

Revised Council Agenda

Revised Items are Italicized.

Meeting Number: 18
October 29, 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.

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 - OCTOBER 16, 2019

12

1. That the Minutes of the Council Meeting held on October 16, 2019, be adopted.

4. PRESENTATIONS

5. DEPUTATIONS

6. COMMUNICATIONS

6.1 33-2019 LIQUOR LICENCE APPLICATION - ICHI DON JAPANESE CUISINE (WARD 8) (3.21)

27

(New Liquor Licence for indoor areas)

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

6.2 *34-2019 FUNDING PROGRAM - INVESTING IN CANADA
INFRASTRUCTURE PROGRAM : ONTARIO COMMUNITY, CULTURE
AND RECREATION (6.0)*

32

Memorandum dated October 25, 2019 from the Commissioner of Community and Fire Services regarding the Investing in Canada Infrastructure Program (ICIP): Ontario Community, Culture and Recreation (CCR) Funding Program.

1. That the memorandum dated October 25, 2019 from the Commissioner of Community & Fire Services regarding the Investing in Canada Infrastructure Program (ICIP): Ontario Community, Culture and Recreation (CCR) Funding Program be received for information.

7. PROCLAMATIONS

7.1 PROCLAMATION AND FLAG RAISING REQUESTS (3.4)

No Attachment

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. Turkish Republic Day - November 4, 2019
 - b. National Day of Remembrance and Action on Violence Against Women - December 6, 2019.
2. That the following requests for flags 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. Turkish Republic Day - November 4, 2019 (Organized by the Federation of Canadian Turkish Association);
 - b. National Day of Remembrance and Action on Violence Against Women - December 6, 2019 (Organized by the Yellow Brick House).

8. REPORT OF STANDING COMMITTEE

8.1 REPORT NO. 38 - DEVELOPMENT SERVICES COMMITTEE (OCTOBER 15, 2019)

Please refer to your October 15, 2019 Development Services Committee Agenda

for reports.

Mayors and Members of Council:

That the report of the Development Services Committee be received & adopted.
(Items 1 to 5):

- | | | |
|-------|--|----|
| 8.1.1 | RECOMMENDATION REPORT DEMOLITION PERMIT APPLICATION 11 PRINCESS STREET MARKHAM VILLAGE HERITAGE CONSERVATION DISTRICT, WARD 4 (16.11, 10.13) | 36 |
| | <ol style="list-style-type: none"> 1. That the report titled “Recommendation Report, Demolition Permit Application, 11 Princess Street, Markham Village Heritage Conservation District, Ward 4, File No. 19 133557”, dated October 15, 2019, be received; 2. That Council endorse the demolition of the existing 1950s dwelling; 3. And that Staff be authorized and directed to do all things necessary to give effect to this resolution. | |
| 8.1.2 | RECOMMENDATION REPORT AMENDMENT TO THE THORNHILL HERITAGE CONSERVATION DISTRICT PLAN – ROBERT JARROT HOUSE STATEMENT OF CULTURAL HERITAGE VALUE OR INTEREST 15 COLBORNE STREET THORNHILL HERITAGE CONSERVATION DISTRICT, WARD 1 (16.11) | 40 |
| | <ol style="list-style-type: none"> 1. That the report titled “Recommendation Report, Amendment to the Thornhill Heritage Conservation District Plan – Robert Jarrot House Statement of Cultural Heritage Value or Interest, 15 Colborne Street, Thornhill Heritage Conservation District, Ward 1”, dated October 15, 2019, be received; and, 2. That as recommended by Heritage Markham, the Statement of Cultural Heritage Value or Interest for 15 Colborne Street in the Building Inventory of the Thornhill Heritage Conservation District Plan (2007) be amended as per Appendix ‘C’ to include the exterior of the 1963/1975 addition designed by B Napier Simpson Jr. as a heritage attribute based on its design/physical value and its historical/associative value; and further, 3. That staff be authorized and directed to do all things necessary to give effect to this resolution. | |
| 8.1.3 | RECOMMENDATION REPORT HUMBOLD GREENSBOROUGH VALLEY HOLDINGS LIMITED APPLICATIONS TO AMEND THE OFFICIAL PLAN AND ZONING BY-LAW, AND FOR DRAFT PLAN OF SUBDIVISION AND SITE PLAN APPROVAL TO PERMIT A COMMON ELEMENT CONDOMINIUM | 48 |

