacement of the existing watermain at a cost of \$2,834,910.56 inclusive of 10% contingency and HST impact.

Public Input

A Public Information Committee (PIC) meeting will be scheduled in February/ March 2019, prior to construction, to provide an update to the area residents and businesses, as well as to address any potential issues or concerns that the public may have on the proposed construction.

Traffic Management Plan

The objective of the traffic management plan is to limit the traffic within the construction zone (only local traffic will be allowed) and divert through traffic onto adjacent roadways.

Communications Plan

Staff will be providing regular updates to the affected stakeholders as well as providing early notification for any disruptions to driveway access or municipal services. The City's website will also be updated as required to provide up-to-date information on the status of the project.

Construction Moratorium

In early 2018, Environmental Services staff advised all utility companies (e.g. Alectra Utilities, Enbridge, Rogers and Bell Canada) that all upgrades to their infrastructure be completed prior to permanent restoration of roads in 2020.

Environmental Services staff is requesting that Council approve a 5-year moratorium on major construction work within the following roadway, which is to be enforced immediately after construction is complete. Minor and emergency repairs would be permitted. The moratorium would not affect any utility projects within the boulevard area.

- Grandview Avenue (Jewell St to Henderson Ave),
- Highland Park Blvd – North/ South leg (from Grandview Ave to Highland Park Blvd),
- Henderson Avenue (from Grandview Ave to Dalmeny Rd),
- Dalmeny Road (from Henderson Ave Cul-de-sac)

Project Schedule for Phase 2D:

- Mid March 2019 - Issue of Purchase Order
- Early April 2019 - Commencement of work
- December 20, 2019 - Completion of 70% work to base asphalt
- January to Spring 2020 - Winter Shutdown
- Spring 2020 to Summer 2020 - Complete remaining 30% work, top asphalt, restoration etc.

**FINANCIAL CONSIDERATIONS AND TEMPLATE:**

The following table summarizes the financial considerations for Phase 2D:

	<b>Storm</b>	<b>Water</b>	
Budget Allocation	\$7,836,900.00	-	058-6150-19239-005 "West Thornhill Flood Control Implementation - Phase 2D Construction" (Pre-Approved)
	-	\$4,454,000.00	053-6150-19245-005 "Cast Iron Watermain Replacement – West Thornhill Phase 2D" (Pre-Approved)
Budget Available for this Project (A)	\$7,237,700.00	-	058-6150-19239-005
	-	\$4,101,406.00	053-6150-19245-005
Less: Construction Cost (B)	\$5,002,516.67	\$2,577,191.42	} Awarded to KAPP Infrastructure Inc. Ltd. (134-T-18)
Less: Construction Contingency (10%) (C)	\$ 500,251.67	\$257,719.14	
<b>Total Cost (D) = (B) + (C)</b>	<b>\$5,502,768.33</b>	<b>\$2,834,910.56</b>	
Budget Remaining (E) = (A) – (D)	\$1,734,931.67	\$1,266,495.44	*

\*The remaining funds in project #19239 "West Thornhill Flood Control Implementation - Phase 2D Construction" in the amount \$1,734,931.67 will not be required from the Stormwater Fee Reserve. The remaining funds in project #19245 "Cast Iron Watermain Replacement – West Thornhill Phase 2D" in the amount of \$1,266,495.44 will be returned to the original funding source.

**OPERATING BUDGET AND LIFE CYCLE RESERVE IMPACT**

The constructed stormwater pipes and associated infrastructure is estimated to last 100 years and PVC watermain service life is estimated to be 90 years. As such, there is no incremental impact to the Life Cycle Reserve Study over the next 25 years. There is no incremental operating budget impact.

**ALIGNMENT WITH STRATEGIC PRIORITIES:**

The proposed flood remediation program is aligned with City's goal to provide better quality services to the public and is consistent with the Building Markham's Future Together strategic priority on the "Growth Management" and "Environment" as it considers sustainability on the built environment.

**BUSINESS UNITS CONSULTED AND AFFECTED:**

Finance department has been consulted and their comments have been incorporated.

**RECOMMENDED BY:**

2019-02-08

X 

Phoebe Fu  
Director, Environmental Services  
Signed by: cxa

2019-02-08

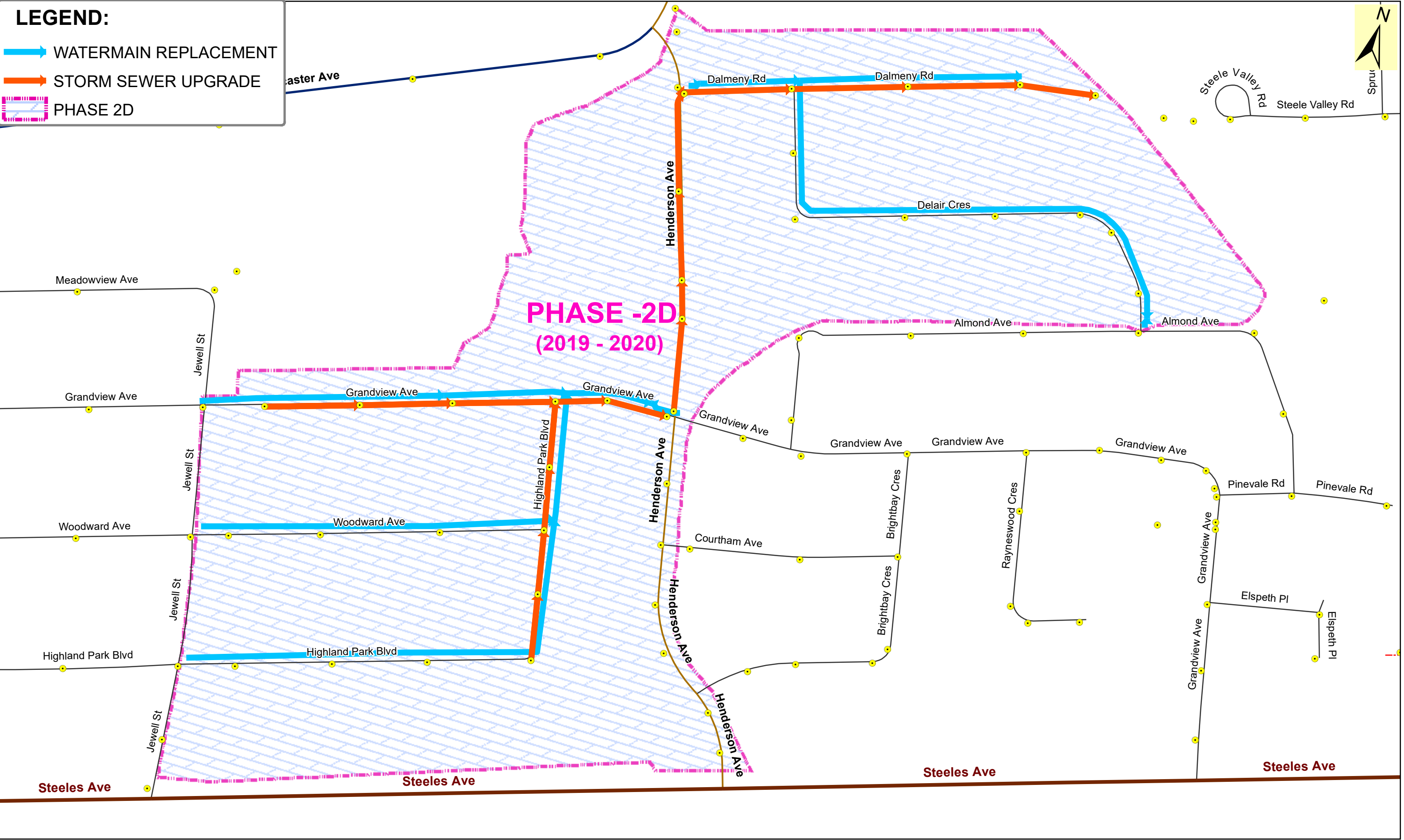
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Brenda Librecz  
Commissioner, Fire a& Community Services  
Signed by: cxa

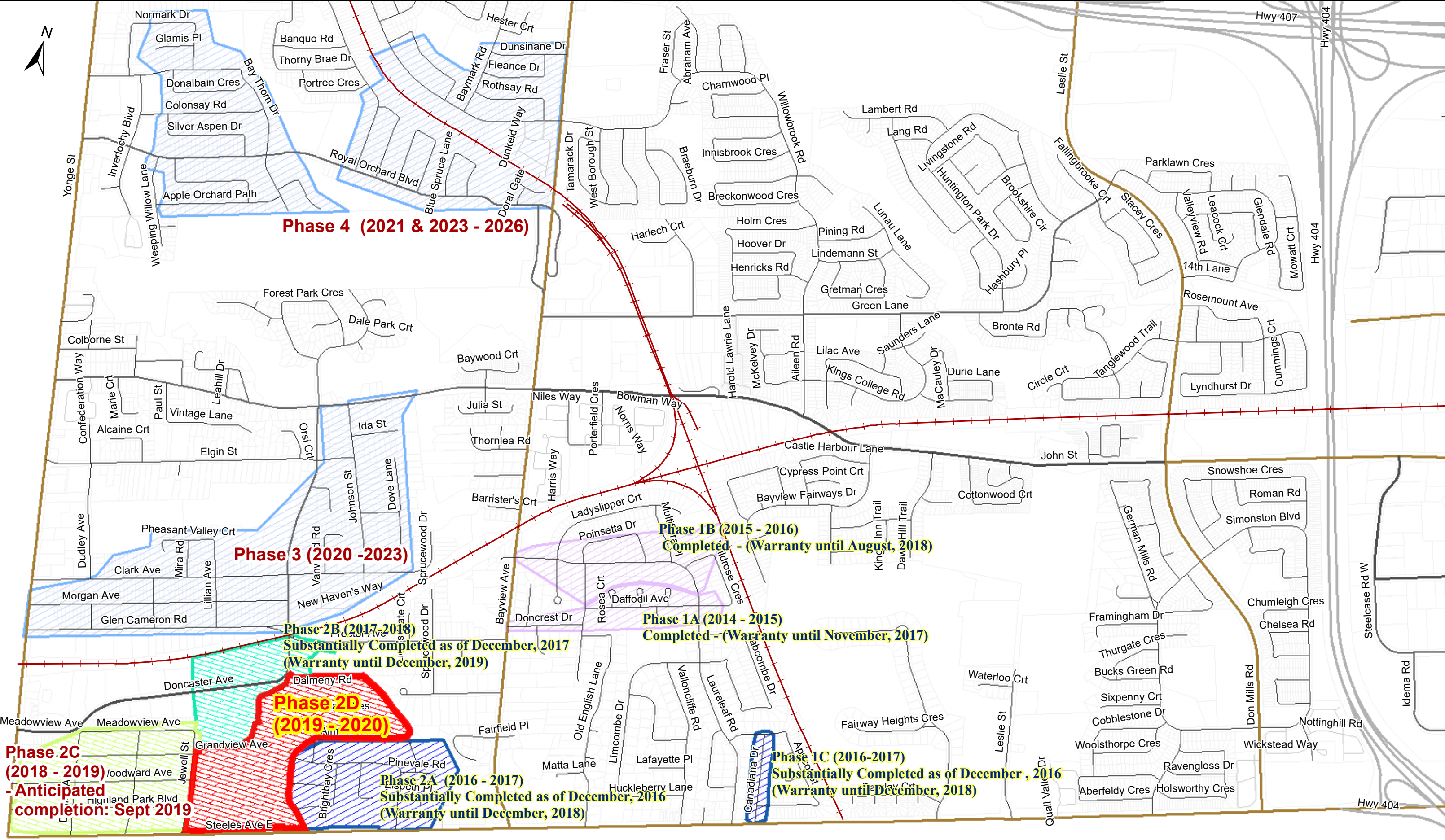
**ATTACHMENTS:**

[Attachment “A” - Location Map](#)

[Attachment “B” - West Thornhill Flood Control Implementation Phases](#)









Report to: General Committee

Meeting Date: February 19, 2019

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**SUBJECT:** Award of RFP 224-R-18 Consulting Engineering Services for Cast Iron Watermain Replacement/ Rehabilitation Design and Contract Administration

**PREPARED BY:** Prathapan Kumar, Senior Manager, Ext. 2989  
Flora Chan, Senior Buyer, Ext. 3189

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**RECOMMENDATIONS:**

- 1) THAT the report entitled “Award of RFP 224-R-18 Consulting Engineering Services for Cast Iron Watermain Replacement/ Rehabilitation Design and Contract Administration ” be received;
- 2) AND THAT the Phase 1 (Laureleaf Area) detailed design work under contract 224-R-18 Consulting Engineering Services for Cast Iron Watermain Replacement/ Rehabilitation Design be awarded to the highest ranked, lowest priced Bidder, LEA Consulting Ltd., in the amount of \$289,391.19, inclusive of HST;
- 3) AND THAT a 10% contingency in the amount of \$28,939.12, inclusive of HST, be established to cover any additional design costs for Phase 1 (Laureleaf Area) and that authorization to approve expenditures of this contingency amount up to the specified limit be in accordance with the Expenditure Control Policy;
- 4) AND THAT the Consulting Engineering Services for Phase 1 (Laureleaf Area) detailed design award in the amount of \$318,330.31 (\$289,391.19 + \$28,939.12) be funded from the capital project 053-6150-19242-005 “Cast Iron Watermain Replacement – Design”;
- 5) AND THAT the remaining budget of \$88,669.69 in capital project #19242 “Cast Iron Watermain Replacement – Design” will be returned to the original funding source;
- 6) AND THAT the 2020/21 contract administration and design work under contract 224-R-18 Consulting Engineering Services for Cast Iron Watermain Replacement/ Rehabilitation Design be awarded to the highest ranked, lowest priced Bidder, LEA Consulting Ltd., in the following amounts (inclusive of 10% contingency):
  - 2020 Contract Administration Phase 1 (Laureleaf Area) in the amount of \$277,435.61 (\$252,214.20 + (\$25,221.42 - contingency))
  - 2020 Design Phase 2 (various locations) in the amount of \$289,042.26 (\$262,765.69 + (\$26,276.57- contingency))
  - 2021 Contract Administration Phase 2 (various locations) in the amount of \$264,395.07 (\$240,359.15 + (\$24,035.92- contingency))
- 7) AND THAT the Consulting Engineering Services for construction and design award amounts for 2020/21 be requested as part of the 2020 and 2021 Capital budget process, subject to Council approval of the respective years capital budgets;
- 8) AND 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 obtain Council approval to award the contract for Consulting Engineering Services for Design and Contract Administration for the following:

- (a) **Phase 1:** Cast Iron Watermain Replacement Replacement of approx. 4,000 m length in Laureleaf area (refer to Attachment A); and
- (b) **Phase 2:** Rehabilitation of approx. 4,200 m length of Cast Iron watermain with Cured in Place Pipe (CIPP) lining at various locations. (refer to Attachment B)

**BACKGROUND:**

The scope of work under this award includes engineering services and all other sub-consultant services related to replace and rehabilitate the cast iron watermain.

The scope of work includes, but not limited to the following:

- Background Review and Data Collection
- Topographic Survey
- Sub Surface Utility Engineering Survey
- Geotechnical Investigation
- Tree Assessment
- Preliminary Design and Cost Estimates
- Detailed Design and Cost Estimates
- Preparation of Tender Documents

Additionally, after construction award, the consultant will provide contract administration and construction inspection services during the implementation of the project anticipated to be spread over a period of 2 years and post construction and warranty period inspection services. The consultant will retain specialist consultants to provide their services for arborist, or any other specialty consultant that may be needed during the construction phase.

**Bid Information:**

Bids closed on	November 21, 2018
Number picking up the Bid document	16
Number responding to the Bid	10

**Proposal Evaluation:**

The Evaluation Team was comprised of staff from the Environmental Services Department and facilitated by staff from the Procurement Department. Due to the complexity of the project, staff wanted to ensure that bidders had the necessary qualifications and experience to carry out the work and as such, the City released this RFP utilizing a two-stage process.

**Stage One (1) – Technical Evaluation:**

Under Stage 1 – Technical Evaluation, Bidders were assessed against pre-determined criteria as outlined in the RFP; Experience/Past Performance of the Company 15%, Similar Five (5) Projects completed within the last 5 Years 5%, Qualifications and Related Experience of the Project Manager and Project Team 30%, Project Delivery 20% totaling 70%. Upon completion of Stage 1 (technical evaluation), the Price Proposal (Bid Form) provided by those Bidders who



qualified from Stage 1, (minimum score of 75%, or 52.5 points out of 70 required), proceeded to Stage 2 for price evaluation.

### **Stage Two (2) – Price Evaluation:**

Based on the Stage 1 evaluation, Bidders who received a minimum of 75% or 52.5 points out of 70 proceeded to Stage 2 - Price Evaluation. The price proposal provided by the Bidders is evaluated out of 30 points, based on the criteria outlined in the RFP.

### **Stage 1 & 2 – Combined Overall Scoring**

The scores from the Stage 1 and 2 evaluations were combined to formulate final overall scoring, as summarized below:

<b>Bidders</b>	<b>Score out of 100 points</b>
<b>LEA Consulting Ltd.</b>	<b>91.6</b>
R.V. Anderson Associates Limited	84.0
Chisholm Fleming & Associates	82.5
Accardi Schaeffers & Associates Ltd.	82.3
Wood Environment and Infrastructure Solutions	82.2
Environmental Infrastructure Solutions Inc.	81.8
Associated Engineering (Ont.) Ltd.	76.6
CIMA Canada Inc.	68.3
The Municipal Infrastructure Group Ltd.	50.0
RA Engineering Inc	48.0

\*Bid Prices ranged from \$1,044,730.23 to \$1,618,528.8.

LEA Consulting Ltd., the highest ranked bidder with the lowest price, demonstrated a good understanding of the project, had an experienced and qualified project team and illustrated a comprehensive plan and methodology for the project.

### **Project Schedule:**

<b>Phases</b>	<b>Anticipated Commencement</b>	<b>Anticipated Substantial Completion</b>
Phase 1 – Cast Iron Watermain Replacement Design (Laureleaf Area)	April 2019	Nov 2019
Phase 1 – Cast Iron Watermain Replacement - CA (Laureleaf Area)	April 2020	Dec 2020
Phase 2 – Cast Iron Watermain Rehabilitation using CIPP Liner - Design (various locations)	Jan 2020	Aug 2020
Phase 2 – Cast Iron Watermain Rehabilitation using CIPP Liner – CA (various locations)	April 2021	Dec 2021

**FINANCIAL CONSIDERATIONS AND TEMPLATE:****Design Services for Cast Iron Watermain Replacement (Laureleaf Area):**

The following table summarizes the financial considerations:

<b>Phase 1 - Design</b>	Budget Available for Design (A)	\$407,000.00	053-6150-19242-005 " Cast Iron Watermain Replacement - Design" (Pre-approved)
	Less: Design Award for Phase 4 (B)	\$289,391.19	Award to LEA Consulting Ltd. (incl. of HST impact)
	Less: Design Contingency (10%) (C)	\$ 28,939.12	
	<b>Total Cost of Phase 1 - Design (D) = (B) + (C)</b>	<b>\$318,330.31</b>	
	Budget Remaining (E) = (A) - (D)	\$ 88,669.69	*

\* The remaining budget of \$88,669.69 will be returned to the original funding source.

**Future Design + Contract Administration Services for 2020 and 2021:**

The Purchase Order for the phases identified below will not be issued until 2020 and 2021, issuance of the Purchase Order will be subject to Council approval of the respective year's Capital Budgets. Under this award, Staff are able to lock in pricing for the design and contract administration and contract inspection required in these years.

<b>Phase 1 - CA</b>	2020 Budget	N/A	Subject to Council approval of the 2020 Capital budget
	Contract Administration – Phase 1(F)	\$252,214.20	
	CA Contingency (10%) (G)	\$ 25,221.42	
	<b>Total Cost of Phase 1 CA (H) = (F) + (G)</b>	<b>\$ 277,435.61</b>	
<b>Phase 2 - Design</b>	2020 Budget	N/A	Subject to Council approval of the 2020 Capital budget
	Rehabilitation Design – Phase 2 (I)	\$262,765.69	
	CA Contingency (10%) (J)	\$ 26,276.57	
	<b>Total Cost of Phase 2 - Design (K) = (I) + (J)</b>	<b>\$289,042.26</b>	
<b>Phase 2 - CA</b>	2021 Budget	N/A	Subject to Council approval of the 2021 Capital budget
	Contract Administration – Phase 2 (L)	\$240,359.15	
	CA Contingency (10%) (M)	\$ 24,035.92	
	<b>Total Cost of Phase 2 – CA (N) = (L) + (M)</b>	<b>\$264,395.07</b>	
<b>Total Cost of Phase 1 CA + Phase 2 Design + CA (O) = (H + K + N)</b>		<b>\$830,872.94</b>	

The cost estimate for Phases 1 and 2 contract administration is based on an estimated construction period of 35 weeks. The construction period may change subject to detailed design and therefore the purchase orders may need to be adjusted.

**OPERATING BUDGET AND LIFE CYCLE IMPACT**

The constructed PVC watermain is estimated to last for 90 years and CIPP lining to last for 50 years. As such, there is no incremental impact to life cycle reserve study over the next 25 years. There is no incremental operating budget impact.

**ALIGNMENT WITH STRATEGIC PRIORITIES:**

The proposed cast iron watermain replacement/ rehabilitation programs are in line with City's goal to provide better quality services to the public and is consistent with the Building Markham's Future Together strategic priority on the "Growth Management" and "Environment" as it considers sustainability on the built environment.

**BUSINESS UNITS CONSULTED AND AFFECTED:**

Finance department has been consulted and their comments have been incorporated.

**RECOMMENDED BY:**

2019-02-06

A handwritten signature in black ink, appearing to read 'Phoebe Fu', is written over a horizontal line. To the left of the signature is a large 'X' mark.

Phoebe Fu  
Director, Environmental Services  
Signed by: cxa

2019-02-06

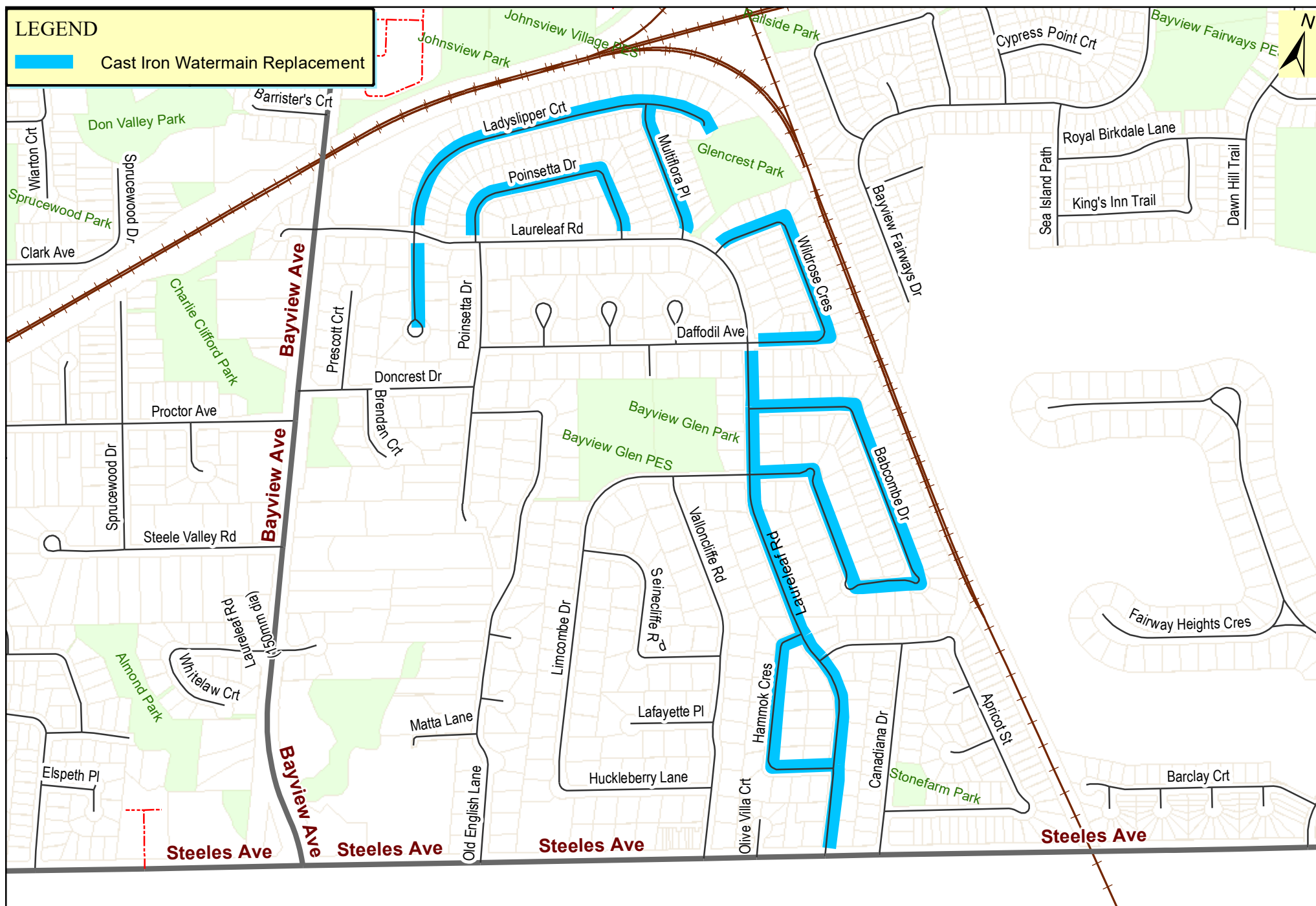
A handwritten signature in black ink, appearing to read 'Brenda Librecz', is written over a horizontal line. To the left of the signature is a large 'X' mark.

Brenda Librecz  
Commissioner, Community & Fire Services  
Signed by: cxa

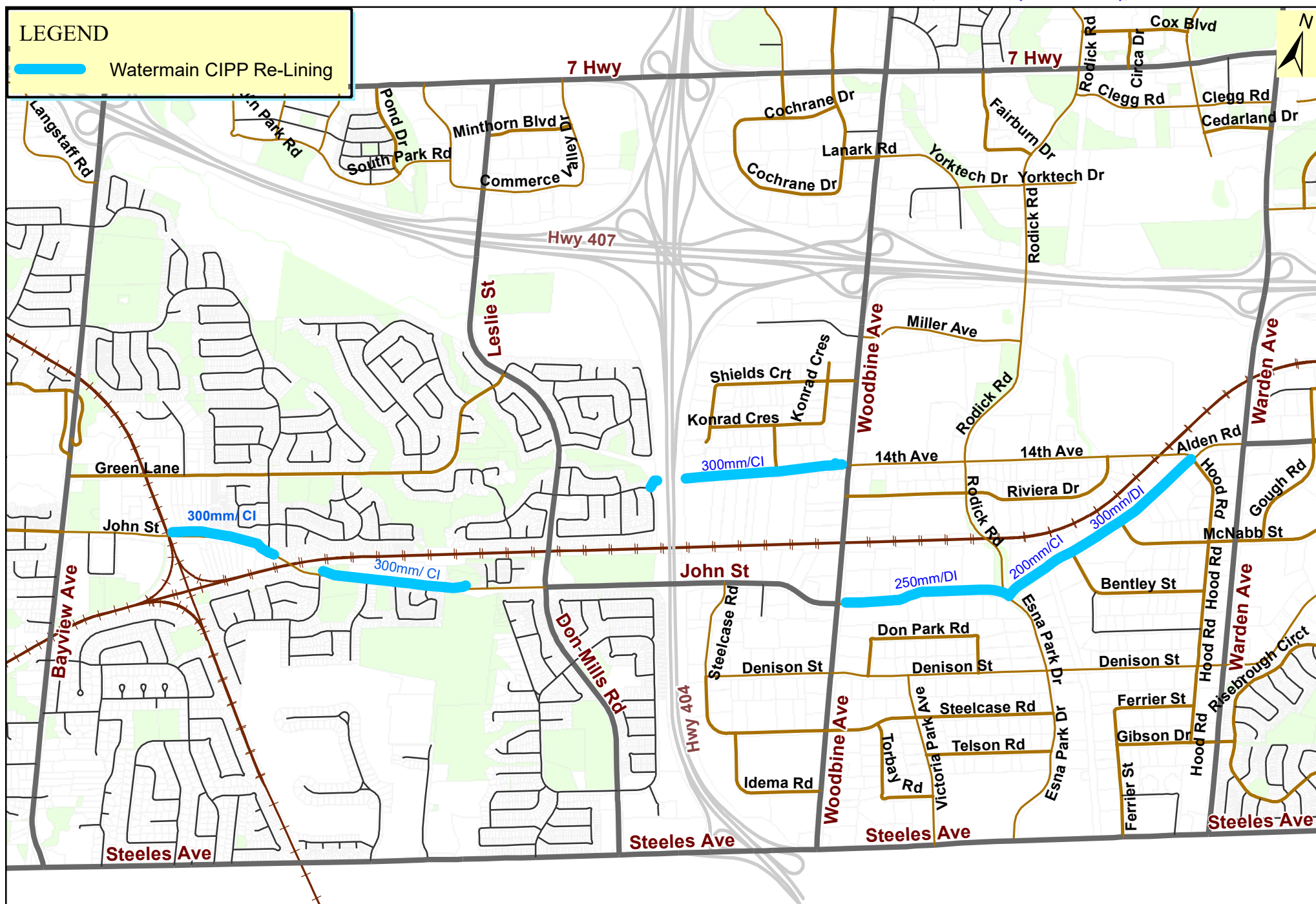
**ATTACHMENTS:**

[Attachment A & B – Watermain Replacement - Phase 1 & 2 Areas](#)

## Laureleaf Area



**John St, 14th Ave (end section), Esna Park & Alden Rd**





Report to: General Committee

Meeting Date: February 19, 2019

**SUBJECT:** Proposed Pregnancy or Parental Leave Policy for Members of Council

**PREPARED BY:** Kimberley Kitteringham, City Clerk, ext. 4729  
Martha Pettit, Deputy Clerk, ext. 8220

**RECOMMENDATION:**

- 1) That the report titled, *“Proposed Pregnancy or Parental Leave Policy for Members of Council”* be received for information purposes; and,
- 2) That Markham City Council adopt the proposed *Pregnancy or Parental Leave Policy for Members of Council* included as **Appendix “A”** and further,
- 3) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**PURPOSE:**

Section 270 of the *Municipal Act* (the Act), as revised by Bill 68, requires that the City adopt and maintain a policy with respect to pregnancy or parental leaves for Members of Council. The purpose of this report is to provide Council with a proposed Policy for adoption.

**BACKGROUND:**

The Modernizing Ontario’s Municipal Legislation Act (Bill 68) was introduced in the Ontario Provincial Legislature in November, 2016 and received Royal Assent on May 3, 2017. As of March 1, 2019, Bill 68 requires all Ontario municipalities to adopt and maintain a policy with respect to the pregnancy or parental leaves of Members of Council.

Prior to Bill 68, if a Member of Council (Member) was pregnant, gave birth to a child or adopted a child, the Member was required to seek and receive a resolution of Council for an extended leave of absence, as would be required for an extended absence for any reason. Approval for this extended leave is provided for under Section 259(1)(c) of the *Act*, which provides that the Office of a Member of Council becomes vacant if the Member is absent from the meetings of Council for three successive months unless authorized to do so by a Council resolution. Bill 68 provides an exemption to this requirement, so that no Council resolution is required to grant a Member up to 20 consecutive weeks of leave if their absence is a result of the Member’s pregnancy, the birth of the Member’s child or the adoption of a child by the Member.

Unlike City employees who are entitled to maternity/pregnancy and/or parental leave for the birth or adoption in accordance with the *Employment Standards Act, 2000* and the employee’s applicable collective agreement (or terms and conditions of employment), Members of Council are not City employees, are not subject to collective agreements and are not eligible for employment insurance.

**OPTIONS/ DISCUSSION:**

The proposed *Pregnancy or Parental Leave Policy for Members of Council* is included as **Appendix “A”**. The Policy approach recognizes a Member’s ability to take pregnancy, parental or adoption leave, while providing for delegated authority that would allow legislative and administrative matters to be addressed in a manner consistent with the Member’s wishes, while also ensuring the Member can fulfill their statutory role. A Member will be authorized to take up to 20 weeks of leave, without a Council resolution authorizing the absence, for the birth of their child (whether they are the birth mother or the spouse of the birth mother) or the adoption of a child (either parent). The leave may commence up to 20 weeks prior to the anticipated date of birth. Where practicable, two weeks’ written notice is required.

A Member’s salary and benefits continue unaltered throughout the leave and a Member will have access to all of their office and technical resources. During the leave, a Member may choose to attend Council or committee meetings without triggering a termination of the leave. The Member may request that the City Clerk undertake some administrative oversight over the Member’s Office and Staff during the leave.

**FINANCIAL CONSIDERATIONS**

None.

**HUMAN RESOURCES CONSIDERATIONS**

None.

**ALIGNMENT WITH STRATEGIC PRIORITIES:**

Not applicable.

**BUSINESS UNITS CONSULTED AND AFFECTED:**

Human Resources and Legal Services.

**RECOMMENDED BY:**

2019-02-08

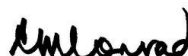
**X**

Kimberley Kitteringham

City Clerk

Signed by: cxa

2019-02-08

**X**

Catherine Conrad

City Solicitor &amp; Acting Director of Human Resour...

Signed by: cxa

2019-02-08

**X**

Trinela Cane

Commissioner, Corporate Services

Signed by: cxa

**ATTACHMENTS:**

[Appendix "A" - Proposed Pregnancy or Parental Leave Policy for Members of Council](#)



	<b><i>Pregnancy or Parental Leave Policy for Members of Council</i></b>	
	<b>Policy Category:</b> <i>(Follow corporate standard to be developed)</i>	
	<b>Policy No.:</b>	<b>Implementing Procedure No.:</b>
<b>Approving Authority:</b> <i>Council</i>		<b>Effective Date:</b> <i>March 1, 2019</i>
<b>Approved or Last Reviewed Date:</b> <i>N/A</i>		<b>Next Review Year:</b> <i>2021</i>
<b>Area(s) this Policy applies to:</b> <i>Council Members</i>		<b>Owner Department:</b> <i>Legislative Services &amp; Corporate Communications</i>
<b>Related Policy(ies):</b> <i>Council Code of Conduct</i>		

Note: Questions about this policy should be directed to the Owner Department.

## 1. Purpose Statement

This Policy provides guidance on how the City of Markham addresses a **Member of Council's** pregnancy or parental leave in a manner that respects a **Member's** statutory role as an elected representative.

## 2. Applicability and Scope Statement

In accordance with Section 270 of the *Municipal Act*, this Policy applies to all **Members of Council**.

## 3. Background

The City of Markham recognizes a **Member of Council's** right to take leave for the **Member's** pregnancy, the birth of the **Member's** child or the adoption of a child by the **Member** in accordance with Section 270 of the Act, as revised by Bill 68.

## 4. Definitions

**"ACT"** means the Municipal Act, 2001, as amended


**"CITY"** means The Corporation of the City of Markham.

**"CITY CLERK"** means the City Clerk and Returning Officer of the City.

**"COUNCIL"** means the Council of the City.

**"MEETING"** means any regular, special or other meeting of Markham City Council, of a local board or of a committee of either of them.

**"MEMBER"** means a Member of Markham City Council.

	<b><i>Pregnancy or Parental Leave Policy for Members of Council</i></b>	
	<b>Policy No.:</b>	<b>Implementing Procedure No.:</b>

**“PREGNANCY LEAVE”** means an absence of 20 consecutive weeks or less as a result of a Member’s pregnancy or delivery of a child.

**“PARENTAL LEAVE”** means an absence of 20 consecutive weeks or less as a result of

- the birth of a Member’s child where the Member is a parent but not the birth mother, and who is in a relationship of some permanence with the birth mother; or
- as a result of the adoption of a child by the Member;  
in accordance with Section 259(1.1) of the Municipal Act, 2001.


## 5. Policy Statements

### 1. GENERAL PROVISIONS

- 1.1. A **Member** is eligible for up to a maximum of 20 weeks of **Pregnancy or Parental Leave**, not to extend beyond the end of a **Member’s** term of office.
- 1.2. For **Pregnancy Leave**, the leave may start up to 20 weeks before a **Member’s** expected date of delivery.
- 1.3. For **Parental Leave**, the leave may begin on the earlier of the date the child is born or the date the child first comes into the care, custody or control of the Member.
- 1.4. A **Member** must notify the **City Clerk** in writing of their intention to take leave two weeks before the start of the leave, where practicable. The notice should include:
  - The start date of the leave and the expected return date;
  - Information regarding who is responsible for the supervision of the Councillor’s Assistant; and,
  - Information about which duties, if any, will continue to be undertaken by the **Member** during the leave.
- 1.5 The **Member** shall provide written notice to the City Clerk of any changes to their return date.

### 2. SALARY AND BENEFITS

- 2.1. A **Member** on **Pregnancy Leave or Parental Leave** continues to receive their salary and is eligible for all benefits for the duration of their leave in accordance with the established remuneration and benefits for **Members**.

	<b><i>Pregnancy or Parental Leave Policy for Members of Council</i></b>	
	<b>Policy No.:</b>	<b>Implementing Procedure No.:</b>

### 3. MANAGEMENT OF A MEMBER'S OFFICE DURING LEAVE

- 3.1. Members** may choose to continue to manage their office during their leave, but they may also delegate some administrative oversight to the **City Clerk**. Any such delegation should be specific, communicated in advance of the leave and done in writing.
- 3.2. Members** will continue to have access to all equipment supplied to **Members**, including but not limited to access to their Civic Centre offices, information technology equipment, email, telephone and account access and the services of their Councillor's Assistant.

### 4. COUNCIL AND COMMITTEE MEETINGS

- 4.1.** Despite being on a **Pregnancy Leave** or **Parental Leave**, a **Member** may attend any **Meeting** and exercise all rights and privileges of their office.
- 4.2. Members** will continue to receive all **Meeting** agendas and minutes.
- 4.3.** A **Member's** absence from a **Meeting** while on **Pregnancy Leave** or **Parental Leave** is a right established by the **Act**, therefore **Council** will not be required to excuse the Councillor's absence by Council resolution during the period of the Leave. The absence, provided that the Leave does not exceed 20 weeks, does not count towards the time period for which unexcused absences result in a forfeiture of office as set out in Section 259 (1) of the **Act**.
- 4.4.** If a **Member** is absent from a **Meeting** due to **Pregnancy Leave** or **Parental Leave**, the **City Clerk** will record the reason for the absence in the **Meeting** minutes.

### 5. POLICY MANAGEMENT

- 5.1.** The **City Clerk** or Director, Human Resources or designates are delegated the authority to make administrative amendments to this Policy that may be required from time to time due to legislative changes or, if, in the opinion of both of them, the amendments do not change the intent of the Policy.



Report to: General Committee

Meeting Date: February 19, 2019

**SUBJECT:** Revised Council Code of Conduct in Accordance with Bill 68  
**PREPARED BY:** Kimberley Kitteringham, City Clerk, ext. 4729  
 Martha Pettit, Deputy Clerk, ext. 8220  
 Alida Tari, Manager of Access and Privacy, ext. 2082  
 Grace Lombardi, Legislative Services Coordinator, ext. 4290

**RECOMMENDATION:**

- 1) That the report titled, "*Revised Council Code of Conduct in Accordance with Bill 68*" be received for information purposes; and,
- 2) That Markham City Council adopt the revised *Council Code of Conduct* included as **Appendix "C"** to this report; and further,
- 3) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**PURPOSE:**

The *Modernizing Ontario's Municipal Legislation Act* (Bill 68) introduced several amendments to the *Municipal Act* relative to municipal codes of conduct and the roles and responsibilities of integrity commissioners. These changes take effect as of March 1, 2019. The purpose of this report is to provide Council with a revised *Council Code of Conduct* for adoption – the revised Code reflects the mandatory Bill 68 changes.

**BACKGROUND:**

Adopted in 2014, Markham's *Council Code of Conduct* governs the behaviour of Members of Council (see current Code attached as **Appendix "A"**). At present, the City's Integrity Commissioner (IC) Service is provided through ADR Chambers Inc. Since 2014, the IC has conducted four formal investigations into contraventions of the Code. Copies of the IC investigation reports are available on Markham's website under the Accountability and Transparency section.

The *Modernizing Ontario's Municipal Legislation Act* (Bill 68) was introduced in the Ontario Provincial Legislature in November, 2016 and received Royal Assent on May 3, 2017. Bill 68 amended Section 223 of the *Municipal Act* to require all Ontario municipalities to establish codes of conduct for members of municipal council and local boards. Bill 68 also enacted various changes relative to the content of codes as well as the activities of municipal Integrity Commissioners. These changes include the following:

- Changes to the responsibilities of a municipally appointed Integrity Commissioner (IC) – including the addition of *Municipal Conflict of Interest Act* complaints to their sphere of jurisdiction.
- Requests for advice from the IC to a councillor or local board member must be in writing – if the IC provides advice it shall also be in writing.