TOWNHOUSE DEVELOPMENT COMPRISED

OF 147 TOWNHOUSES INCLUDING 121 BACK-TO-BACK TOWNHOUSES ON THE EAST SIDE OF DONALD COUSENS PARKWAY, SOUTH OF MAJOR MACKENZIE DRIVE, WEST OF NINTH LINE, NORTH OF CASTLEMORE AVENUE (CONCESSION 8, PART OF LOT 19) (WARD 5) FILE NOS: OP 18 129244, ZA 10 132122, SU 11 118324 & SC 10 132123 (10.3, 10.5, 10.7 & 10.6)

1. That the staff report titled “RECOMMENDATION REPORT, Humboldt Greensborough Valley Holdings Limited, Applications to amend the Official Plan and Zoning By-law, and for Draft Plan of Subdivision and Site Plan Approval to permit a common element condominium townhouse development comprised of 147 townhouses including 121 back-to-back townhouses on the east side of Donald Cousens Parkway, south of Major Mackenzie Drive, west of Ninth Line, north of Castlemore Avenue (Concession 8, Part of Lot 19) (Ward 5), File Nos: OP 18 129244, ZA 10 132122, SU 11 118324 & SC 10 132123”, be received; and,
2. That the record of the Public Meeting held on June 11th, 2018 regarding the applications for Official Plan and Zoning By-law Amendments and Draft Plan of Subdivision 19TM-95082, be received; and,
3. That Council approve the Official Plan Amendment application (OP 18 129244) submitted by Humboldt Greensborough Valley Holdings Limited to redesignate the subject land from “Residential Low Rise” to “Residential Mid Rise” in the 2014 Official Plan (as partially approved on November 24th, 2017 and further updated on April 9th, 2018), as amended, attached in draft as Appendix ‘A’ be finalized and adopted without further notice; and,
4. That Council approve the Zoning By-law Amendment application (ZA 10 132122) submitted by Humboldt Greensborough Valley Holdings Limited to amend Zoning By-laws 304-87 and 177-96, as amended, attached in draft as Appendix ‘B’ be finalized and enacted without further notice; and,
5. That Council approve the application for Draft Plan of Subdivision 19TM- 95082 (SU 11 118324) submitted by Humboldt Greensborough Valley Holdings Limited subject to

the condition attached in draft as Appendix ‘C’; and,

6. That Council endorse in principle the Site Plan application (SC 10 132123) submitted by Humboldt Greensborough Valley Holdings Limited for a common element condominium townhouse development comprised of 147 townhouses including 121 back-to-back townhouses, subject to the conditions attached as Appendix ‘D’; and,
7. That Site Plan Approval be delegated to the Director of Planning and Urban Design or his designate, not to be issued prior to execution of a site plan agreement; and,
8. That Council assign servicing allocation for a maximum of 147 townhouses; and,
9. That Council permit applications for minor variances within two (2) years of the proposed amending by-law coming into force, attached as Appendix ‘B’, in accordance with Section 45 (1.4) of the Planning Act; and further,
10. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

(By-laws 2019-108 and 2019-109)

8.1.4 HWY 404 MID-BLOCK CROSSING COST SHARING WITH YORK REGION (NORTH OF 16TH AVENUE, NORTH OF MAJOR MACKENZIE DRIVE AND NORTH OF ELGIN MILLS ROAD) (5.10)

106

1. That the report entitled “Hwy 404 Mid-Block Crossing Cost Sharing with York Region (North of 16th Avenue, North of Major Mackenzie Drive and North of Elgin Mills Road); and,
2. That staff be authorized to issue a Purchase Order to the Regional Municipality of York, in the amount of \$1,223,540.22, inclusive of HST impact, for the City of Markham’s share of the cost for the following projects:
 - a. Mid-block Crossing North of 16th Avenue (EA and detailed design)
 - b. Mid-block Crossing North of Major Mackenzie Drive (EA)
 - c. Mid-block Crossing North of Elgin Mills Road (EA); and,
3. That the amount of \$1,223,540.22, inclusive of HST impact, be funded from Capital Project #18048 (Regional Mid-block Crossing EA and Design) which currently has an available

funding of \$1,366,900; and,

4. That the remaining funds of \$143,359.78 be returned to the original funding source upon the completion of the N of 16th Avenue detailed design; and,
5. That Staff be directed to prepare a Tri-Party Agreement for the construction of the Hwy 404 Mid-Block Crossing (North of 16th Avenue.); and further,
6. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