- 
- If the IC provides educational information to the public, they may summarize advice they provided to a councillor or councillors but shall not disclose confidential information that could identify a person concerned.
  - A municipality must now indemnify and save harmless the IC and any person acting under the instruction of the IC for costs reasonably incurred in connection with the defence of a proceedings if the proceeding relates to an act done in good faith in the performance of the IC's duties.
  - Imposing restrictions on inquiries requested during a regular election year.

A table containing the full list of the Bill 68 amendments relative to municipal codes of conduct as well as the role and responsibilities of ICs is included as **Appendix "B"** for information.

### **OPTIONS/ DISCUSSION:**

Attached to this report as **Appendix "C"** is the revised *Council Code of Conduct*. It reflects the required legislative changes resulting from the passage of Bill 68 as well as some minor housekeeping revisions. Staff intend to hold an Education and Training Session as part of a General Committee meeting in the Spring, 2019 to fully review Markham's Council Code of Conduct with the City's Integrity Commissioner. This Session will be especially helpful to new City Councillors and may result in additional, non-Bill 68 related changes to the Code. Staff will also be returning in the Spring with a proposed Code of Conduct for the City's Local Boards (adjudicative and non-adjudicative).

### **FINANCIAL CONSIDERATIONS**

None.

### **HUMAN RESOURCES CONSIDERATIONS**

None.

### **ALIGNMENT WITH STRATEGIC PRIORITIES:**

Not applicable.

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

Human Resources and Legal Services were consulted in the preparation of this report.

### **RECOMMENDED BY:**

2019-02-11

X




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Kimberley Kitteringham  
City Clerk  
Signed by: cxa

2019-02-11

X




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Trinela Cane  
Commissioner, Corporate Services  
Signed by: cxa


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**ATTACHMENTS:**

[Appendix “A” – Current \*Council Code of Conduct\*](#)

[Appendix “B” - Table of Bill 68 amendments relative to municipal codes of conduct](#)

[Appendix “C” - Revised \*Council Code of Conduct\*](#) \*(Revisions to the Current Code are highlighted in yellow)

	<b>Council Code of Conduct</b>	
	<b>Policy Category:</b> Governance/Protocol	
	<b>Policy No.:</b>	<b>Implementing Procedure No.:</b>
<b>Approving Authority:</b>  <i>Council</i>	<b>Effective Date:</b>  <i>February 1, 2014</i>	
<b>Approved or Last Reviewed Date:</b>  <i>Revised by Council on June 24, 2014</i>	<b>Next Review Year:</b>  <i>2015</i>	
<b>Area(s) this policy applies to:</b>  <i>All Members of Council</i>	<b>Owner Department:</b>  <i>Legislative Services</i>	

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## 1. Interpretation:

### 1.1 Application

This Code applies to Members, except in respect of any of his or her own municipal election campaign related activities. Notwithstanding the above, Section 12: Election Campaign Work, applies to Members at all times.

### 1.2 Definitions

In the Council Code of Conduct (“Code”):

“City Records” means an original record which is either created or received by a department, division or officer of the City, related to a business function of the City. City Records do not include Constituent Records.

“Constituent Records” means a record which is generated or received by a Member acting in the capacity of an elected representative and relates to the Members’ mandate and function as an elected representative only. Such records are confidential to the Member, to the extent permitted by law. Constituent Records include a Member’s personal records, generated or received by them as a private citizen.

“Closed/In-Camera Meeting” means any meeting of Council that is closed to the public in accordance with s. 239 of the *Municipal Act, 2001*.

“Confidential Information” includes information in the possession of, or received in confidence by the City, that the City is prohibited from disclosing, or is required to refuse to disclose, or chooses not to disclose, under the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA), or other legislation.

“Elected Official” includes individuals elected municipally, provincially or federally with whom the Member interacts.

“Family” includes a Member’s child, parent and spouse. For the purposes of this definition:

- a) child means a child born within or outside a marriage and includes an adopted child and a person whom a parent has demonstrated a settled intention to treat as a child of his or her family;
- b) parent means a person who has demonstrated a settled intention to treat a child as a member of his or her family whether or not that person is the natural parent of the child; and
- c) spouse means a person to whom the Member is married or with whom the Member is living in a conjugal relationship outside marriage.



“Gift” means any cash or monetary equivalent, fee, object of value, service, personal benefit, travel and accommodation or entertainment. A gift does not include remuneration.

“Harassment” includes, but is not limited to, engaging in a course of vexatious or unwanted comment or conduct that is known or ought reasonably to be known to be unwanted.

“Member” means a Member of Markham City Council.

“Personal Information”, as defined in *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA), means information about an identifiable individual, including but not limited to:

- a) information relating to the race, national or ethnic origin, colour, religion, age, sex, sexual orientation or marital or family status of the individual;
- b) information relating to the education or the medical, psychiatric, psychological, criminal or employment history of the individual or information relating to financial transactions in which the individual has been involved;
- c) any identifying number, symbol or other particular assigned to the individual;
- d) the address, telephone number, fingerprints or blood type of the individual;
- e) the personal opinions or views of the individual except if they relate to another individual;
- f) correspondence sent to an institution by the individual that is implicitly or explicitly of a private or confidential nature, and replies to that correspondence that would reveal the contents of the original correspondence;
- g) the views or opinions of another individual about the individual; and
- h) the individual’s name if it appears with other personal information relating to the individual or where the disclosure of the name would reveal other personal information about the individual.

“Senior Executive” means any of the Chief Administrative Officer and Commissioners.

“Staff” includes anyone employed by the City of Markham including full-time, part-time, temporary or seasonal Staff, contract Staff, students and volunteers (in accordance with the *Municipal Act*, Members are not considered employees of the City).

## **2. Statutory Provisions Regulating Conduct**

2.1 In addition to the Code, Members are required to comply with existing provincial or federal legislation, including but not limited to:

- a) *Municipal Act, 2001*;
- b) *Municipal Conflict of Interest Act*;
- c) *Municipal Elections Act, 1996*;
- d) *Municipal Freedom of Information and Protection of Privacy Act*;
- e) *Ontario Human Rights Code*;
- f) *Ontario Occupational Health and Safety Act*; and
- g) *Criminal Code of Canada*.

### 3. Purpose

3.1 The Code of Conduct identifies the City's expectations for the conduct of Members and establishes guidelines for appropriate conduct to ensure that:

- a) the decision making process of City Council is transparent, accessible and equitable, in accordance with the *Municipal Act*;
- b) decisions are made through appropriate channels of government structure;
- c) public office is not used for personal gain;
- d) the conduct of Members is of a high ethical standard; and
- e) there is fairness and respect for differences of opinion and a duty to work together for the common good.

The *Code of Conduct* also serves to uphold the principles, goals and values of the City and provide standards for appropriate interaction between Members, Staff, the public and Elected Officials.

### 4. Principles of the Code of Conduct

4.1 The following principles of conduct apply to all Members. Members are expected to:

- a) serve and be seen to serve their constituents in a conscientious and diligent manner;
- b) be committed to performing their functions with integrity and transparency;
- c) perform official duties and arrange their public affairs in a manner that promotes public confidence and respect, and will withstand close public scrutiny; and
- d) respect the role of Staff in the administration of the business affairs of the City.

4.2 The following principles of conduct apply to all Members. Members will:

- a) abide by the policies and by-laws of the City;
- b) avoid the improper use of the influence of their office, and conflicts of interest;
- c) seek to serve the public interest by upholding both the letter and the spirit of the laws, regulations, and policies established by the Government of Canada, Government of Ontario and Markham City Council; and
- d) fulfill their roles as set out in the *Municipal Act*.

## **5. Roles and Obligations**

5.1 All Members are expected to:

- a) Respect the diversity of community views in developing an overall strategy for the future of the City;
- b) Set objectives and determine strategies to achieve the goals of the City as defined in the policies and by-laws approved by Council;
- c) Ensure sound financial management, planning and accountability; and
- d) Be aware of and understand statutory obligations imposed on Council as a whole, as well on each individual Member.

## **6. Confidentiality**

Through the course of their official duties, Members may have access to Confidential Information. Generally, MFIPPA restricts or prohibits disclosure of information received in confidence from third parties of a corporate, financial, commercial, scientific or technical nature, information that is personal, and information that is subject to solicitor client privilege.

6.1 Members will not disclose or release any Confidential Information, in either oral or written form, acquired by virtue of their office, except when authorized by Council. Council may not authorize the disclosure of Confidential Information which the City is prohibited from disclosing under MFIPPA.

6.2 Members will not disclose confidential information that may benefit themselves or others, including Confidential Information regarding the bidding or procurement of City property, services or assets.

6.3 Members will not disclose the content of any matter, or the substance of discussions, individually or collectively, at a Closed/In-Camera meeting until the Council or Committee discusses the information at a meeting that is open to the public or releases the information to the public.

6.4 Members will not permit any persons other than those who are entitled thereto to have access to Confidential Information.

6.5 Members will keep information confidential. This is a continuing obligation even if the Member ceases to be a Member of Council.

## **7. Personal Information**

In their decision making process, Members will have access to Personal Information contained in City Records that IS subject to the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA). In addition, Members may have access to Personal Information in their Constituent Records and from other interested parties that IS NOT subject to MFIPPA.

7.1 While it is noted that Constituent Records are not covered by MFIPPA, Members will treat Personal Information contained in Constituent Records in accordance with the principles of MFIPPA.

7.2 Members will not disclose Personal Information without the consent of the individual, or the City Clerk in the case of Personal Information contained in City Records.

7.3 Members will not permit any persons, other than those who are entitled thereto, to have access to Personal Information.

7.4 Members will not use Personal Information for personal or private gain, or for the gain of his or her Family or any other person or corporation.

7.5 Members will not access, or attempt to gain access to, Personal Information in the custody of the City unless it is necessary for the performance of their duties and not prohibited by Council policy or MFIPPA.

## **8. Communications with the Public & Media Relations**

8.1 Members, when communicating with the public and media, are expected to accurately communicate the decisions of Council, even where a Member disagreed with the decision of Council, so that there is respect for and integrity in the decision making process of Council.

## **9. Relations with Staff**

9.1 Members are expected to:

- a) work through the Senior Executive and their designates and not attempt to direct the activities of Staff or departments;
- b) be respectful of Staff. Members will direct any criticisms of Staff to the Senior Executive and refrain from criticizing Staff in public and the media; and
- c) honour the requirement for Staff to remain neutral and not compel Staff to engage in partisan political activities or subject Staff to threats or intimidation for refusing to engage in such activities.

## 10. Gifts, Hospitality and Benefits

10.1 Members are permitted to accept Gifts that meet the following criteria, subject to the reporting requirements outlined in 10.3:

- a) where authorized by law;
- b) would normally accompany the responsibilities of a political office and are received as an incident of protocol or social obligation;
- c) political contributions reported in accordance with applicable law;
- d) services provided without compensation by persons volunteering their time to a Member;
- e) suitable mementos from a function honouring the Member;
- f) food, lodging, transportation and entertainment provided by provincial, regional and local governments or political subdivisions of them, by the federal government or by a foreign government within a foreign country or by a conference, seminar or event organizer where the Member is either speaking or attending in an official capacity at an official event;
- g) tickets or admission to banquets, receptions, sporting events, cultural events, performances or similar events, for charitable, not-for-profit or community purposes, if:
  - i. Attendance is open and transparent and serves a legitimate charity fundraising or community purpose; and
  - ii. The value and venue location are reasonable;
- h) business meals that serve a legitimate public duty purpose;
- i) communications to the offices of a Member, including subscriptions to newspapers and periodicals related to the duties of Office; and
- j) sponsorships and donations for community events or initiatives organized or run by a Member, or a third party on behalf of a Member, where Council has authorized or endorsed the event or initiative.

10.2 Members are not permitted to accept any Gifts that are not listed in this Code connected directly or indirectly with the performance of his or her duties.

10.3 Members will maintain a list of all Gifts received in a calendar year, where the value of a single Gift, or the cumulative value of Gifts from a single source, exceeds \$350. This list must be available upon request by the Integrity Commissioner for the purposes of determining if the Gift is appropriate. Gifts described in clause 10.1(g) are exempt from the reporting requirement.

10.4 The Integrity Commissioner may call upon a Member to justify receipt of any Gift.

10.5 Members will not accept Gifts that would, to a reasonable member of the public, appear to be in gratitude or compensation for influence, to induce the Member to exercise his or her influence, or otherwise to go beyond necessary and appropriate public actions.

## **11. Use of City Property, Services & Other Resources**

11.1 Members will not use for personal purposes, any City property, equipment, services or supplies, (for example, agency, board, or City-owned materials or website and City transportation delivery services, and any Member's expense budget), of any material consequence, other than for the purposes connected with the discharge of City duties, which may include activities within the Member's office of which City Council has been advised.

11.2 Members will not obtain or attempt to obtain financial gain from the use of City developed intellectual property, including but not limited to computer programs, technological innovations or other patentable items, while they are a Member or thereafter. All such property remains the exclusive property of the City of Markham.

11.3 Members will not use information gained in the execution of his or her duties that is not available to the general public for any purposes other than his or her official duties.

## **12. Election Campaign work**

12.1 Members will comply with the provisions of the *Municipal Elections Act*. Members will not use the facilities, equipment, supplies, services or other resources of the City for any election-related activities.

12.2 Members will not undertake campaign-related activities on City property unless permitted by the Returning Officer or their designate.

12.3 Members will not use the services of persons for election-related purposes during hours in which those persons receive compensation from the City.

## **13. Improper Use of Influence**

13.1 Members will not use their influence for any purpose other than the exercise of their official duties.

13.2 Examples of prohibited conduct are the use of a Member's status as a Member of Council to improperly influence the actions or decisions of Staff or others to the private advantage of the Member or his or her Family, Staff, friends or associates, business or otherwise. This would include an attempt to secure preferential treatment beyond activities in which Members normally engage on behalf of their constituents as part of their official duties. Also prohibited is the holding out of the prospect or promise of future advantage through a Member's supposed influence within Council in return for present actions or inaction.

13.3 For the purpose of this provision, “private advantage” does not include a matter:

- a) that is of general application;
- b) that affects a Member, his or her Family, Staff, friends, or associates, business or otherwise as one of a broad class of persons; or
- c) that concerns the determination of the remuneration or benefits for Members as a whole.

#### **14. Business Relations**

14.1 Members will not, either personally or through a company he or she owns or controls, borrow money from any person that regularly does business with the City unless such person is regularly in the business of lending money. Members will not, either personally or through a company he or she owns or controls, will borrow money from any entity that regularly does business with the City unless such entity is regularly in the business of lending money.

14.2 Members are expected not to act as a paid agent before Council or Committee or any agency, board, or committee of the City except in compliance with the terms of the *Municipal Conflict of Interest Act*.

14.3 Members will not refer a third party to a person, partnership, or corporation in exchange for payment or other personal benefit.

#### **15. Transparency and Openness in Decision Making**

15.1 Members will conduct Council business and their duties in an open and transparent manner other than for those matters which, by virtue of the *Municipal Act* and other applicable legislation, are required or are authorized to be dealt with in a Closed/In-Camera session, so that stakeholders can view the process and rationale which has been used to reach decisions.

#### **16. Conduct at Meetings**

16.1 Members are expected to conduct themselves at Council and in City related business meetings with decorum, and where applicable, in accordance with the City’s Procedural By-law. Members are expected to show respect for deputants and fellow Members and Staff by being courteous and not distracting from the business of the Council during presentations and when other Members have the floor.

#### **17. Conduct of Members**

17.1 Members are expected to conduct themselves with appropriate decorum at all times and ensure that their behaviour does not bring the reputation of the City into disrepute.

17.2 Members are expected to be respectful of other Members, Staff and the public and their views and will encourage others to do the same.

## **18. Harassment & Discrimination**

18.1 Harassment of another Member, Staff or any member of the public is prohibited under the *Ontario Human Rights Code*. Harassment, whether it occurs inside or outside the workplace, or whether it is related to the work environment or other activities of a Member, is inappropriate behaviour for the purpose of this Code of Conduct.

18.2 Members will not engage in workplace discrimination (as defined by the *Ontario Human Rights Code*), harassment (as defined by the *Ontario Human Rights Code* and the *Ontario Occupational Health and Safety Act*), or violence (as defined by the *Ontario Occupational Health and Safety Act*) when dealing with other Members, Staff, residents or other members of the public.

## **19. Compliance with Code of Conduct**

19.1 Members are accountable to the public throughout the four-year Council term. Between elections they may become disqualified and lose their seat, for example, if they were to lose their eligibility under the *Municipal Act*, or for failing to declare a conflict of interest under the *Municipal Conflict of Interest Act*.

19.2 The *Municipal Act* authorizes Council to impose one or more of the penalties listed below, if so desired, on a Member following a report by the Integrity Commissioner that, in his or her opinion, the Member has contravened the Code of Conduct:

- a) A reprimand; or
- b) Suspension of the remuneration paid to the Member in respect to his or her services as a Member of Council or local board, as the case may be, for a period of up to 90 days.

## **20. Investigations**

If a Member, the public or Staff believes a Member has contravened the Code of Conduct he or she may submit a written complaint in accordance with the established Investigation Protocol. (See Appendix A.)



## "APPENDIX A"

**Council Code of Conduct**  
**Investigation Protocol**

Under Section 223.4(1) of the *Municipal Act*, Council, a Member of Council or a member of the public may request the Integrity Commissioner to conduct an inquiry about whether a member of Council has contravened the Council Code of Conduct.

**1. Request for Inquiry**

- I. A request for an inquiry shall be in writing.
- II. All requests shall be signed by an identifiable individual (which includes the signing officer of an organization).
- III. A request shall set out all reasonable and probable grounds for the allegation that the member has contravened the Council Code of Conduct and shall include a supporting affidavit that sets out the evidence in support of the complaint.
- IV. Staff in the City Clerk's office, who are Commissioners of Oaths, are authorized to swear the supporting affidavit.
- V. In a municipal election year, a Code of Conduct request may not be filed within 90 days of the next general election.

**2. Initial Review by Integrity Commissioner**

- i. The request shall be filed with the City Clerk who shall forward the matter to the Integrity Commissioner for initial review to determine if the matter is, on its face, a complaint with respect to non-compliance with the Council Code of Conduct and not covered by other legislation or other Council policies.
- ii. If the request does not include a supporting affidavit, the Integrity Commissioner shall defer the review until an affidavit is received.
- iii. If the complaint, including any supporting affidavit, is not on its face, a complaint with respect to non-compliance with the Council Code of Conduct or the complaint is covered by other legislation or a complaint procedure under another Council policy, the Integrity Commissioner shall instruct the City Clerk to advise the Complainant in writing as follows:
  - a. If the complaint on its face is an allegation of a criminal nature consistent with the *Criminal Code of Canada*, the Integrity Commissioner shall refer it to the appropriate authorities and advise the Complainant that if the complainant wishes to pursue any such allegation, the Complainant must pursue it with the appropriate police service;
  - b. If the complaint on its face relates to non-compliance with the *Municipal Conflict of Interest Act*, the Complainant shall be advised to review the matter with the Complainant's own legal counsel;

**Investigation Protocol**

- c. If the complaint on its face relates to non-compliance with the *Municipal Freedom of Information and Protection of Privacy Act*, the Complainant shall be advised that the matter will be referred to the City Clerk for review.
- d. If the complaint on its face is with respect to non-compliance with a more specific Council policy, with a separate complaint procedure, the Complainant shall be advised that the matter will be processed under that procedure; and
- e. In other cases, the Complainant shall be advised that the matter, or part of the matter, is not within the jurisdiction of the Integrity Commissioner to process, with any additional reasons and referrals as the Integrity Commissioner considers appropriate.
- iv. The Integrity Commissioner may report to Council that a specific complaint is not within the jurisdiction of the Integrity Commissioner.
- v. The Integrity Commissioner shall report annually to Council on complaints made that were determined not to be within the jurisdiction of the Integrity Commissioner, but shall not disclose information that could identify a person concerned.

**3. Integrity Commissioner Investigations**

- i. If the Integrity Commissioner is of the opinion that the referral of a matter to him or her is frivolous, vexatious or not made in good faith, or that there are no grounds or insufficient grounds for an investigation, the Integrity Commissioner shall not conduct an investigation, or, where that becomes apparent in the course of an investigation, shall terminate the investigation.
- ii. Other than in exceptional circumstances, the Integrity Commissioner shall not report to Council on any complaint described in subsection (i) except as part of an annual or other periodic report.

**4. Investigation & Settlement**

- I. If a complaint has been classified as being within the Integrity Commissioner's jurisdiction and not rejected under Section 2, the Commissioner shall investigate and may attempt to settle the complaint.
- II. Section 223.4(2) of the *Municipal Act* provides for the Integrity Commissioner to elect to investigate a complaint by exercise of the powers of a commission under Parts I and II of the *Public Inquiries Act*.
- III. When the *Public Inquiries Act* applies to an investigation of a complaint, the Integrity Commissioner shall comply with the procedures specified in that Act and this Complaint Protocol, but if there is a conflict between a provision of the Complaint Protocol and a provision of the *Public Inquiries Act*, the provision of the *Public Inquiries Act* prevails.
- IV. The Integrity Commissioner will proceed as follows, except where otherwise required by the *Public Inquiries Act*:
  - a. Serve the complaint and supporting material upon the Member whose conduct is in question with a request that a written response to the allegation by way of affidavit be filed within ten days or such longer period as the Integrity Commissioner may authorize in writing; and
  - b. Serve a copy of the response provided by the Member upon the Complainant with a request for a written reply within ten days or such longer period as the Integrity Commissioner may authorize in writing.

**Investigation Protocol**

- V. Section 33 of the *Public Inquiries Act* allows the Integrity Commissioner to speak to anyone relevant to the complaint, access and examine any of the information relevant to the complaint and to enter any City work location relevant to the complaint for the purpose of investigation and settlement. The Integrity Commissioner is to be provided free access to all books, accounts, financial records, electronic data processing records, reports, files and all other papers, things or property belonging to or used by the municipality.
- VI. The Integrity Commissioner shall not issue a report finding a violation of the Code of Conduct on the part of any Member unless the Member has had reasonable notice of the basis for the proposed finding and any recommended sanction and an opportunity either in person or in writing to comment on the proposed finding and any recommended sanction.
- VII. The Integrity Commissioner may make interim reports to Council where necessary and as required to address any instances of interference, obstruction or retaliation encountered during the investigation.

**5. Final Report**

- I. The Integrity Commissioner shall report to the Complainant and the Member, generally no later than 90 days after the making of the complaint.
- II. Where the complaint is sustained in whole or in part, the Integrity Commissioner shall also report to Council outlining his or her findings and/or recommended penalty and the terms of any settlement.
- III. Where the complaint is dismissed, other than in exceptional circumstances, the Integrity Commissioner shall not report to Council except as part of an annual or other periodic report.
- IV. Any recommended corrective action or penalty must be permitted by the *Municipal Act* and shall be designed to ensure that the inappropriate behaviour or activity does not continue and is not repeated.

**6. Member Not Blameworthy**

- I. If the Integrity Commissioner determines that there has been no contravention of the Code of Conduct or that a contravention occurred although the Member took all reasonable measures to prevent it, or that a contravention occurred that was trivial or committed through inadvertence or an error of judgement made in good faith, the Integrity Commissioner shall so state in the report and shall recommend that no penalty be imposed.

**7. Copies**

- I. The City Clerk shall give a copy of the report to the Complainant and the Member that was involved.

**8. Report to Council**

- I. The City Clerk shall process the report for the next meeting of General Committee, followed by Council. The report shall remain confidential until the matter has received complete and final disposition by the Integrity Commissioner and has been reported out to the Members of Council.

## 9. Council Review

- I. Council shall consider and respond to the report within 90 days after the day the report is laid before it.
- II. Section 223.4 (5) of the *Municipal Act* allows the municipality to impose either of the following penalties on a Member of Council if the Commissioner reports to the municipality that, in his or her opinion, the Member has contravened the code of conduct:
  - a. A reprimand.
  - b. Suspension of the remuneration paid to the Member in respect of his or her service as a Member of Council, for a period of up to 90 days.

## 10. Confidentiality

- I. Section 223.5(1) of the *Municipal Act* provides that the Integrity Commissioner shall preserve secrecy with respect to all matters that come to his or her knowledge in the course of his or her duties.
- II. If the Commissioner provides a periodic report to the municipality on his or her activities, the Commissioner may summarize advice he or she has given but shall not disclose confidential information that could identify a person concerned.
- III. If the Integrity Commissioner reports to the municipality his or her opinion about whether a Member of Council has contravened the applicable Council Code of Conduct, the Commissioner may disclose in the report such matters as in the Commissioner's opinion are necessary for the purpose of the report (including name of the Member whose conduct was investigated).



### **Municipal Act (Bill 68) Changes Regarding Municipal Codes of Conduct**

Section No.	Subsection & Description of Regulation	Comments
223.2	Section 223.2 of the <u>Municipal Act</u> (MA) is repealed and replaced with a provision mandating all municipalities establish codes of conduct for members of council and local boards.	Markham City Council voluntarily adopted a Council Code of Conduct in 2014 and as such, no further action is required on this item.
223.3	Prohibits the enactment of a municipal by-law to provide that a Councillor or local board member who contravenes a Code of Conduct is guilty on an offence or is required to pay an administrative penalty.	No resulting changes to Markham's <u>Council Code of Conduct</u> are required.
223.3(1)	Section 223.2 of the MA is repealed and replaced with the following expanded list of functions that an Integrity Commissioner (IC) can perform: 1. The application of the code of conduct for members of council and the code of conduct for members of local boards. 2. The application of any procedures, rules and policies of the municipality and local boards governing the ethical behavior of members of council and of local boards. 3. The applications of sections 5, 5.1, and 5.2 of the <u>Municipal Conflict of Interest Act</u> (MCIA) to members of council and of its local boards. 4. Requests from members of council and of local boards for advice respecting their obligations under the code of conduct applicable to the member. 5. Requests from members of council and of local boards for advice respecting their obligations under a procedure, rule or policy of the municipality or of the local board, as the case may be, governing the ethical behavior of members. 6. Requests from members of council and of local boards for advice respecting their obligations under the MCIA. 7. The provision of educational information to members of council, Members of local boards, the municipality and the public about the municipality's codes of conduct for members of council and members of local boards and about the MCIA.	Markham's current <u>Council Code of Conduct</u> has been amended to explicitly include these IC responsibilities.

## **Municipal Act Changes - Code of Conduct Requirements**

<b>Section No.</b>	<b>Subsection &amp; Description of Regulation</b>	<b>Comments</b>
223.3(1.1)	Mandates that if a municipality has not appointed its own IC, it must appoint an IC from another municipality.	As the City currently has an IC service provider (ADR Chambers Inc.), no resulting changes to Markham's <u>Council Code of Conduct</u> are required.
223.3(1.2)	Mandates that if a municipality has appointed an IC but has not assigned one or more of the responsibilities set out in the MA, the municipality must make arrangements for those responsibilities to be provided by an IC of another municipality.	Markham's current <u>Council Code of Conduct</u> has been amended to explicitly include these specific IC responsibilities.
223.3(2.1)	Mandates that requests by a member of council or of a local board for advice from the IC under paragraph 4, 5 or 6 of subsection (1) shall be made in writing.	Markham's current <u>Council Code of Conduct</u> has been amended to include this requirement.
223.3(2.2)	Mandates that if the IC to provide advice to members of council or of a local board under paragraph 4 ,5, or 6 of subsection (1), it must be in writing.	Markham's current <u>Council Code of Conduct</u> has been amended to include this requirement.
223.3(2.3)	Stipulates that if the IC provides educational information to the public under paragraph 7 of subsection (1), the IC may summarize advice they have provided but shall not disclose confidential information that could identify a person concerned.	Markham's current <u>Council Code of Conduct</u> has been amended to include this requirement.
223.3(6)	Requires municipalities to indemnify and save harmless the IC or any person acting under the instructions of the IC for costs reasonably incurred by either of them in connection with the defence of a proceeding if the proceeding relates to an act done in good faith in the performance or intended performance of a duty or authority under the MA (or a by-law passed under it) or an alleged neglect or default in the performance in good faith of the duty or authority.	Markham's current <u>Council Code of Conduct</u> has been amended to include this requirement.
223.4	Permits the Minister to make regulations prescribing one or more subject matters that a municipality is required to include in a Code of Conduct.	No resulting changes to Markham's <u>Council Code of Conduct</u> are required.

### **Municipal Act Changes - Code of Conduct Requirements**

<b>Section No.</b>	<b>Subsection &amp; Description of Regulation</b>	<b>Comments</b>
223.4(7)	Terminates an inquiry when the regular election begins. If the IC has not completed an inquiry before Nomination Day for a regular election the IC shall terminate the inquiry on that day.	Markham's current <u>Council Code of Conduct</u> has been amended to reflect this amendment.
223.4(8)	Provides that if an inquiry is terminated under 223.4(7) of the MA, the IC shall not commence another inquiry into the matter unless, within six weeks after Voting Day in a regular election, the person or entity who made the request or the member or former member whose conduct is concerned makes a written request to the IC that the inquiry be commenced.	Markham's current <u>Council Code of Conduct</u> has been amended to reflect this amendment.
223.4(9)	Adds the following additional rules that apply during a regular election – starting on Nomination Day and ending on Voting Day: 1. There shall be no requests for an inquiry about whether a member of council or of a local board has contravened the code of conduct applicable to the member. 2. The IC shall not report to the municipality or local board about whether, in their opinion, a member of council or of a local board has contravened the code of conduct applicable to the member. 3. The municipality or local board shall not consider whether to impose the penalties.	Markham's current <u>Council Code of Conduct</u> has been amended to reflect this amendment.
223.4.1	Adds a new section regarding an inquiry by the IC relative to Section 5., 5.1 or 5.2 of the MCIA.	Markham's current <u>Council Code of Conduct</u> has been amended to reflect this amendment.
223.4.1(2)	Stipulates that an elector (as defined in Section 1 of the MCIA), or a person demonstrably acting in the public interest may apply in writing to the IC for an inquiry to be carried out concerning an alleged contravention of Section 5., 5.1 or 5.2 of the MCIA by a member of council or a member of a local board.	Markham's current <u>Council Code of Conduct</u> has been amended to reflect this amendment.
223.4.1(3)	Prohibits an application for an inquiry for a contravention of the MCIA between Nomination Day and Voting Day for a regular election.	Markham's current <u>Council Code of Conduct</u> has been amended to reflect this amendment.

### **Municipal Act Changes - Code of Conduct Requirements**

<b>Section No.</b>	<b>Subsection &amp; Description of Regulation</b>	<b>Comments</b>
223.4.1 (4)	Stipulates that an application for an inquiry for a contravention of the MCIA may only be made within six weeks after the applicant became aware of the alleged contravention.	Markham's current <u>Council Code of Conduct</u> has been amended to reflect this amendment.
223.4.1 (5)	Creates an exception to the six week rule specified in 223.4.1(4) of the MA if both of the following are satisfied: 1. The applicant became aware of the alleged contravention within the period of time starting six weeks before Nomination Day for a regular election and ending on Voting Day. 2. The applicant applies to the IC within six weeks after Voting Day in a regular election.	Markham's current <u>Council Code of Conduct</u> has been amended to reflect this amendment.
223.4.1 (6)	Requires that an application to the IC for an inquiry shall set out the reasons for believing that the member has contravened Section 5., 5.1 or 5.2 of the MCIA and include a statutory declaration attesting to the fact that the applicant became aware of the contravention not more than six weeks before the date of the application.	Markham's current <u>Council Code of Conduct</u> has been amended to reflect this amendment.
223.4.1 (7)	Permits the IC to conduct the MCIA inquiry as they consider necessary.	Markham's current <u>Council Code of Conduct</u> has been amended to reflect this amendment.
223.4.1 (8)	Allows the IC to have a public meeting to discuss the MCIA inquiry.	Markham's current <u>Council Code of Conduct</u> has been amended to reflect this amendment.
223.4.1 (9)	Authorizes the IC to exercise the powers under Section 33 and 34 of the <u>Public Inquiries Act</u> for the MCIA inquiry.	Markham's current <u>Council Code of Conduct</u> has been amended to reflect this amendment.
223.4.1 (10)	Requires the municipality to and its local boards to give the IC any information they require for the MCIA inquiry.	Markham's current <u>Council Code of Conduct</u> has been amended to reflect this amendment.
223.4.1 (11)	Authorizes the IC to have free access to all books, accounts, financial records, electronic data processing records, reports, files and all other papers, things or property belonging to or used by the municipality or local board that the IC believes to be necessary for an inquiry.	Markham's current <u>Council Code of Conduct</u> has been amended to reflect this amendment.



## Municipal Act Changes - Code of Conduct Requirements

Section No.	Subsection & Description of Regulation	Comments
223.4.1 (12)	Terminates an inquiry when the regular election begins. If the IC has not completed a MCIA inquiry before Nomination Day for a regular election the IC shall terminate the inquiry on that day.	Markham's current <u>Council Code of Conduct</u> has been amended to reflect this amendment.
223.4.1 (13)	Provides that if an inquiry is terminated under 223.4.1(12), the IC shall not commence another inquiry into the matter unless, within six weeks after Voting Day in a regular election, the person or entity who made the request or the member or former member whose conduct is concerned makes a written request to the IC that the inquiry be commenced.	Markham's current <u>Council Code of Conduct</u> has been amended to reflect this amendment.
223.4.1 (14)	Requires the IC to complete the MCIA inquiry within 180 days after receiving the complete application.	Markham's current <u>Council Code of Conduct</u> has been amended to reflect this amendment.
223.4.1 (15)	Stipulates that upon completion of the MCIA inquiry, the IC may, if they deem it appropriate, apply to a judge under section 8 of the MCIA for a determination as to whether the member has contravened Section 5, 5.1 or 5.2 of the MCIA.	Markham's current <u>Council Code of Conduct</u> has been amended to reflect this amendment.
223.4.1 (16)	Requires the IC to advise the applicant if they will not be making an application to a judge.	Markham's current <u>Council Code of Conduct</u> has been amended to reflect this amendment.
223.4.1 (17)	Requires the IC to publish written reasons for their decision as to whether or not they decided to apply to a judge.	Markham's current <u>Council Code of Conduct</u> has been amended to reflect this amendment.
223.4.1 (18)	Stipulates that the IC's costs of applying to a judge shall be paid by: 1. The municipality, if the member is alleged to have contravened Section 5, 5.1 or 5.2 of the MCIA as a member of council of a municipality. 2. The local board if the members is alleged to have contravened Section 5, 5.1 or 5.2 of the MCIA as a member of a local board.	Markham's current <u>Council Code of Conduct</u> has been amended to reflect this amendment.
223.5 (2.1)	Mandates that advice provided by the IC to a member may be released with the member's written consent.	Markham's current <u>Council Code of Conduct</u> has been amended to reflect this amendment.
223.5 (2.2)	Permits the Commissioner to release part or all of the advice they provided to a member - without the member's consent - in	Markham's current <u>Council Code of Conduct</u> has been amended to reflect this amendment.

### **Municipal Act Changes - Code of Conduct Requirements**

Section No.	Subsection & Description of Regulation	Comments
	situations where the member releases only part of the advice provided to them by the IC.	
223.5 (2.3)	Allows the IC to disclose information they deem is necessary for: 1. The purposes of a public meeting under Subsection 223.4.1 (8); 2. An application to a judge referred to in Subsection 223.4.1 (15). 3. The written reasons given by the IC under subsection 223.4.1 (17).	Markham's current <u>Council Code of Conduct</u> has been amended to reflect this amendment.
223.8	Revises "of any Act or" and substitutes "of any other Act, other than the MCIA, or".	No resulting changes to Markham's <u>Council Code of Conduct</u> are required.



# **COUNCIL CODE OF CONDUCT**



**Proposed Revised City of Markham Council Code of Conduct**

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## 1. General Introduction and Purpose

Members of Markham City Council (Members) recognize their obligation to serve their constituents and the public in an accountable and transparent manner - understanding that as leaders of the community, they are held to a high standard of behaviour and conduct.

The *Council Code of Conduct* identifies the City's expectations for the conduct of Members and establishes guidelines for appropriate conduct to ensure that:

- a) the decision making process of City Council is transparent, accessible and equitable, in accordance with the *Municipal Act*;
- b) decisions are made through appropriate channels of government structure;
- c) public office is not used for personal gain;
- d) the conduct of Members is of a high ethical standard; and
- e) there is fairness and respect for differences of opinion and a duty to work together for the common good.

The *Council Code of Conduct* also serves to uphold the principles, goals and values of the City and provide standards for appropriate interaction between Members, Staff, the public and Elected Officials.

## 2. Framework and Interpretation

The *Council Code of Conduct* applies to all Members of Markham City Council, except in respect of any of their own municipal election campaign related activities. Notwithstanding the above, Section 12: Election Campaign Work, applies to Members at all times.

The *Council Code of Conduct* is to be given broad, liberal interpretation in accordance with applicable legislation and the definitions set out herein. As a living document the *Council Code of Conduct* will be brought forward for review; at the beginning of each term of Council, when relevant legislation is amended, and at other times when appropriate, in the discretion of the City Clerk, or on the instructions of Council, to ensure that it remains current and continues to be a useful guide to Members.

Where a Member requests advice from the Integrity Commissioner (IC) and the Member discloses all relevant information to the IC for the purpose of obtaining the advice, the Member may rely on the written advice provided by the IC. The IC will be bound by the advice given to the Member, as long as the information, facts and circumstances remain unchanged, in the event that the IC is asked to investigate a complaint.

Members seeking clarification of any part of the *Council Code of Conduct* should consult with Markham's IC in accordance with Section 20 of this Code.

In addition to this *Council Code of Conduct*, Members are required to comply with existing provincial or federal legislation, including but not limited to the following:

- *Municipal Act, 2001*;
- *Municipal Conflict of Interest Act* (MCIA);
- *Municipal Elections Act, 1996*;
- *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA);
- *Ontario Human Rights Code*;
- *Ontario Occupational Health and Safety Act*; and
- *Criminal Code of Canada*.

### **3. Guiding Principles of the *Council Code of Conduct***

The following principles of conduct apply to all Members.

#### **3.1. Members are expected to:**

- a) serve and be seen to serve their constituents in a conscientious and diligent manner;
- b) be committed to performing their functions with integrity and transparency;
- c) perform official duties and arrange their public affairs in a manner that promotes public confidence and respect, and will withstand close public scrutiny; and
- d) respect the role of Staff in the administration of the business affairs of the City.

#### **3.2 Members will:**

- a) abide by the policies and by-laws of the City;
- b) avoid the improper use of the influence of their office, and conflicts of interest;
- c) seek to serve the public interest by upholding both the letter and the spirit of the laws, regulations, and policies established by the Government of Canada, Government of Ontario and Markham City Council; and
- d) fulfill their roles as set out in the *Municipal Act*.

#### 4. Definitions

In the *Council Code of Conduct*:

“City” means The Corporation of the City of Markham.

“City Clerk” means the Clerk and Returning Officer of The Corporation of the City of Markham.

“City Records” means an original record which is either created or received by a department, division or officer of the City, related to a business function of the City. City Records do not include Constituent Records.

“Constituent Records” means a record which is generated or received by a Member acting in the capacity of an elected representative and relates to the Members’ mandate and function as an elected representative only. Such records are confidential to the Member, to the extent permitted by law. Constituent Records include a Member’s personal records, generated or received by them as a private citizen.

“Confidential Meeting” means any meeting of Council that is closed to the public in accordance with s. 239 of the *Municipal Act, 2001*. (Also known as *in camera meetings*)

“Confidential Information” includes information in the possession of, or received in confidence by the City, that the City is prohibited from disclosing, or is required to refuse to disclose, or chooses not to disclose, under the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA), or other legislation.

“Council” means the Council of the City.

“Elected Official” includes individuals elected municipally, provincially or federally with whom the Member interacts.

“Family” includes a Member’s child, parent and spouse. For the purposes of this definition:

- a) child means a child born within or outside a marriage and includes an adopted child and a child where a parent has demonstrated a settled intention to treat that child as part of their family.
- b) parent means a person who has demonstrated a settled intention to treat a child as a member of their family whether or not that person is the natural parent of the child.
- c) spouse means a person to whom the Member is married or with whom the Member is living in a conjugal relationship outside marriage.

“Gift” means any cash or monetary equivalent, fee, object of value, service, personal benefit, travel and accommodation or entertainment. A gift does not include remuneration.

“Harassment” includes, but is not limited to, engaging in a course of vexatious or unwanted comment or conduct that is known or ought reasonably to be known to be unwanted.