8.1.5 HIGHWAY 404 MID-BLOCK CROSSING, NORTH OF 16TH AVENUE AND CACHET WOODS COURT EXTENSION – PROJECT UPDATE AND PROPERTY ACQUISITION (WARD 2) (5.10)

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1. That the report titled “Highway 404 Mid-block Crossing, North of 16th Avenue and Cachet Woods Court Extension – Project Update and Property Acquisition (Ward 2)”, be received; and
2. That staff be authorized to issue a purchase order to the Regional Municipality of York (“York Region”) in the amount of \$7,123,121.06 inclusive of HST impact, for Markham’s share of the cost for the property acquired to date; and,
3. That the Engineering Department Capital Administration fee in the amount of \$142,462.42, be transferred to revenue account 640-998-8871 (Capital Administration Fee); and,
4. That the purchase order and capital administration fees be funded from Capital Project #19035 (Hwy 404 Midblock Crossing, North of 16th Avenue & Cachet Woods), which currently has an available funding of \$11,984,300.00; and
5. That the remaining funds of \$4,718,716.52 be kept in the account to cover the cost of the remaining properties to be acquired for the project; and
6. That Staff continue to work with York Region to finalize the detailed design, and acquisition of additional lands by York Region, and report back on the possible accelerated schedule of the construction of the section of road and the bridge over Rouge River, between Markland Street and Cachet Woods Court Extension in advance of the Mid-block Crossing over Highway 404; and
7. That the Mayor and Clerk be authorized to execute an agreement with the City of Richmond Hill and York Region for the design of the Highway 404 Mid-block Crossing, North of 16th Avenue and Cachet Woods Court Extension and property acquisition required for the project, provided

the form of such agreement is satisfactory to the Director of Engineering and the City Solicitor; and further,

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

8.2 REPORT NO. 39 - GENERAL COMMITTEE (OCTOBER 22, 2019)

Please refer to your October 22, 2019 General Committee Agenda for reports.

Mayors and Members of Council:

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

- | | | |
|-------|--|-----|
| 8.2.1 | 2020 INTERIM SPENDING AUTHORITY PENDING APPROVAL OF BUDGET (7.0) | 138 |
| | <ol style="list-style-type: none"> 1. That the report titled “2020 Interim Spending Authority Pending Approval of Budget”, be received; and, 2. That Council approve 50% of the City’s 2019 Operating, Waterworks, Planning & Design, Building Standards and Engineering budgets equal to \$197,546,839 as a pre-budget approval for 2020 operating expenditures; and further, 3. That Staff be authorized and directed to do all things necessary to give effect to this resolution. | |
| 8.2.2 | 2020 INTERIM SPENDING AUTHORITY PENDING 2020 INTERIM SPENDING AUTHORITY PENDING APPROVAL OF UNIONVILLE AND MARKHAM VILLAGE IMPROVEMENT AREA BUDGETS (7.0) | 140 |
| | <ol style="list-style-type: none"> 1. That the report titled “2020 Interim Spending Authority Pending Approval of Unionville and Markham Village Business Improvement Area Budgets”, be received; and, 2. That Council approve 50% of the 2019 Operating Budget equivalent to the amounts of \$105,500 for the Unionville BIA (UBIA) and \$165,709 for the Markham Village BIA (MBIA) as pre-budget approval for 2020 operating expenditures; and further, 3. That Staff be authorized and directed to do all things necessary to give effect to this resolution. | |
| 8.2.3 | 2020 TEMPORARY BORROWING BY-LAW (7.0) | 142 |
| | <ol style="list-style-type: none"> 1. That the report titled “2020 Temporary Borrowing By-law” be received; and, 2. That a by-law be brought forward for Council approval to authorize the temporary borrowing, if required, of amounts not to exceed \$197,546,839 from January 1, 2020 to | |