“Integrity Commissioner” means a neutral officer or corporation appointed by and reporting to Markham City Council and who is responsible for performing, in an independent manner, the following functions:

- 1) The application of the *Council Code of Conduct*.
- 2) The application of any procedures, rules and policies of the City governing the ethical behaviour of Members.
- 3) The application of Sections 5, 5.1 and 5.2 of the *Municipal Conflict of Interest Act*.
- 4) Requests by Members in respect of their obligations under the *Council Code of Conduct*.
- 5) Requests from Members in respect of their obligations under a procedure, rule or policy of the City governing the ethical behaviour of Members.
- 6) Requests from Members for advice in respect of their obligations under the *Municipal Conflict of Interest Act*.
- 7) The provision of educational information to Members, the City and the public about the City’s Council Code of Conduct and about the *Municipal Conflict of Interest Act*.

“Municipal Conflict of Interest Act” means the *Municipal Conflict of Interest Act, R.S.O. 1990, C. M50*, as amended from time to time.

“Municipal Freedom of Information and Protection of Privacy Act” means the *Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c.M56*, as amended from time to time.

“Member” means a member of Council.

“Personal Information”, as defined in *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA), means information about an identifiable individual, including but not limited to:

- a) information relating to the race, national or ethnic origin, colour, religion, age, sex, sexual orientation or marital or family status of the individual;
- b) information relating to the education or the medical, psychiatric, psychological, criminal or employment history of the individual or information relating to financial transactions in which the individual has been involved;
- c) any identifying number, symbol or other particular assigned to the individual;



- d) the address, telephone number, fingerprints or blood type of the individual;
- e) the personal opinions or views of the individual except if they relate to another individual;
- f) correspondence sent to an institution by the individual that is implicitly or explicitly of a private or confidential nature, and replies to that correspondence that would reveal the contents of the original correspondence;
- g) the views or opinions of another individual about the individual; and
- h) the individual's name if it appears with other personal information relating to the individual or where the disclosure of the name would reveal other personal information about the individual.

"Senior Executive" means any of the Chief Administrative Officer and Commissioners.

"Social Media" means publicly available, third party hosted, interactive web technologies used to produce, post and interact through text, images, video and audio to inform, share, promote, collaborate or network.

"Staff" includes anyone employed by the City including full-time, part-time, temporary or seasonal Staff, contract Staff, students and volunteers in accordance with the *Municipal Act*, but does not include Members, who are not employees of the City.

"Nomination Day" means the last day for filing or withdrawing a nomination for election of a Member established in accordance with the *Municipal Elections Act, 1996*.

"Voting Day" means the day on which the final vote is to be taken in an election of a Member established in accordance with the *Municipal Elections Act, 1996*.

## 5. Roles and Obligations

5.1 All Members are expected to:

- a) Respect the diversity of community views in developing an overall strategy for the future of the City;
- b) Set objectives and determine strategies to achieve the goals of the City as defined in the policies and by-laws approved by Council;
- c) Ensure sound financial management, planning and accountability; and
- d) Be aware of and understand statutory obligations imposed on Council as a whole, as well on each individual Member.

## 6. Confidentiality

Through the course of their official duties, Members may have access to Confidential Information. Generally, MFIPPA restricts or prohibits disclosure of information received in confidence from third parties of a corporate, financial, commercial, scientific or technical nature, information that is personal, and information that is subject to solicitor client privilege.

6.1 Members will not disclose or release any Confidential Information, in either oral or written form, acquired by virtue of their office, except when authorized by Council. Council may not authorize the disclosure of Confidential Information which the City is prohibited from disclosing under MFIPPA.

6.2 Members will not disclose Confidential Information that may benefit themselves or others, including Confidential Information regarding the bidding or procurement of City property, services or assets.

6.3 Members will not disclose the content of any matter, or the substance of discussions, individually or collectively, at a Confidential Meeting until the Council or Committee discusses the information at a meeting that is open to the public or releases the information to the public.

6.4 Members will not permit any persons other than those who are entitled thereto to have access to Confidential Information.

6.5 Members will keep information confidential. This is a continuing obligation even if the Member ceases to be a Member.

## 7. Personal Information

In their decision making process, Members will have access to Personal Information contained in City Records that IS subject to the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA). In addition, Members may have access to Personal Information in their Constituent Records and from other interested parties that IS NOT subject to MFIPPA.

7.1 While it is noted that Constituent Records are not covered by MFIPPA, Members will treat Personal Information contained in Constituent Records in accordance with the principles of MFIPPA.

7.2 Members will not disclose Personal Information without the consent of the individual, or the City Clerk in the case of Personal Information contained in City Records.

7.3 Members will not permit any persons, other than those who are entitled thereto, to have access to Personal Information.

7.4 Members will not use Personal Information for personal or private gain, or for the gain of their Family or any other person or corporation.

7.5 Members will not access, or attempt to gain access to, Personal Information in the custody of the City unless it is necessary for the performance of their duties and not prohibited by Council policy or MFIPPA.

## **8. Communications with the Public & Media Relations**

8.1 Members, when communicating with the public and media, are expected to accurately communicate the decisions of Council, even where a Member disagreed with the decision of Council, so that there is respect for and integrity in the decision making process of Council.

8.2 In all media communications, including Social Media, Members will treat each other, Staff and members of the public with respect and shall avoid messaging that amounts to abuse, bullying or intimidation.

## **9. Relations with Staff**

9.1 Members are expected to:

- a) work through the Senior Executive and their designates and not attempt to direct the activities of Staff or departments;
- b) be respectful of Staff. Members will direct any criticisms of Staff to the Senior Executive and refrain from criticizing Staff in public and the media; and
- c) honour the requirement for Staff to remain neutral and not compel Staff to engage in partisan political activities or subject Staff to threats or intimidation for refusing to engage in such activities.

## **10. Gifts, Hospitality and Benefits**

10.1 Members are permitted to accept Gifts that meet the following criteria, subject to the reporting requirements outlined in 10.3:

- a) where authorized by law;
- b) would normally accompany the responsibilities of a political office and are received as an incident of protocol or social obligation;
- c) political contributions reported in accordance with applicable law;
- d) services provided without compensation by persons volunteering their time to a Member;
- e) suitable mementos from a function honouring the Member;
- f) food, lodging, transportation and entertainment provided by provincial, regional and local governments or political subdivisions of them, by the federal government or by a foreign government within a foreign country or by a conference, seminar or event organizer where the Member is either speaking or attending in an official capacity at an official event;
- g) tickets or admission to banquets, receptions, sporting events, cultural events,

performances or similar events, for charitable, not-for-profit or community purposes, if:

- i. Attendance is open and transparent and serves a legitimate charity fundraising or community purpose; and
- ii. The value and venue location are reasonable;
- h) business meals that serve a legitimate public duty purpose;
- i) communications to the offices of a Member, including subscriptions to newspapers and periodicals related to the duties of Office; and
- j) sponsorships and donations for community events or initiatives organized or run by a Member, or a third party on behalf of a Member, where Council has authorized or endorsed the event or initiative.

10.2 Members are not permitted to accept any Gifts that are not listed in this Code connected directly or indirectly with the performance of their duties.

10.3 Members will maintain a list of all Gifts received in a calendar year, where the value of a single Gift, or the cumulative value of Gifts from a single source, exceeds \$350. This list must be available upon request by the Integrity Commissioner for the purposes of determining if the Gift is appropriate. Gifts described in clause 10.1(g) are exempt from the reporting requirement.

10.4 The IC may call upon a Member to justify receipt of any Gift.

10.5 Members will not accept Gifts that would, to a reasonable member of the public, appear to be in gratitude or compensation for influence, to induce the Member to exercise their influence, or otherwise to go beyond necessary and appropriate public actions.

## **11. Use of City Property, Services & Other Resources**

11.1 Members will not use for personal purposes, any City property, equipment, services or supplies, (for example, agency, board, or City-owned materials or website and City transportation delivery services, and any Member's expense budget), of any material consequence, other than for the purposes connected with the discharge of City duties, which may include activities within the Member's office of which City Council has been advised.

11.2 Members will not obtain or attempt to obtain financial gain from the use of City developed intellectual property, including but not limited to computer programs, technological innovations or other patentable items, while they are a Member or thereafter. All such property remains the exclusive property of the City.

11.3 Members will not use information gained in the execution of their duties that is not available to the general public for any purposes other than their official duties.

## **12. Election Campaign work**

- 12.1 Members will comply with the provisions of the *Municipal Elections Act*. Members will not use the facilities, equipment, supplies, services or other resources of the City for any election- related activities.
- 12.2 Members will not undertake campaign-related activities on City property unless permitted by the City Clerk or their designate.
- 12.3 Members will not use the services of persons for election-related purposes during hours in which those persons receive compensation from the City.

## **13. Improper Use of Influence**

- 13.1 Members will not use their influence for any purpose other than the exercise of their official duties.
- 13.2 Examples of prohibited conduct are the use of a Member's status as a Member of Council to improperly influence the actions or decisions of Staff or others to the private advantage of the Member or their Family, Staff, friends or associates, business or otherwise. This would include an attempt to secure preferential treatment beyond activities in which Members normally engage on behalf of their constituents as part of their official duties. Also prohibited is the holding out of the prospect or promise of future advantage through a Member's supposed influence within Council in return for present actions or inaction.
- 13.3 For the purpose of this provision, "private advantage" does not include a matter:
- a) that is of general application;
  - b) that affects a Member, their Family, Staff, friends, or associates, business or otherwise as one of a broad class of persons; or
  - c) that concerns the determination of the remuneration or benefits for Members as a whole.

## **14. Business Relations**

- 14.1 Members will not, either personally or through a company they own or control, borrow money from any person that regularly does business with the City unless such person is regularly in the business of lending money. Members will not, either personally or through a company they own or control, borrow money from any entity that regularly does business with the City unless such entity is regularly
- 14.2 Members are expected not to act as a paid agent before Council or Committee or any agency, board, or committee of the City except in compliance with the terms of the *Municipal Conflict of Interest Act*.
- 14.3 Members will not refer a third party to a person, partnership, or corporation in exchange for payment or other personal benefit.

## **15. Transparency and Openness in Decision Making**

15.1 Members will conduct Council business and their duties in an open and transparent manner other than for those matters which, by virtue of the *Municipal Act* and other applicable legislation, are required or are authorized to be dealt with in a Confidential Meeting, so that stakeholders can view the process and rationale which has been used to reach decisions.

## **16. Conduct at Meetings**

16.1 Members are expected to conduct themselves at Council and in City related business meetings with decorum, and where applicable, in accordance with the City's Procedural By-law. Members are expected to show respect for deputants and fellow Members and Staff by being courteous and not distracting from the business of the Council during presentations and when other Members have the floor.

## **17. Conduct of Members**

17.1 Members are expected to conduct themselves with appropriate decorum at all times and ensure that their behaviour does not bring the reputation of the City into disrepute.

17.2 Members are expected to be respectful of other Members, Staff and the public and their views and will encourage others to do the same.

## **18. Harassment & Discrimination**

18.1 Harassment of another Member, Staff or any member of the public is prohibited under the *Ontario Human Rights Code*. Harassment, whether it occurs inside or outside the workplace, or whether it is related to the work environment or other activities of a Member, is inappropriate behaviour for the purpose of this *Council Code of Conduct*.

18.2 Members will not engage in workplace discrimination (as defined by the *Ontario Human Rights Code*), harassment (as defined by the *Ontario Human Rights Code* and the *Ontario Occupational Health and Safety Act*), or violence (as defined by the *Ontario Occupational Health and Safety Act*) when dealing with other Members, Staff, residents or other members of the public.

## 19. Compliance with Code of Conduct

19.1 Members are accountable to the public throughout the four-year Council term. Between elections they may become disqualified and lose their seat, for example, if they were to lose their eligibility under the *Municipal Act*, or for failing to declare a conflict of interest under the *Municipal Conflict of Interest Act*.

19.2 The *Municipal Act* authorizes Council to impose one or more of the penalties listed below, if so desired, on a Member following a report by the Integrity Commissioner that, in their opinion, the Member has contravened the *Council Code of Conduct*:

- a) A reprimand; or
- b) Suspension of the remuneration paid to the Member in respect of their services as a Member of Council for a period of up to 90 days.

19.3 The *Municipal Act* does not authorize Council to impose an offence or administrative penalty other than those provided for under section 19.2.

## 20. Requests for Advice from the IC

20.1 All requests by a Member for advice from the IC shall be made in writing.

20.2 Advice provided by the IC to a Member shall be in writing.

20.3 If the IC provides educational information to the public, the IC may summarize advice they have provided in their Annual Report to the City but shall not disclose Confidential Information that could identify a person concerned.

## 21. Investigations

21.1 If a Member, a member of the public or Staff believes a Member has contravened the *Council Code of Conduct* they may submit a written complaint in accordance with the established Investigation Protocol (See **Appendix “A”**).

21.2 If a Member, a member of the public or Staff believes a Member has contravened any of Section(s) 5, 5.1 or 5.2 of the *Municipal Conflict of Interest Act*, they may submit a written complaint in accordance with the established Investigation Protocol (See **Appendix “B”**).

“Appendix A”

*Council Code of  
Conduct*

Investigation Protocol



**“Appendix “A” - Council Code of Conduct - Investigation Protocol**

Under Section 223.4(1) of the *Municipal Act*, Council, a Member, or a member of the public may request the IC to conduct an inquiry about whether a Member has contravened the *Council Code of Conduct*.

**1. Request for Inquiry**

- I. A request for an inquiry shall be in writing.
- II. All requests for an inquiry shall be signed by an identifiable individual (which includes the signing officer of an organization).
- III. A request for an inquiry shall set out all reasonable and probable grounds for the allegation that the Member has contravened the *Council Code of Conduct* and shall include a supporting affidavit that sets out the evidence in support of the complaint.
- IV. Staff in the City Clerk’s office, who are commissioners for taking affidavits, are authorized to swear the supporting affidavit.
- V. In a municipal election year, starting on Nomination Day and ending on Voting Day, no requests for an inquiry shall be submitted to the IC and the IC shall not report to the City about whether or not a Member contravened the *Council Code of Conduct*.
- VI. If the IC has not completed an inquiry into a potential *Council Code of Conduct* violation before Nomination Day for a regular election, the IC shall terminate the inquiry on that day. If the IC terminates an investigation, the IC shall not start another investigation into the matter unless, within 6 weeks after Voting Day in a regular election, the person who made the request or the Member or former Member whose conduct is concerned makes a written request to the IC that the inquiry be commenced.

**2. Initial Review by the Integrity Commissioner**

- I. The request shall be filed with the City Clerk who shall forward the matter to the IC for initial review to determine if the matter is, on its face, a complaint with respect to non-compliance with the *Council Code of Conduct* and not covered by other legislation or other Council policies.
- II. If the request does not include the required affidavit, the City Clerk shall not forward the request to the IC until one is provided.
- III. If the complaint, including any supporting affidavit, is not on its face, a complaint with respect to non-compliance with the *Council Code of Conduct* or the complaint is covered by other legislation or a complaint procedure under another Council policy, the IC shall instruct the City Clerk to advise the complainant in writing as follows:
  - a. If the complaint is, on its face, an allegation of a contravention of the *Municipal Conflict of Interest Act*, the IC will investigate it as outlined in **Appendix “B”**.
  - b. If the complaint on its face is an allegation of a criminal nature consistent with the *Criminal Code of Canada*, the IC shall refer it to the appropriate authorities and advise the complainant that if the complainant wishes to pursue any such allegation, the complainant must pursue it with the appropriate police service.

- b. If the complaint on its face relates to non-compliance with the *Municipal Freedom of Information and Protection of Privacy Act*, the Complainant shall be advised that the matter will be referred to the City Clerk for review.
  - c. If the complaint on its face is with respect to non-compliance with a **different** Council policy, with a separate complaint procedure, the complainant shall be advised that the matter will be processed under that procedure.
  - d. In other cases, the complainant shall be advised that the matter, or part of the matter, is not within the jurisdiction of the IC to process, with any additional reasons and referrals as the IC considers appropriate.
- IV. The IC shall report annually to Council on complaints made that were determined not to be within the jurisdiction of the IC, but shall not disclose information that could identify a person concerned.

### 3. Integrity Commissioner Investigations

- I. If the IC is of the opinion that the referral of a matter to them is frivolous, vexatious or not made in good faith, or that there are no grounds or insufficient grounds for an investigation, the IC shall not conduct an investigation, or, where that becomes apparent in the course of an investigation, shall terminate the investigation.
- II. Other than in exceptional circumstances, the IC shall not report to Council on any complaint described in subsection (i) except as part of an annual or other periodic report.

### 4. Investigation & Settlement

- I. If a complaint has been classified as being within the IC's jurisdiction and not rejected under Section 2 **or 3**, the IC shall investigate and may attempt to settle the complaint.
- II. Section 223.4(2) of the *Municipal Act* authorizes the IC to exercise the powers of a commission under Parts I and II of the *Public Inquiries Act*.
- III. When the *Public Inquiries Act* applies to an investigation of a complaint, the IC shall comply with the procedures specified in that Act and this Complaint Protocol, but if there is a conflict between a provision of the Complaint Protocol and a provision of the *Public Inquiries Act*, the provision of the *Public Inquiries Act* prevails.
- IV. The IC will proceed as follows, except where otherwise required by the *Public Inquiries Act*:
  - a. Serve the complaint and supporting material upon the Member whose conduct is in question with a request that a written response to the allegation by way of affidavit be filed within ten days or such longer period as the IC may authorize in writing; and
  - b. Serve a copy of the response provided by the Member upon the complainant with a request for a written reply within ten days or such longer period as the IC may authorize in writing.

- V. Section 33 of the *Public Inquiries Act* allows the IC to require anyone relevant to the complaint to give evidence and to access and examine any information relevant to the complaint and to enter any City work location relevant to the complaint for the purpose of investigation and settlement. The IC is to be provided free access to all books, accounts, financial records, electronic data processing records, reports, files and all other papers, things or property belonging to or used by the municipality.
- VI. The IC shall not issue a report finding a violation of the *Council Code of Conduct* on the part of any Member unless the Member has had reasonable notice of the basis for the proposed finding and any recommended sanction and an opportunity either in person or in writing to comment on the proposed finding and any recommended sanction.
- VII. The IC may make interim reports to Council where necessary and as required to address any instances of interference, obstruction or retaliation encountered during the investigation.

## 5. Final Report

- I. The IC shall report to the complainant and the Member, generally no later than 90 days after the making of the complaint.
- II. Where the complaint is sustained in whole or in part, the IC shall also report to Council outlining their findings and/or recommended penalty and the terms of any settlement.
- III. Where the complaint is dismissed, other than in exceptional circumstances, the IC shall not report to Council except as part of an annual or other periodic report.
- IV. Any recommended corrective action or penalty must be permitted by the *Municipal Act* and shall be designed to ensure that the inappropriate behaviour or activity does not continue and is not repeated.

## 6. Member Not Blameworthy

- I. If the IC determines that there has been no contravention of the *Code of Conduct* or that a contravention occurred although the Member took all reasonable measures to prevent it, or that a contravention occurred that was trivial or committed through inadvertence or an error of judgement made in good faith, the IC shall so state in the report and shall recommend that no penalty be imposed.

## 7. Copies

- I. The City Clerk shall give a copy of the report to the complainant and the Member that was involved.

## 8. Report to Council

- I. The City Clerk shall process the report for the next meeting of General Committee, followed by Council. The report shall remain confidential until the matter has received complete and final disposition by the IC and has been reported out to Council.

## 9. Council Review

- I. Council shall consider and respond to the report within 90 days after the day the report is laid before it.
- II. Section 223.4(5) of the *Municipal Act* allows the municipality to impose either of the following penalties on a Member if the Commissioner reports to the municipality that, in their opinion, the Member has contravened the *Council Code of Conduct*:
  - a. A reprimand.
  - b. Suspension of the remuneration paid to the Member in respect of their service as a Member, for a period of up to 90 days.

## 10. Confidentiality

- I. Section 223.5(1) of the *Municipal Act* provides that the IC shall preserve secrecy with respect to all matters that come to their knowledge in the course of their duties.
- II. If the IC provides a periodic report to the municipality on their activities, the IC may summarize advice they have given but shall not disclose confidential information that could identify a person concerned.
- III. If the IC reports to the City their opinion about whether a Member has contravened the *Council Code of Conduct*, the IC may disclose in the report such matters as in the IC's opinion are necessary for the purpose of the report (including the name of the Member whose conduct was investigated).

# “Appendix B”

## Conflict of Interest

## Investigation Protocol

## **“Appendix “B” - Conflict of Interest Investigation Protocol**

Under Section 223.4,1(2) of the *Municipal Act*, a Member, an elector as defined in the *Municipal Conflict of Interest Act*, or a member of the public demonstrably acting in the public interest, may request the IC to conduct an inquiry about whether a Member has contravened Section 5, 5.1 or 5.2 of the *Municipal Conflict of Interest Act*.

### **1. Request for Inquiry**

- I. A request for an inquiry into a potential contravention of Section 5, 5.1 or 5.2 of the *Municipal Conflict of Interest Act* shall be in writing and may only be made within six weeks of the complainant becoming aware of the alleged contravention.

**NOTE:** If both of the following are satisfied, the six week limitation period does not apply: 1) The complainant became aware of the alleged contravention within the period starting six weeks before Nomination Day for a regular election and ending on Voting Day; and, 2) The complainant makes the request for an inquiry within six weeks after Voting Day in a regular election.

- II. All requests shall be signed by an identifiable individual (including the signing officer of an organization).
- III. A request shall set out all reasonable and probable grounds for the allegation that the Member has contravened Section 5, 5.1 or 5.2 of the *Municipal Conflict of Interest Act* and shall include a supporting affidavit that sets out the evidence in support of the complaint.
- IV. Staff in the City Clerk’s office, who are commissioners for taking affidavits, are authorized to swear the supporting affidavit.
- V. In a municipal election year, starting on Nomination Day and ending on Voting Day, no requests for an inquiry shall be submitted and the IC shall not report to the City about whether or not a Member of Council contravened the *Municipal Conflict of Interest Act*.

### **2. Initial Review by Integrity Commissioner**

- I. The request shall be filed with the City Clerk who shall forward the matter to the IC for initial review to determine if the matter is, on its face, a complaint with respect to non-compliance with Section 5, 5.1 or 5.2 of the *Municipal Conflict of Interest Act*.
- II. If the request does not include the required affidavit, the City Clerk shall not forward the request to the IC until one is provided.

III. If the complaint, including any supporting affidavit, is not on its face, a complaint with respect to non-compliance with Section 5, 5.1 or 5.2 of the *Municipal Conflict of Interest Act* or the complaint is covered by other legislation or a complaint procedure under another Council policy, the IC shall instruct the City Clerk to advise the Complainant in writing as follows:

- a. If the complaint is, on its face, an allegation of a contravention of the *Council Code of Conduct*, the IC will investigate it as outlined in **Appendix "A"**.
- b. If the complaint on its face is an allegation of a criminal nature consistent with the *Criminal Code of Canada*, the Integrity Commissioner shall refer it to the appropriate authorities and advise the complainant that if the complainant wishes to pursue any such allegation, the complainant must pursue it with the appropriate police service;
- b. If the complaint on its face relates to non-compliance with the *Municipal Freedom of Information and Protection of Privacy Act*, the complainant shall be advised that the matter will be referred to the City Clerk for review.
- d. If the complaint on its face is with respect to non-compliance with a different Council policy, with a separate complaint procedure, the complainant shall be advised that the matter will be processed under that procedure; and
- e. In other cases, the complainant shall be advised that the matter, or part of the matter, is not within the jurisdiction of the IC to process, with any additional reasons and referrals as the IC considers appropriate.

IV. The IC shall report annually to Council on complaints made that were determined not to be within the jurisdiction of the IC, but shall not disclose information that could identify a person concerned.

### 3. Integrity Commissioner Investigations

- I. If the IC is of the opinion that the referral of a matter to them is frivolous, vexatious or not made in good faith, or that there are no grounds or insufficient grounds for an investigation, the IC shall not conduct an investigation, or, where that becomes apparent in the course of an investigation, shall terminate the investigation.
- II. Other than in exceptional circumstances, the IC shall not report to Council on any complaint described in subsection (i) except as part of an annual or other periodic report.

#### 4. Investigation & Settlement

- I. If a complaint has been classified as being within the IC's jurisdiction and not rejected under Section 2 or 3, the IC shall investigate and may attempt to settle the complaint.
- II. The IC shall complete their investigation within 180 days after the date of submission of the complaint.
- III. Section 223.4(2) of the *Municipal Act* authorizes the IC to elect to exercise the powers of a commission under Parts I and II of the *Public Inquiries Act*.
- IV. When the *Public Inquiries Act* applies to an investigation of a complaint, the IC shall comply with the procedures specified in that Act and this *Complaint Protocol*, but if there is a conflict between a provision of the Complaint Protocol and a provision of the *Public Inquiries Act*, the provision of the *Public Inquiries Act* prevails.
- V. The IC will proceed as follows, except where otherwise required by the *Public Inquiries Act*:
  - a. Serve the complaint and supporting material upon the Member whose conduct is in question with a request that a written response to the allegation by way of affidavit be filed within ten days or such longer period as the IC may authorize in writing; and,
  - b. Serve a copy of the response provided by the Member upon the complainant with a request for a written reply within ten days or such longer period as the IC may authorize in writing.
- VI. Section 33 of the *Public Inquiries Act* allows the IC to require anyone relevant to the complaint to give evidence and to access and examine any information relevant to the complaint and to enter any City work location relevant to the complaint for the purpose of investigation and settlement. The IC is to be provided free access to all books, accounts, financial records, electronic data processing records, reports, files and all other papers, things or property belonging to or used by the municipality. The IC may conduct a public meeting to discuss the inquiry.
- VII. Upon completion of the inquiry, the IC may, if they deem it appropriate, apply to a judge under Section 8 of the *Municipal Conflict of Interest Act*, for a determination as to whether the Member has contravened Section 5, 5.1, or 5.2 of the Act.
- VIII. After making their decision as to whether or not to apply to a judge as set out above, the IC will provide the City Clerk, the complainant and the Member with written reasons for the decision. Upon request, the City Clerk will also provide a copy of the written reasons to a member of the public.



- IX. The City shall pay any costs incurred by the IC in making its application to a judge as set out above.
- X. The IC may make interim reports to Council where necessary and as required to address any instances of interference, obstruction or retaliation encountered during their investigation.

## 5. Final Report

- I. The IC's written submission to the City Clerk outlining their decision to not apply to a judge under Section 8 of the *Municipal Conflict of Interest Act*, for a determination as to whether the Member has contravened Section 5, 5.1, or 5.2 of the Act shall constitute the final report on the matter.
- II. Where the IC has applied to a judge under Section 8 of the *Municipal Conflict of Interest Act*, for a determination as to whether the Member has contravened Section 5, 5.1, or 5.2 of the Act, the resulting court decision shall constitute the final report on the matter. The City Clerk shall post this court decision on the City's website.

## 6. Confidentiality

- I. Section 223.5(1) of the *Municipal Act* provides that the IC shall preserve secrecy with respect to all matters that come to their knowledge in the course of their duties.
- II. If the IC provides a periodic report to the municipality on their activities, the IC may summarize advice they have given but shall not disclose confidential information that could identify a person concerned.
- III. The IC may disclose any information that is, in their opinion necessary for:
  - a) the purposes of a public meeting into an inquiry as to whether a Member has contravened Section 5, 5.1 or 5.2 of the *Municipal Conflict of Interest Act*;
  - b) in an application to a judge for a determination as to whether a Member has contravened Section 5, 5.1 or 5.2 of the *Municipal Conflict of Interest Act*; and,
  - c) in the written reasons provided by the IC as to why they did/did not apply to a judge as to whether a Member has contravened Section 5, 5.1 or 5.2 of the *Municipal Conflict of Interest Act*.



Report to: Development Services Committee

Report Date: February 25, 2019

**SUBJECT:** City of Markham Comments on Proposed Amendment 1 to the Growth Plan for the Greater Golden Horseshoe, 2017

**PREPARED BY:** Policy and Research Group, Development Services Commission  
Contact: Marg Wouters, MCIP, RPP, Senior Manager (ext. 2909)

**RECOMMENDATION:**

- 1) That the report entitled, "City of Markham Comments on Proposed Amendment 1 to the Growth Plan for the Greater Golden Horseshoe, 2017", dated February 25, 2019, be received;
- 2) That this report, including specific recommendations for changes to Proposed Amendment 1, as summarized in Appendix 'A', be forwarded to the Assistant Deputy Minister of Municipal Affairs and Housing, and York Region, as the City of Markham's comments on Proposed Amendment 1 to the Growth Plan for the Greater Golden Horseshoe, the associated proposed framework for provincially significant employment zones, and the associated proposed Ontario regulation changes;
- 3) That the Province not allow urban expansions outside of a municipal comprehensive review, except where such expansions are initiated by a local municipality, are minor and are contiguous to an existing urban area with full servicing;
- 4) That the Province be advised that the City of Markham does not support the conversion of employment lands outside of the municipal comprehensive review process;
- 5) That the Province consult with the City of Markham and York Region staff on the proposed provincially significant employment zones to further refine the mapping having regard to local planning considerations;
- 6) That the Province provide a predictable program of transit funding to ensure delivery of higher order transit that is critical to support intensification in Markham;
- 7) And further that staff be authorized and directed to do all things necessary to give effect to this resolution.

**EXECUTIVE SUMMARY:**

The Province is proposing a number of changes to the Growth Plan for the Greater Golden Horseshoe, 2017 through a Proposed Amendment 1. The stated intent of the amendment is to increase housing supply; ensure a faster process for development in transit areas; attract investment and create and maintain jobs; and make growth planning easier for rural communities. The Growth Plan 2017 was the result of a 10-year review

of Provincial Plans undertaken in 2015-2017. Many of the changes in Proposed Amendment 1 relate to policy changes made as part of the 10-year review.

In general, staff support the continued focus in the Growth Plan on intensification and development of compact, complete communities supported by transit as the primary means of accommodating future growth in the inner Greater Golden Horseshoe municipalities, including York Region. The proposed simplification of the intensification and density targets is supported, however, staff recommend a 50% minimum intensification rate for York Region, rather than the 60% target proposed, and reinforce the need for a predictable program of long term transit funding to support intensification. Staff also recommend that the designated greenfield area density target (60 residents and jobs per hectare for York Region) be uniformly applied across all municipalities subject to the Growth Plan.

Other proposed major policy changes would allow for urban boundary expansions and employment land conversions outside of a municipal comprehensive review (MCR) process. Urban expansion outside an MCR process should not be allowed, except where such expansions are initiated by a local municipality, are minor and are contiguous to an existing urban area with full servicing. Staff also recommend that proposed policies allowing for employment land conversion outside of an MCR be removed, and further that prior to commenting on the proposed provincially significant employment zone mapping, staff have an opportunity to meet with the Province to understand the criteria for the selection of the zones and further refine the mapping having regard to local planning considerations.

Staff recommend that this report be forwarded to the Province as Markham's comments on Proposed Amendment 1 by February 28, 2019. Staff will report back to Development Services Committee on the final Amendment 1 once a Provincial decision has been made.

**PURPOSE:**

This report provides the City of Markham's comments on the Province's Proposed Amendment 1 to the Growth Plan for the Greater Golden Horseshoe, 2017.

**BACKGROUND:**

On January 15, 2019, the Minister of Municipal Affairs and Housing released Proposed Amendment 1 to the Growth Plan for the Greater Golden Horseshoe 2017 (the Growth Plan), which proposes a number of key policy changes. The Province has provided a 44-day commenting period which closes on February 28, 2019.

The Provincial Growth Plan, first enacted in 2006 and updated in May, 2017 after a comprehensive 10-year review, outlines the Province's growth management framework for the Greater Golden Horseshoe region (GGH) in southern Ontario. The Growth Plan, along with the Provincial Greenbelt Plan 2017 and Oak Ridges Moraine Conservation Plan 2017, provide strong provincial direction on sustainable growth management in York Region and in Markham. The York Region Official Plan (YROP) must be in

conformity with these Provincial Plans, and Markham's Official Plan, in turn, must conform with the YROP.

With the release of Proposed Amendment 1, the Province also released the following related documents:

- a Proposed Framework for Provincially Significant Employment Zones; and
- proposed modifications to Ontario Regulation 311/06 and Ontario Regulation 525/97 under the Planning Act, to implement the changes in Proposed Amendment 1 to the Growth Plan.

Since November 2018, the Province has released two other notable planning-related documents for public comment, as follows:

- The November, 2018 Housing Supply Action Plan consultation document on increasing housing supply in Ontario, which staff reported on at the January 21, 2019 and February 4, 2019 General Committee meetings, and the February 12, 2019 Council meeting; and
- Bill 66, *Restoring Ontario's Competitiveness Act*, released on December 6, 2018, and reported on at the January 28, 2019 Development Services Committee, which among other things proposed changes to the Planning Act to allow for the use of a special open-for-business zoning by-law for employment uses (this provision was subsequently withdrawn by the Province).

The Province is also considering changes to the Provincial Policy Statement (PPS), the Planning Act, and the Local Planning Appeals Tribunal (LPAT), which are expected to be released for comment in the coming months.

The comments in this report pertain only to the Proposed Amendment 1 to the Growth Plan, the associated proposed framework for provincially significant employment zones and proposed Ontario regulation changes.

## **DISCUSSION:**

The main proposed changes to the Growth Plan are grouped into the following six areas:

- Intensification and density targets
- Major transit station areas
- Settlement area boundary expansions
- Employment planning
- Agricultural and Natural Heritage Systems
- Rural settlements

According to the Province, the changes to the policies in these areas are intended to increase housing supply; ensure a faster process for development in transit areas; attract investment and create and maintain jobs; and make growth planning easier for rural communities.

Many of the changes refer to requirements of the municipal comprehensive review (MCR). The MCR is defined in the Growth Plan as a new official plan or an official plan amendment initiated by an upper-tier or single-tier municipality under section 26 of the Planning Act that comprehensively applies the policies and schedules of the Growth Plan.

One of main components of the MCR is a land needs assessment, which considers how the Growth Plan population and employment forecasts assigned to upper-tier municipalities, should be allocated to local municipalities, considering the intensification and density targets, infrastructure requirements and other policy considerations in the Growth Plan. York Region is currently undertaking an MCR for the 2041 planning horizon under the 2017 Growth Plan.

The nature of the proposed changes in Proposed Amendment 1, staff comments on the implications for Markham, and recommendations for changes are provided below for each group.

### 1. Intensification and Density Targets

*Proposed Amendment 1 changes and associated change to Ontario Regulation 311/06: (Growth Plan policy provided in parentheses)*

- Changing the intensification target and designated greenfield area (DGA) density targets as follows: (2.2.2.1, 2.2.7.2)

Upper/Single Tier Municipality	Intensification Target	DGA Density Target
(A) City of Hamilton; York, Peel and Waterloo Regions	60 percent annually	60 residents and jobs combined per hectare
(B) Durham, Halton, and Niagara Regions; Barrie, Brantford, Guelph, Orillia, Peterborough (City)	50 percent annually	50 residents and jobs combined per hectare
(C) Kawartha Lakes, Brant, Dufferin, Haldimand, Northumberland, Peterborough (County), Simcoe, Wellington	Maintain or improve on existing targets in official plans	40 residents and jobs combined per hectare

- Simplifying phase-in for the intensification target (new targets would take effect at the next MCR with no further increase to 2031) (2.2.2.1)
- Encouraging intensification generally throughout the delineated built-up area (2.2.2.3)
- Changing measurement of the DGA density target in the inner ring so that it would be measured across the entire DGA (i.e., across both existing and any new urban area expansion lands), while retaining the same net-outs (2.2.7.2)
- Simplifying criteria for requesting alternative intensification and DGA density targets (2.2.2.4, 2.2.2.5, 2.2.7.4, 2.2.7.5)
- The 2041 planning horizon, population and employment forecasts for 2031 and 2041, and the built boundary all remain unchanged.

*Staff Comments and Recommendations:*

The intensification target in the Growth Plan represents the amount of development which must occur annually within the delineated built-up area or built boundary of municipalities. The target applies Region-wide. The built boundary, which was established by the Province when the Growth Plan was first released in 2006, represents all lands with the urban area that were developed at the time.

The DGA represents the remaining lands within an urban area that are outside the built boundary. The built boundary, and the intensification and DGA lands in Markham are identified in Figure 1.

In Proposed Amendment 1, the intensification target applicable to York Region would be 60% of all residential development occurring annually, effective as of the next MCR. Currently the 2017 Growth Plan provides for: a phased-in intensification target of 40% (i.e., the current YROP target) for each year to the next MCR; 50% for each year between the next MCR and 2031; and 60% for each year from 2031 to 2041.

Staff support the continued focus on intensification and the development of compact, complete communities supported by transit as the primary means of accommodating future growth in York Region. Staff also support the deletion of the phased-in intensification target as it simplifies implementation of the target.

However, staff have previously expressed concern about the implications of achieving a 60% Region-wide intensification target for Markham. The current YROP 40% Region-wide intensification target to 2031 translated into a target of approximately 52% for Markham. Markham Council chose a minimum 60% intensification target, which is reflected in the Markham Official Plan 2014.

The main concern, as stated in the City's October 2016 submission to the Province as part of the 10-year review of the Growth Plan, is that although a 60% intensification target is currently achievable (Markham has been successful in achieving at or near the 60% residential intensification target in recent years), a 60% target Region-wide target would likely require a 70% or higher intensification target for Markham.

Markham staff have consistently questioned the ability of the market to absorb the number of apartment buildings required to achieve an intensification target higher than the equivalent 60% intensification target (in terms of number of units per year) adopted by Markham Council for 2031 growth.

In the October 2016 comments, staff suggested that a Region-wide intensification target reflecting an effective intensification rate of around 60% in Markham for growth to 2041 would likely be achievable (i.e., closer to 50% Region-wide than 60%). Without the benefit of the Region's updated land needs assessment for the 2041 forecasts based on revised Growth Plan intensification and DGA density assumptions, it is difficult to assess the implications of a 60% Region-wide intensification target on Markham. Staff suggest

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that, as the intensification target is a minimum, a more conservative target of 50% Region-wide should be reflected in the Growth Plan. This would not prevent the Region from striving to exceed the minimum target, and it may be more a realistic target in terms of allocating the Region-wide 2041 population forecast.

Staff also expressed concern that in order to support the higher intensification target, higher order transit needs to be in place. Provincial staff have confirmed that the three geographical groupings used to provide for the varying intensification and DGA targets were based on the availability of higher order transit, and therefore the ability to deliver intensification and higher DGA densities. Transit delivery has been lagging behind growth in Markham and York Region, putting the City in the difficult position of planning for higher transit-supportive densities without the required transit in place. Consistent with comments first submitted in 2015 during the 10-year review, staff recommend that the Growth Plan include policies that provide municipalities with the ability to phase growth in line with delivery of infrastructure, and that a predictable program of transit funding be provided to support intensification in Markham.

With respect to the proposed changes in the DGA density targets, staff support the proposed 60 residents and jobs per hectare target for York Region. Staff also support the proposed removal of the DGA density target of 80 residents and jobs per person for lands designated after July 2017, which staff did not consider to be achievable at the outer limit of the City.

However, staff are not supportive of lowering of DGA density targets for neighbouring regions, particularly Durham Region and Halton Region. A major underlying principle in the 2006 Growth Plan was that it established a level playing field for development throughout the GGH or at least throughout the inner ring (GTAH). The potential impact of a lower DGA density target in Durham Region and Halton Region on growth in York Region needs to be understood before a lower density target is permitted in these areas in the Growth Plan.

Finally, Proposed Amendment 1 proposes to reinstate a policy that encourages intensification generally within the delineated built-up area. This policy was originally in the 2006 Growth Plan and proved problematic as it was used by development proponents to justify intensification in established areas of the City that were not identified in the City's intensification strategy. In response to comments by Markham and other municipalities, this policy was revised in the 2017 Growth Plan. Staff again recommend that the policy be revised to clarify that intensification within the built-up area should be in accordance with municipal intensification strategies, rather than "generally throughout the delineated built-up area".

**Recommendation 1:** That the proposed Regional residential intensification target of 60% for York Region be revised to 50%.

**Recommendation 2:** That policies be included that provide municipalities with the ability to phase growth in line with delivery of infrastructure, and that a predictable

program of transit funding be provided to ensure delivery of the higher order transit that is critical to support intensification in Markham (i.e., Yonge subway extension, remainder of Highway 7 BRT, Major Mackenzie Drive Rapid Transit Corridor, Highway 407 Transitway).

**Recommendation 3:** That DGA density targets should be consistent throughout the GGH, particularly for municipalities within Groups A and B.