September 30, 2020 and \$98,773,419 from October 1, 2020 to December 31, 2020 to meet the expenditures of the municipality until taxes are collected and other revenues are received; and,

3. That the Treasurer report to Council in advance of borrowing, if temporary borrowing is required; and further,
4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

(By-law 2019-110)

8.2.4 CONTRACT EXTENSION # 110-R-15 AUDITOR GENERAL SERVICES (7.12)

146

1. That the report “Contract Extension # 110-R-15 Auditor General Services” be received; and,
2. That the Contract for Auditor General Services be extended for an additional five (5) years (January 1, 2020 to December 31, 2024) with MNP LLP for a maximum annual amount of \$152,640 (\$150,000 + \$2,640) inclusive of HST;
 - \$152,640 – Year 1
 - \$152,640 – Year 2
 - \$152,640 – Year 3
 - \$152,640 – Year 4
 - \$152,640 – Year 5
 - \$763,200 – Total
3. That the annual amount of \$152,640.00 be funded from the Operating Account #110-110-5699 subject to Council approval of the annual budget; and,
4. That the tender process be waived in accordance with Purchasing By-Law 2017-8 Part II, Section 11.1 (c) which states “when the extension of an existing Contract would prove more cost effective or beneficial”; And (h) “where it is in the best interests of the City to acquire Consulting Services from a supplier who has a proven track record with the City in terms of pricing, quality and service”; and,
5. That the Chief Administrative Officer be authorized to execute an agreement with MNP LLP in a form satisfactorily to the City Solicitor; and further,
6. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

8.2.5 JOINT AND SEVERAL LIABILITY AND INSURANCE REFORM FOR MUNICIPALITIES

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1. That the report entitled “Joint and Several Liability and Insurance Reform for Municipalities” be received; and,
2. That Council support the Association of Municipalities of Ontario’s (AMO) position that the joint and several liability principle requires reform, along with the recommendations to the Attorney General of Ontario contained within the AMO report entitled “Towards a Reasonable Balance: Addressing Growing Municipal Liability and Insurance Costs” as set out in Attachment 1 to this report; and,
3. That this resolution be forwarded to the Attorney General of Ontario and the Association of Municipalities of Ontario; and further,
4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

8.2.6 2020 COUNCIL AND STANDING COMMITTEE MEETING
CALENDAR (16.0)

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NOTE: At the October 22 General Committee meeting, the Committee recommended Option #4 of the 2020 Council and Standing Committee Meeting Calendar (Alternate Every Other Council Meeting between Daytime and Nighttime Starts).

Option #4 Meeting Calendar attached.

1. That Option 4 "Alternate Every Other Council Meeting between Daytime and Nighttime Starts (*Status Quo - same process used in 2019) be adopted as the 2020 Council and Standing Committee Meeting Calendar; and,
2. That staff be authorized and directed to do all things necessary to give effect to this resolution.

9. MOTIONS

10. NOTICE OF MOTION TO RECONSIDER

11. NEW/OTHER BUSINESS

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

11.1 RECOMMENDATION FROM THE SEPTEMBER 13, 2019 LICENSING
COMMITTEE HEARING (8 JOHN LYONS ROAD) (2.0)

No Attachment

That the following recommendation of the Licensing Committee from the Hearing held on September 13, 2019, be approved and adopted:

1. That the application to remove one (1) Black Walnut at 8 John Lyons Road, Markham, Ontario, be denied; and,
2. That the recommendation is based on the unique characteristics of this case only and is not intended to be precedent setting nor to be used as a basis for future cases.

12. ANNOUNCEMENTS

13. BY-LAWS - THREE READINGS

That By-laws 2019-108 to 2019-110 be given three readings and enacted.