**Recommendation 4:** That proposed policy 2.2.2.3 c) encouraging intensification generally throughout the delineated built-up area should be revised as follows: “to encourage intensification generally throughout the delineated built-up area in accordance with local municipal intensification strategies”.

## 2. Major Transit Station Areas (MTSAs)

### Proposed Amendment 1 changes:

- Simplifying the process and criteria for alternative targets. For certain MTSAs, targets lower than those established in the Plan could be approved through Minister’s approval of an official plan amendment (2.2.4.4)
- Allowing municipalities to delineate and set density targets for MTSAs in advance of the MCR, provided the protected MTSA tool under the Planning Act is still used (still subject to provincial approval) (2.2.4.5)
- Clarifying that MTSAs are within an approximate 500 to 800 metre radius of a transit station representing a 10-minute walk (previously defined as approximately 500m) (definitions)

### Staff comments and recommendations:

The Growth Plan requires major transit station areas (MTSAs) on the Priority Transit Corridors identified on Schedule 5 of the Growth Plan to be delineated in municipal official plans and supported by updated zoning which would implement prescribed minimum density targets and prohibit land use or built form that would adversely affect the achievement of the minimum density targets. The minimum densities specified are 200 residents and jobs for subway stations, 160 residents and jobs for bus rapid transit, and 150 residents and jobs for Express Rail GO stations.

Staff are supportive of the increased flexibility in the geographical delineation of MTSAs (from a 500m radius to an 800m radius), the simplified process for requesting alternative targets, and the ability to delineate and set density targets in official plans in advance of an MCR. The duration of an MCR, and the intervening period between MCRs, can be several years during which time detailed planning for various higher order transit corridors may be progressing. Allowing revisions to the delineation and setting of density targets for MTSAs in advance of a municipal comprehensive review could help to provide justification for higher order transit stations, and ensure development outcomes are achieved (as MTSA policies are not appealable).



With respect to alternative density targets, although the provision for averaging the minimum densities across four or more MTSAs along the same Priority Transit Corridor or subway line has been removed, staff are satisfied that the provisions for alternative density targets will accommodate certain stations in Markham that have limited development potential.

Although no changes to the Priority Transit Corridors identified in Schedule 5 are proposed, consistent with the October 2016 comments, staff continue to recommend that a number of Markham's transit projects critical to Markham's intensification initiatives (such as the Yonge Subway extension to the Richmond Hill/Langstaff Urban Growth Centre), be added to Schedule 5.

**Recommendation 5:** That the following proposed higher order transit corridors in Markham be identified as Priority Transit Corridors on Schedule 5 Moving People – Transit:

- a. Yonge Subway extension to the Richmond Hill Centre/Langstaff Gateway Urban Growth Centre;
- b. Highway 7 Rapid Transit Corridor east of Markham Centre;
- c. Major Mackenzie Drive Rapid Transit Corridor; and
- d. The full extent of the Highway 407 Transitway.

### **3. Settlement Area Boundary Expansions**

#### Proposed Amendment 1 changes:

- Introducing new policy that allows municipalities to adjust settlement area boundaries outside of the MCR if there is no net increase in land within settlement areas, subject to criteria (2.2.8.4)
- Introducing new policy that allows municipalities to undertake settlement area boundary expansions that are no larger than 40 hectares outside the MCR process, subject to specific criteria (2.2.8.5, 2.2.8.6); and
- Clarifying policy to focus on outcomes rather than specifying types of studies to justify the feasibility and location of settlement area boundary expansions (2.2.8.3).

#### Staff comments and recommendations:

The current Growth Plan only permits settlement area boundary expansions (i.e., urban area expansions) through an MCR. The MCR process ensures that decisions about the need for urban expansion are undertaken in a comprehensive, integrated manner, taking into consideration natural heritage and agricultural systems, water resource systems, and the availability of infrastructure and public service facilities.

It is encouraging that the Province has recognized that local autonomy in growth planning needs to be balanced with Provincial policy, which is important given that the interval between MCRs may be five or more years. Any urban expansion outside of an MCR should be minor, be initiated by a local municipality, and be contiguous to an existing urban area with full servicing.

Staff are also supportive of the proposed replacement of prescribed studies in favour of focus on outcomes in identifying the analysis needed to support urban expansions, as long as the comprehensive analysis is still undertaken.

**Recommendation 6:** That the Province not allow urban expansions outside of a municipal comprehensive review, except where such expansions are initiated by a local municipality, are minor and are contiguous to an existing urban area with full servicing.

#### **4. Employment Planning**

##### Proposed Amendment 1 changes:

- Providing a one-time window to allow municipalities to undertake some conversions in advance of the next MCR, where appropriate, and where subject to criteria (including requirements to maintain a significant number of jobs) (2.2.5.10)
- Introducing provincially significant employment zones (29) identified by the Minister that must be protected and cannot be converted outside the MCR (2.2.5.12, 5.2.2.1)
- Removing requirement for an employment strategy and changing density targets for employment areas (to multiple targets from a single target) (2.2.5.13)
- New policy ensuring space be retained for a similar number of jobs when redeveloping employment lands (2.2.5.14)
- Clarifying that non-employment uses within office parks should be limited and changing definition of office parks (2.2.5.16, definitions)
- Clarifying direction on locating and preserving employment areas adjacent to major goods movement facilities and corridors (2.2.2.5)
- Clarifying that upper-tier and single-tier municipalities can designate employment areas at any time before the next MCR, including adding existing lower-tier municipal designations (2.2.5.6.)
- Removing the 'prime employment area' designation while clarifying the direction regarding the interface between employment area and non-employment (2.2.5.7)
- Clarifying direction on buffering around industrial/manufacturing uses to protect these uses against encroachment (2.2.5.8)

##### Staff comments and recommendations:

Staff's interpretation of the proposed changes to the employment land protection framework is that it represents a loosening of controls on employment land conversions, which is not supported.

Under the current 2017 Growth Plan, conversion of employment lands to non-employment uses can only be considered during an MCR. Through Proposed Amendment 1, the Province is proposing a one-time window of allowing municipalities to consider conversions outside of an MCR, for employment areas not within provincially significant employment zones (described in further detail below). Moreover, two conversion 'tests' related to maintaining a sufficient supply of employment lands (arguably the most important criteria) do not apply during this one-time window, and applications are only required to maintain a 'significant number of jobs' on the lands.

Staff have consistently held the view that employment land conversions must be evaluated in a comprehensive manner as part of an MCR as was the case during the consideration of employment conversion requests prior to Markham Council adoption of the 2014 Official Plan, and therefore do not support policy 2.2.5.10 which would allow for conversions outside of an MCR. Although the Provincial guidance documents suggest the consideration of conversions outside of an MCR is a 'one-time window' before the next MCR, the policy as proposed would appear to allow for conversions between subsequent MCRs as well.

In addition, staff do not support the criteria regarding the maintenance of a significant number of jobs on the lands, as it is very difficult, if not impossible, to guarantee that any jobs are delivered when employment lands are converted to another use, and the magnitude of 'significant number of jobs' is not defined. The 'significant number of jobs' criteria is also problematic as it does not differentiate between the difference in quality of jobs related to employment areas (manufacturing, processing, etc) versus the jobs associated with other employment uses (e.g., retail and service).

The Province is proposing to remove the 'prime employment area' designation, but include mapping for 'provincially significant employment zones' (PSEZ) in the Growth Plan. Employment areas within the PSEZ could only be considered for conversions during an MCR, and any decisions/official plan amendments arising from the Region's MCR conformity exercise are subject to approval by the Province.

The 2017 Growth Plan already provides for this level of control through the Regional Official Plan, which is required to contain employment area mapping and appropriate policies for protection against conversions. The Province is the approval authority for Regional Official Plans. It is unclear what additional protection is provided through similar mapping in the Growth Plan. Staff support the inclusion of employment areas in the Growth Plan only if a higher level of protection of the lands will be afforded, over and above the level of protection already provided in the Regional Official Plan.

The 'prime employment area' designation, introduced in the 2017 Growth Plan, provided additional protection for certain land intensive employment uses that relied on major goods movement facilities and corridors, in the form of prohibition of institutional and sensitive land uses, as well as residential uses. With the proposed deletion of the 'prime employment area' designation this additional level of protection (prohibiting institutional and sensitive land uses) is being removed – the policies for PSEZ only limit sensitive land uses, and are silent on institutional uses. Staff recommend that the level of protection of the 'prime employment area' designation be added to the new PSEZ, if they remain in the Growth Plan.

Of the 29 proposed 'provincially significant employment zones' identified in the Growth Plan, only one zone (zone 7) is identified in Markham. Zone 7 extends mainly along the Highway 404/Highway 407/Woodbine Ave corridor (see Appendices 'B' and 'C'). Although the Province is seeking comments on this proposed mapping before the February 28<sup>th</sup> commenting deadline, prior to making any recommendations about the

mapping, staff require further discussion with the Province to understand how these employment areas were selected (i.e., why other employment lands in Markham were not included in the mapping), the intent and use of the PSEZ, and to consider refinement to the mapping to reflect local planning considerations.

Staff also request clarification on the proposed process for the Province to review an update the PSEZ in response to a municipal request, as provided for in proposed policy 5.2.2.3.

The Province is also seeking input on whether PSEZ could be part of an MTSA. Staff support the identification of PSEZ within MTSA's, as high density employment areas (developed with offices) are appropriate near transit stations on higher order transit corridors such as Highway 7.

With respect to the other proposed changes, staff strongly support the proposed wording change to policy 2.2.5.7 d) to replace reference to 'integrating employment areas and non-employment areas' with 'providing an appropriate interface between employment areas and non-employment areas'. Staff had requested a similar change in our October 2016 comments on the 2017 Growth Plan.

Staff also support the new policy 2.2.5.8 regarding protection of industrial, manufacturing and such uses against negative impacts caused by sensitive land uses and major retail uses, but would remove 'major office uses' from this list, and would suggest clarification of what specifically is meant by 'encroachment'.

Proposed Amendment 1 introduces a new policy for existing office parks that ensures non-employment uses, if appropriate, would be limited and not negatively impact the primary function of the area. A revision to the definition of office park is also proposed which removes reference to office parks being defined as employment areas. The additional policy limitation on non-employment uses would be more useful if the original definition of office park as being an employment area were maintained. It is unclear why ancillary uses should be limited in office parks that are not protected employment areas, as it would be in those very areas that a mix of uses should be supported.

Similarly, staff question the rationale behind the proposed new policy 2.2.5.14 which states that "outside of employment areas, the redevelopment of any employment lands should retain space for a similar number of jobs to remain accommodated on the site." In Markham's Official Plan, 'employment lands' are defined as the equivalent of 'employment areas' and are subject to protection policies. Employment uses outside of employment areas/lands would consist mainly of retail plazas, and small individual commercial uses. It is not clear if these employment uses (rather than employment lands) are being referred to in the new policy 2.2.5.14. It is also not clear how the requirement of providing space for a number of jobs would be calculated or implemented.

With respect to the proposed changes to policies related to employment density targets, staff support identification of specific density targets for specific employment areas

(rather than one overall average density target) but staff continue to question (as in the October 2016 comments) how that density target is to be applied. Staff are particularly concerned with the proposed policy 2.2.5.13 d) which states that the minimum employment targets will be implemented in zoning by-laws. This requirement was included in the 2017 Growth Plan, but staff maintain that a municipality should not be put in a position of having to deny an application, or require a zoning amendment, for a legitimate employment use in an employment area because it does not meet a minimum density. Although staff support minimum density requirements for residential development, it is much more problematic to require minimum densities for employment area uses.

**Recommendation 7:** That proposed policy 2.2.5.10 regarding the one-window opportunity to consider conversion outside the MCR be removed.

**Recommendation 8:** That rather than including the proposed provincially significant employment zones in the Growth Plan, the current level of protections in the 2017 Growth Plan with respect to upper-tier official plans should be maintained, including the prohibition of institutional and sensitive land uses in employment areas that would have qualified as ‘prime employment areas’.

**Recommendation 9:** That in the event provincially significant employment zones remain in the Growth Plan it is requested that, prior to providing recommendations on mapping changes, Markham staff be provided the opportunity for further discussion with Provincial staff regarding the criteria for selection of the mapped employment areas, the intent and use of the PSEZ, and refinement to the mapping to reflect local planning considerations.

**Recommendation 10:** That staff support the inclusion of provincially significant employment zones in MTSAs.

**Recommendation 11:** That proposed policy 2.2.5.8 be amended to remove reference to ‘major office uses’ and to clarify what is meant by ‘encroachment’.

**Recommendation 12:** That proposed policy 2.2.5.13 d) be amended by removing the reference to “...and zoning by-laws”.

**Recommendation 13:** That the intent behind proposed policy 2.2.5.14 regarding the redevelopment of employment lands outside of employment areas, and the Province’s definition of employment lands, be clarified.

## **5. Agricultural and Natural Heritage Systems**

### **Proposed Amendment 1 changes and associated changes to Ontario Regulation 525/97:**

- Provincial mapping of the agricultural land base and the Natural Heritage System for the Growth Plan will not apply until it has been implemented in upper-tier and single-tier official plans (4.2.2.4, 4.2.6.8)

- 
- During the period before provincial mapping is implemented in upper-tier and single-tier official plans, the Growth Plan policies for protecting prime agricultural areas and natural heritage systems and features will apply to municipal mapping (4.2.2.4, 4.2.6.8)
  - Clarifying that municipalities can request technical changes to mapping and that provincial mapping can be updated and re-issued in response to such requests (5.2.2.3)
  - Allowing municipalities to refine and implement provincial mapping in advance of the MCR (4.2.2.5, 4.2.6.9)
  - Clarifying that once provincial mapping has been implemented in official plans, further refinements may only occur through an MCR (4.2.2.5, 4.2.6.9)

*Staff comments and recommendations:*

Staff are supportive of the proposed policy changes. Staff agree that the provincial mapping needs to be verified/ground-truthed by municipalities before being embedded in upper-tier official plans, and that this work can occur outside of an MCR. Staff have no recommended changes to these proposed policies.

## **6. Rural Settlements**

*Proposed Amendment 1 changes:*

- Introducing new defined term ‘rural settlement’ as a subset of ‘settlement areas’ and removing the term ‘undelineated built-up areas’ (definitions)
- Clarifying that rural settlements are not part of the designation greenfield area (definitions)
- Introducing new policy that allows minor rounding out of rural settlements not in the Greenbelt Area, outside of an MCR subject to criteria (2.2.9.7)

*Staff comments and recommendations:*

Rural settlements include existing hamlets or similar small settlement areas that are long-established and identified in official plans. These communities are serviced by individual private on-site water and wastewater systems and contain a limited amount of undeveloped lands that are designated for development. Examples of rural settlements in Markham are the hamlets of Almira, Dickson Hill, Locust Hill and Cedar Grove, the latter two being within the Greenbelt Plan Area.

Staff do not support the new proposed policy allowing the minor rounding of hamlets. There is no direction in the proposed policy on what ‘minor rounding out’ means with respect to acceptable land area increases, leaving the possibility that substantial subdivisions or non-residential development could be approved without being considered as part of a comprehensive MCR process.

**Recommendation 14:** That proposed policy 2.2.9.7 providing for the minor rounding out of rural settlements outside of an MCR be removed.

**Additional Proposed Changes***Proposed Amendment 1 changes:*

- Removing the requirement for upper-tier municipalities to develop a municipal housing strategy (2.2.6.1)

*Staff comment and recommendations:*

Although the requirement for a housing strategy is proposed to be removed, the Growth Plan still outlines the need for upper-tier municipalities to plan for housing choice through the same criteria that were listed as components of a housing strategy. These include achieving minimum intensification and density targets, identifying a range and mix of housing options and densities including second units and affordable housing, establishing targets for affordable ownership and rental housing, and identifying land use and financial tools to support the implementation of housing choices.

Staff continue to support planning for a mix of housing types and affordable housing and, consistent with comments submitted in 2015 during the 10-year review, recommend that the Province continue to provide policy incentives (e.g., inclusionary zoning) and appropriate financial incentives for Regional and local municipalities to work with the private sector to implement affordable housing targets.

**Recommendation 15:** That the Province continue to provide policy incentives (e.g., inclusionary zoning) and appropriate financial incentives for Regional and local municipalities to work with the private sector to implement affordable housing targets.

**NEXT STEPS:**

It is recommended that this report be forwarded to the Ministry of Municipal Affairs and Housing as the City of Markham's comments on Proposed Amendment 1 to the Growth Plan, prior to February 28, 2019.

In anticipation of proposed changes to the Provincial Policy Statement, Planning Act and Local Planning Appeal Tribunal being released in the coming months, staff request that the Province allow a minimum of 60 days for comment on these documents in order to ensure municipalities have sufficient time to fully understand the proposed changes and to provide comments through their councils.

Staff will report back to Committee on the final Amendment 1 to the Growth Plan, once it is released.

**HUMAN RESOURCES CONSIDERATIONS:**

Not applicable.

**FINANCIAL CONSIDERATIONS:**

Not applicable

**ALIGNMENT WITH STRATEGIC PRIORITIES:**

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The comments in this report on Proposed Amendment 1 to the Growth Plan support the City's efforts to enable a strong economy, manage growth, protect natural heritage and agriculture, and maximize infrastructure investments in areas already planned for growth, which are key elements of the Engaged, Diverse and Thriving City; Safe and Sustainable Community; and Stewardship of Money and Resources strategic priorities.

**BUSINESS UNITS CONSULTED AND AFFECTED:**

Comments from the Planning and Economic Development departments were included in this report.



**Arvin Prasad, R.P.P., M.C.I.P.**  
**Commissioner, Development Services**

**FIGURES:**

Figure 1: Lands Subject to Intensification and Designated Greenfield Area Targets

**ATTACHMENTS:**

Appendix 'A': Consolidated Recommendations from Staff Report "City of Markham Comments on Proposed Amendment 1 to the Growth Plan for the Greater Golden Horseshoe, 2017", dated February 25, 2019

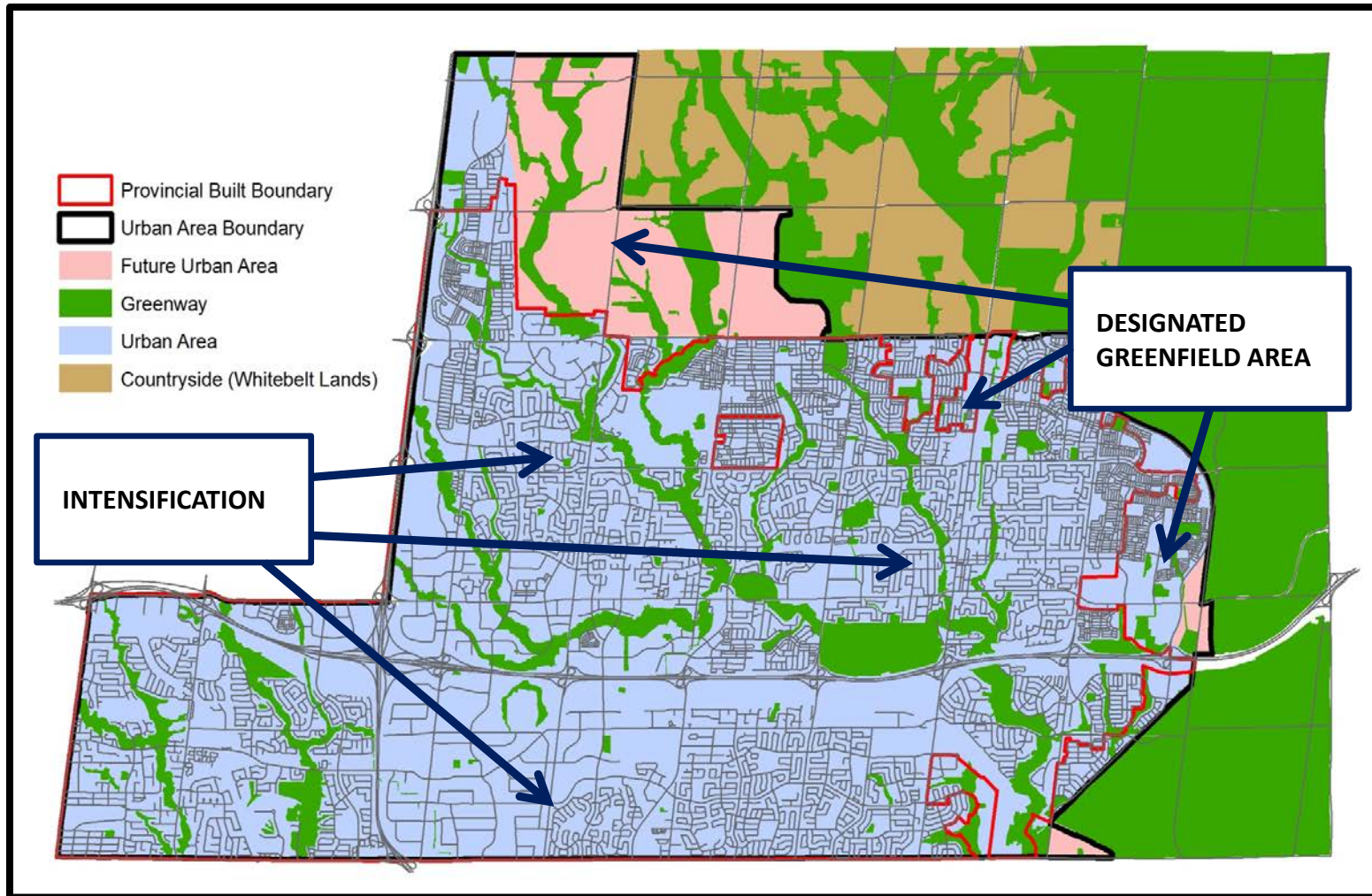
Appendix 'B': Proposed Provincially Significant Employment Zones

Appendix 'C': Proposed Provincially Significant Employment Zones in Markham

*Q:/development/planning/policy/provincial initiatives/growth plan/DSC Rpt 25feb19 Amendment 1 to Growth Plan.doc*



**Figure 1: Lands Subject to Intensification and Designated Greenfield Area Targets**



**Revised Appendix 'A'**  
**(revised text in bold)**

**Consolidated Recommendations from Staff Report “City of Markham Comments on Proposed Amendment 1 to the Growth Plan for the Greater Golden Horseshoe, 2017”, dated Feb 25, 2019  
(in response to ERO 013-4504, 013-4505, 013-4506, 013-4507)**

Recommendation 1: That the proposed Regional residential intensification target of 60% for York Region be revised to 50%, **and that the Province be requested to allow for more discussions prior to finalizing Amendment 1 and the associated regulations to evaluate the impact of the intensification rate on municipalities.**

Recommendation 2: That policies be included that provide municipalities with the ability to phase growth in line with delivery of infrastructure, and that a predictable **and guaranteed** program of transit funding be provided to ensure delivery of the higher order transit that is critical to support intensification in Markham (i.e., Yonge subway extension, remainder of Highway 7 BRT, Major Mackenzie Drive Rapid Transit Corridor, Highway 407 Transitway).