Three Readings

- | | | |
|------|--|-----|
| 13.1 | <p>BY-LAW 2019-108 HUMBOLD GREENSBOROUGH VALLEY HOLDINGS LIMITED, EAST OF DONALD COUSENS PARKWAY, SOUTH OF MAJOR MACKENZIE DRIVE, AMENDMENT TO THE IN FORCE OFFICIAL PLAN (REVISED 2014), AS AMENDED</p> <p>A by-law to adopt an Official Plan Amendment to the in force Official Plan (Revised 2014), as amended, to allow back-to-back townhouses.
(Item 8.1.3, Report No. 38)</p> | 204 |
| 13.2 | <p>BY-LAW 2019-109 HUMBOLD GREENSBOROUGH VALLEY HOLDINGS LIMITED, EAST OF DONALD COUSENS PARKWAY, SOUTH OF MAJOR MACKENZIE DRIVE, ZONING BY-LAW AMENDMENT</p> <p>A By-law to amend By-law 177-96, as amended, to allow back-to-back townhouses.
(Item 8.1.3, Report No. 38)</p> | 221 |
| 13.3 | <p>BY-LAW 2019-110 2020 TEMPORARY BORROWING BY-LAW</p> <p>A by-law to authorize temporary borrowing to meet the expenditures of the City of Markham until taxes are collected and other revenues received.
(Item 8.2.3, Report 39)</p> | 225 |

14. CONFIDENTIAL ITEMS

15. CONFIRMATORY BY-LAW - THREE READINGS

That By-law 2019-111 be given three readings and enacted.

Three Readings

BY-LAW 2019-111 A BY-LAW TO CONFIRM THE PROCEEDINGS OF THE
COUNCIL MEETING OF October 29, 2019.

No attachment

16. ADJOURNMENT



Council Minutes

Meeting Number: 17
October 16, 2019, 1:00 PM
Council Chamber

Roll Call	Deputy Mayor Don Hamilton Regional Councillor Jack Heath Regional Councillor Jim Jones Councillor Keith Irish Councillor Reid McAlpine	Councillor Karen Rea Councillor Andrew Keyes Councillor Amanda Collucci Councillor Khalid Usman
Regrets	Mayor Frank Scarpitti Regional Councillor Joe Li	Councillor Alan Ho Councillor Isa Lee
Staff	Andy Taylor, Chief Administrative Officer Trinela Cane, Commissioner, Corporate Services Brenda Librecz, Commissioner, Community & Fire Services Arvin Prasad, Commissioner, Development Services Claudia Storto, City Solicitor and Director of Human Resources Joel Lustig, Treasurer	Bryan Frois, Chief of Staff Andrea Berry, Sr. Manager, Corp Comm & Community Engagement Kimberley Kitteringham, City Clerk Martha Pettit, Deputy City Clerk John Wong, Technology Support Specialist II Tanya Lewinberg, Public Realm Coordinator

Alternate formats for this document are available upon request

1. CALL TO ORDER

The meeting of Council convened at 1:04 PM on October 16, 2019 in the Council Chamber. Deputy Mayor Don Hamilton presided.

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

None disclosed.

3. APPROVAL OF PREVIOUS MINUTES

3.1 COUNCIL MINUTES - SEPTEMBER 24, 2019

Moved by Councillor Keith Irish

Seconded by Councillor Reid McAlpine

1. That the Minutes of the Council Meeting held on September 24, 2019, be adopted.

Carried

4. PRESENTATIONS

There were no presentations.

5. DEPUTATIONS

5.1 DEPUTATION - RECOMMENDATION FROM LICENSING COMMITTEE HEARING (8 LINCOLN GREEN DRIVE) (2.0)

Nancy Ling, appellant, appeared before Council with respect to the request to remove one (1) Silver Maple tree and to request that the number of replacement trees be reduced from eight (8) trees to three (3) trees.

(See New/Other Business Item No. 11.1 for Council's decision on this matter).

6. COMMUNICATIONS

6.1 32-2019 LIQUOR LICENCE APPLICATION - BIG BEEF BOWL (WARD 3) (3.21)

Moved by Councillor Reid McAlpine

Seconded by Councillor Keith Irish

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

Carried

7. PROCLAMATIONS

7.1 PROCLAMATIONS AND FLAG RAISING REQUESTS (3.4)

Moved by Councillor Amanda Collucci

Seconded by Councillor Khalid Usman

1. That the following proclamation, issued by the City Clerk in accordance with the City of Markham Proclamation Policy, be received for information purposes:
 - a. Waste Reduction Week 2019 - October 21 - 27, 2019
2. That the following new request for proclamation be approved and added to the Five-year Proclamation List approved by Council:
 - a. Islamic Heritage Month - October

Carried

8. REPORT OF STANDING COMMITTEE

8.1 REPORT NO. 36 - GENERAL COMMITTEE (OCTOBER 7, 2019)

Moved by Regional Councillor Jack Heath

Seconded by Councillor Andrew Keyes

That the report of the General Committee be received & adopted, save and except for Item Nos. 8.1.4 and 8.1.5:

See Council's decision on Item Nos. 8.1.4 and 8.1.5.