Recommendation 3: That DGA density targets should be consistent throughout the GGH, particularly for municipalities within Groups A and B.

Recommendation 4: That proposed policy 2.2.2.3 c) encouraging intensification generally throughout the delineated built-up area should be revised as follows: “to encourage intensification generally throughout the delineated built-up area in accordance with local municipal intensification strategies”.

Recommendation 5: That the following proposed higher order transit corridors in Markham be identified as Priority Transit Corridors on Schedule 5 Moving People –Transit:

- a. Yonge Subway extension to the Richmond Hill Centre/Langstaff Gateway Urban Growth Centre;
- b. Highway 7 Rapid Transit Corridor east of Markham Centre;
- c. Major Mackenzie Drive Rapid Transit Corridor; and
- d. The full extent of the Highway 407 Transitway.

Recommendation 6: That the Province not allow urban expansions outside of a municipal comprehensive review, except where such expansions are initiated by a local municipality, are minor and are contiguous to an existing urban area with full servicing **or which promotes inter-municipal connectivity and provides a compelling public benefit to the community.**

Recommendation 7: That proposed policy 2.2.5.10 regarding the one-window opportunity to consider conversion outside the MCR be removed.

Recommendation 8: That rather than including the proposed provincially significant employment zones in the Growth Plan, the current level of protections in the 2017 Growth Plan with respect to upper-tier official plans should be maintained, including the prohibition of

institutional and sensitive land uses in employment areas that would have qualified as ‘prime employment areas’.

Recommendation 9: That in the event provincially significant employment zones remain in the Growth Plan it is requested that, prior to providing recommendations on mapping changes, Markham staff be provided the opportunity for further discussion with Provincial staff regarding the criteria for selection of the mapped employment areas, the intent and use of the PSEZ, and refinement to the mapping to reflect local planning considerations.

Recommendation 10: That **if provincially significant employment zones are included in the Growth Plan**, staff support the inclusion of provincially significant employment zones in MTSAs **in principle; however, provincially significant employment zones are not supported within MTSAs east of Warden Avenue in the Markham Centre Urban Growth Centre.**

Recommendation 11: That proposed policy 2.2.5.8 be amended to remove reference to ‘major office uses’ and to clarify what is meant by ‘encroachment’.

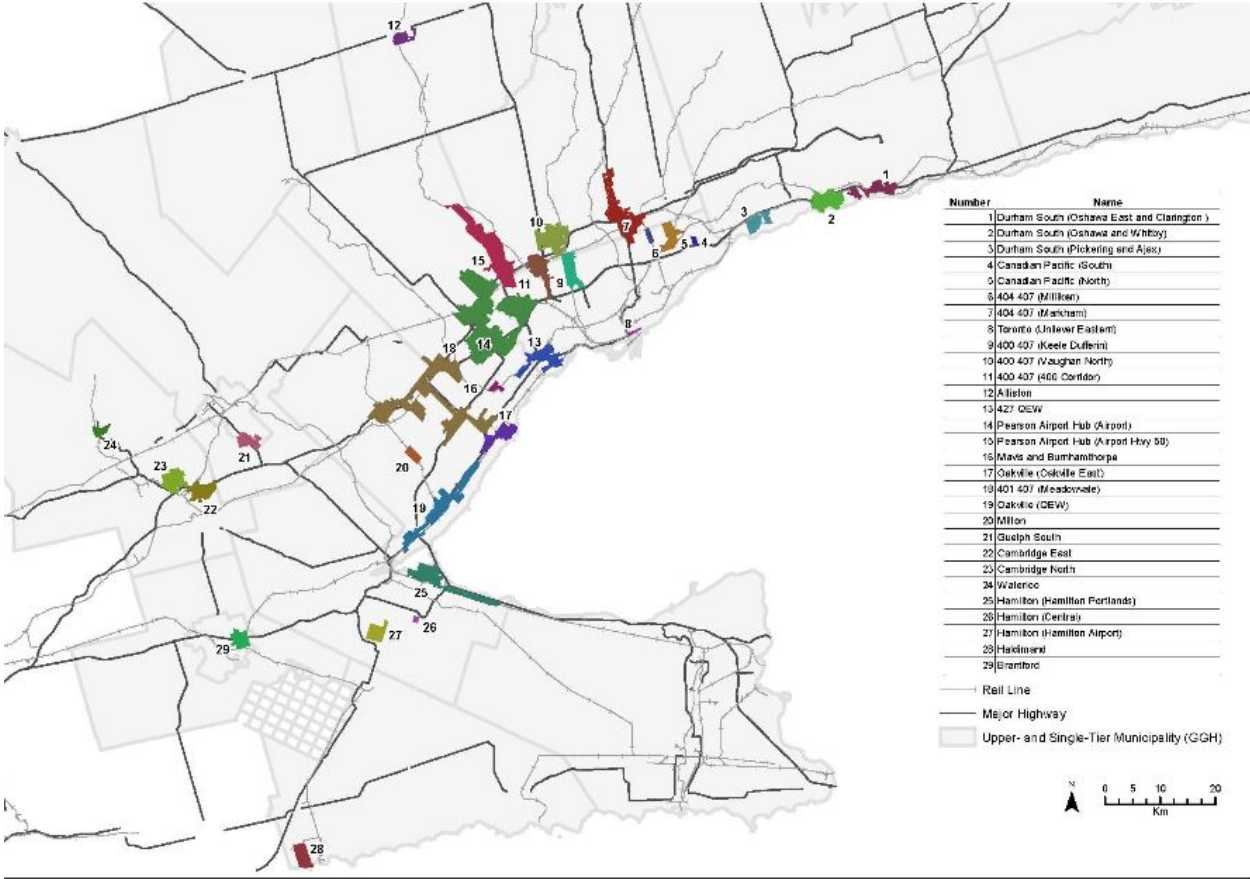
Recommendation 12: That proposed policy 2.2.5.13 d) be amended by removing the reference to “...and zoning by-laws”.

Recommendation 13: That the intent behind proposed policy 2.2.5.14 regarding the redevelopment of employment lands outside of employment areas, and the Province’s definition of employment lands, be clarified.

Recommendation 14: That proposed policy 2.2.9.7 providing for the minor rounding out of rural settlements outside of an MCR be removed.

Recommendation 15: That the Province continue to provide policy incentives (e.g., inclusionary zoning) and appropriate financial incentives for Regional and local municipalities to work with the private sector to implement affordable housing targets.

Appendix 'B'

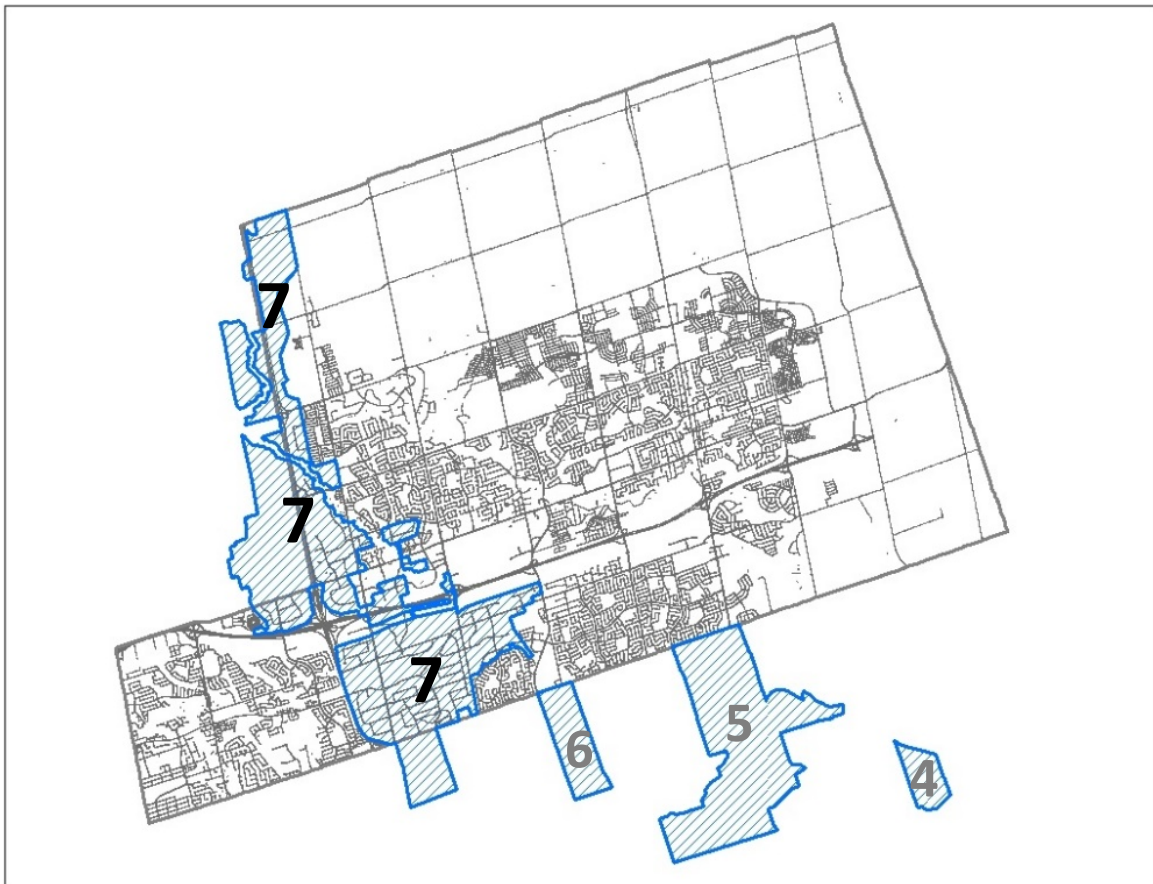


Proposed Provincially Significant  
Employment Zones

## Appendix 'C'

### Proposed Provincially Significant Employment Zones in Markham

#### Zone 7: 404 407 (Markham)





PART 3, PLAN 65R-15549  
(SUBJECT TO EASEMENT  
AS IN INST. No. R444409)

I REQUIRE THIS PLAN TO BE DEPOSITED  
UNDER THE LAND TITLES ACT.

PLAN 65R-38206

RECEIVED AND DEPOSITED

DATE DECEMBER 12, 2018.

DATE Dec 13, 2018



DAN DZALDOV  
ONTARIO LAND SURVEYOR

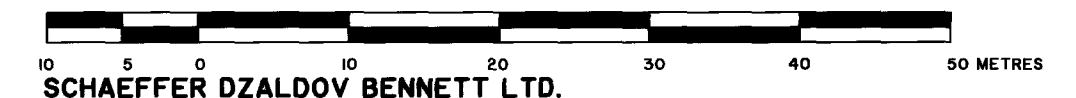
"T. Kohnert"

REPRESENTATIVE FOR LAND REGISTRAR FOR THE  
LAND TITLES DIVISION OF YORK REGION No. 65

## SCHEDULE

PART	LOT	CONCESSION	PIN	AREA (m <sup>2</sup> )
1	PART OF 5	7	ALL OF 02940-1657	11.1
2				13.1
3				166.5

PLAN OF SURVEY OF  
PART OF LOT 5, CONCESSION 7  
(GEOGRAPHIC TOWNSHIP OF MARKHAM, COUNTY OF YORK)  
CITY OF MARKHAM  
REGIONAL MUNICIPALITY OF YORK  
SCALE 1 : 500



## NOTES

■	DENOTES	FOUND MONUMENT
□	"	PLANTED MONUMENT
SIB	"	STANDARD IRON BAR
SSIB	"	SHORT STANDARD IRON BAR
IB	"	IRON BAR
922	"	SCHAEFFER DZALDOV BENNETT LTD.

ALL FOUND MONUMENTS ARE SSIB'S UNLESS NOTED OTHERWISE.  
ALL FOUND MONUMENTS ARE NUMBERED 922 UNLESS NOTED OTHERWISE.

BEARINGS ARE UTM GRID, DERIVED FROM SPECIFIED CONTROL POINTS  
092911024 AND 092970021, UTM ZONE 17, NAD83 (ORIGINAL).  
DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY  
MULTIPLYING BY A COMBINED SCALE FACTOR OF 0.999879.

SPECIFIED CONTROL POINTS (SCP#): UTM ZONE 17, NAD83 (ORIGINAL) COORDINATES TO URBAN ACCURACY PER SEC. 14(2) OF O.REG. 216/10		
POINT ID.	NORTHING	EASTING
SCP 092911024	4857062.524	639649.446
SCP 09297002I	4857151.524	639901.485
COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN		

FOR COMPARISON PURPOSES A COUNTER-CLOCKWISE ROTATION OF 1°02'10" HAS BEEN APPLIED TO THE BEARINGS SHOWN ON PLAN 65R-35649 AND 1°02'00" ON PLAN 65R-15549.

### SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

I. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT, THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.

2. THE SURVEY WAS COMPLETED ON THE 3<sup>rd</sup> DAY OF DECEMBER, 2018.

DATE : DECEMBER 11, 2018.

  
DAN DZALBOV  
ONTARIO LAND SURVEYOR



**SCHAEFFER DZALDOV BENNETT LTD.**  
ONTARIO LAND SURVEYORS

64 JARDIN DRIVE		CONCORD, ONTARIO L4K 3P3		TEL.(416)987-0101
CALC. SL	DRAWN ACAD/LW	CHECKED JB	SCALE 1:500	JOB NO. 18-148-01

DECEMBER 11, 2018

ATTACHMENT NO. 1



## Water & Wastewater Rate Public Consultation Meeting

February 19, 2019

Council Chamber

6:00 pm

### Attendance

Mayor Frank Scarpitti, Chair Regional Councillor Jim Jones Regional Councillor Jack Heath Councillor Alan Ho Councillor Keith Irish Councillor Amanda Collucci Councillor Isa Lee Councillor Andrew Keyes Councillor Reid McAlpine	Andy Taylor, Chief Administrative Officer Trinela Cane, Commissioner of Corporate Services Joel Lustig, Treasurer Phoebe Fu, Director of Environmental Services Andrea Tang, Senior Manager of Financial Planning Veronica Siu, Senior Business Analyst Laura Gold, Council/Committee Coordinator
<u>Regrets</u> Deputy Mayor Don Hamilton Regional Councillor Joe Li Councillor Khalid Usman Councillor Karen Rea	

The Water & Wastewater Rate Public Consultation meeting convened at 6:17 p.m. with Mayor Frank Scarpitti presiding as Chair.

### 1. Water & Wastewater Rate Public Consultation Meeting

Phoebe Fu, Director of Environmental Services and Veronica Siu, Senior Business Analyst provided a presentation on the 2019 Water/ Wastewater Rate.

There was no deputation on the presentation. Members of Council did not have questions on the presentation.

Water & Wastewater Public Consultation Meeting

February 19, 2019

2 | Page

Moved by Regional Councillor Jim Jones

Seconded by Councillor Amanda Collucci

That the following be put forward for consideration by Council at the February 26th Council meeting:

- 1) That the minutes from the February 19, 2019 Water/Wastewater Rate Public Consultation meeting be received; and,
- 2) That the 2019 City of Markham's ("City") water/wastewater rate be increased by \$0.3238/m<sup>3</sup> from \$4.1442/m<sup>3</sup> to \$4.4680/m<sup>3</sup> effective April 1, 2019; and further,
- 3) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

Moved by Councillor Alan Ho

Seconded by Councillor Isa Lee

That the Water & Wastewater Rate Public Consultation Meeting adjourn at 6:28 p.m.

Carried



2019-

A by-law to designate part of a certain  
plan of subdivision not subject to Part Lot Control

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:

Blocks 215 and 216 (inclusive), Registered Plan 65M-4354; 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 this 26<sup>th</sup> day of February, 2019.

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor



**EXPLANATORY NOTE**

BY-LAW NO: 2018-XXX

**Part lot Control Exemption By-law**

**Cornell Rouge Development Corporation**  
1878 to 1902 Donald Cousens Parkway  
Blocks 215 and 216, Registered Plan 65M-4354

The proposed by-law applies to Blocks 215 and 216, Registered Plan 65M-4354, municipally known as 1878 to 1902 Donald Cousens Parkway. The subject blocks are developed with a total of 13 townhouse dwellings, located on the west side of Donald Cousens Parkway in the Cornell Community.

The purpose of this by-law is to exempt the subject blocks from the part lot control provisions of the Planning Act.

The effect of this by-law is to allow for the sale of thirteen (13) townhouse dwelling units.

2019-

A by-law to designate part of a certain  
plan of subdivision not subject to Part Lot Control

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:

Blocks 96 to 101 (inclusive), Registered Plan 65M-4513; 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 this 26<sup>th</sup> day of February, 2019.

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor



**EXPLANATORY NOTE**

BY-LAW NO: 2018-XXX  
**Part lot Control Exemption By-law**

**Cornell Rouge Development Corporation**  
22 to 66 Harvest Field Road  
Blocks 96 to 101 (inclusive), Registered Plan 65M-4513

The proposed by-law applies to Blocks 96 to 101 (inclusive), Registered Plan 65M-4513, municipally known as 22 to 66 Harvest Field Road. The subject blocks are developed with a total of 23 townhouse dwellings, located on the west side of Harvest Field Road, east of William Forster Road and north of Rustle Woods Boulevard in the Cornell Community.

The purpose of this by-law is to exempt the subject blocks from the part lot control provisions of the Planning Act.

The effect of this by-law is to allow for the sale of 23 townhouse dwelling units.



# BY-LAW 2019-XX

A by-law to amend By-law No. 2002-276,  
being a by-law to impose fees or charges for services  
or activities provided or done by the City of Markham

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The Council of The Corporation of the City of Markham hereby enacts as follows:

That By-law 2002-276, being a by-law to impose fees or charges for services or activities provided or done by the City of Markham, be amended as follows:

1. That the City of Markham’s water/wastewater rate be increased by \$0.3238 per cubic metre effective April 1, 2019.
2. That the Combined 2019 Water/ Wastewater rate be \$4.4680 per cubic metre.
3. All other provisions of By-law 2002-276, except as herein amended or effected, which are not inconsistent with the provisions of this By-law, shall continue to apply.

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Kimberley Kitteringham  
City Clerk

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Frank Scarpitti  
Mayor