Carried

8.1.1 ASSET MANAGEMENT AUDIT (7.0)

Moved by Regional Councillor Jack Heath

Seconded by Councillor Andrew Keyes

1. That the presentation provided by Geoff Rodrigues, CPA, CA, CIA, CRMA, ORMP, MNP LLP, Auditor General, City of Markham, entitled “Report of the Auditor General – Asset Management Audit” be received; and,
2. That the report prepared by Geoff Rodrigues, CPA, CA, CIA, CRMA, ORMP, MNP LLP, Auditor General, City of Markham, entitled “City of Markham – Asset Management Audit” be received; and further,
3. That staff be authorized and directed to proceed with the implementation of the management response as outlined in the Auditor's presentation.

Carried

8.1.2 AWARD OF REQUEST FOR PROPOSAL 011-R-19 MARKHAM PUBLIC LIBRARY MATERIAL AND PROCESSING SERVICES (7.12)

Moved by Regional Councillor Jack Heath

Seconded by Councillor Andrew Keyes

1. That the report entitled “Award of Request for Proposal 011-R-19 Markham Public Library Material and Processing Services” be received; and,
2. That the contract for Markham Public Library Material and Processing Services be awarded to the highest ranked / lowest priced bidder, Library Services Centre (LSC); and
3. That the term of the contract is for three (3) years with an option to renew for an additional two (2) one year periods in the total annual award amount of \$1,598,193.31 (inclusive of HST);

2020 - \$1,598,193.31*

2021 - \$1,598,193.31*

2022 - \$1,598,193.31*

2023 - \$1,598,193.31**

2024 - \$1,598,193.31**

Total: \$7,990,966.55

*For the three (3) year contract term (January 1, 2020 – December 31, 2022), costs will be at the same itemized pricing.

**The two (2) optional renewal years (January 1, 2023 – December 31, 2024), costs will be adjusted based on the Consumer Price Index for All Items Toronto for the twelve (12) month period ending December in the applicable year. 2021 - 2024 is subject to Council approval; and,

4. That the contract in 2020 be funded from the 2020 project for Library Collections, subject to Council approval of the 2020 Capital Budget. Any future years 2021 – 2024 will be subject to Council approval of the annual budget; and,
5. That the Director of Library Administration & Operational Support, and Senior Manager of Procurement & Accounts Payable be authorized to exercise the option to renew the contract in years 4 and 5 subject to performance and Council approval of the annual budget; and further,
6. That staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

8.1.3 MEMORANDUM OF UNDERSTANDING REGARDING ADMINISTRATIVE MONETARY PENALTY (“AMP”) SYSTEM ON REGIONAL ROADS (2.17)

Moved by Regional Councillor Jack Heath

Seconded by Councillor Andrew Keyes

1. That the report entitled “Memorandum of Understanding regarding Administrative Monetary Penalties” be received; and,
2. That the Mayor and Clerk be authorized to execute a Memorandum of Understanding with the Region of York for the enforcement of parking infractions on Regional roads under the City’s AMP system in a form satisfactory to the City Solicitor.

Carried

8.1.4 2020 RECREATION USER FEE - MARKET ANALYSIS (6.0)

Moved by Regional Councillor Jim Jones

Seconded by Councillor Reid McAlpine

1. That the report entitled “2020 Recreation User Fee - Market Analysis” be received; and,
2. That the 2020 Recreation Services additional user fees and permit increases based on market analysis be approved; and,
3. That a \$1.86 per hour increase, in addition to the Council approved increase, be applied to Adult Artificial Turf rentals be approved starting January 2020; and,
4. That the Non Prime Ice Arena fee be lowered to \$165.00, so that the fee matches the average rate amongst municipal comparators, and be approved starting January 2020; and,
5. That a \$6.00 per hour increase, in addition to the Council approved increase to the Aquatics Competitive Club community pool rental fee, be applied annually until the rental fee reaches the average rate amongst municipal comparators and be approved starting September 2020; and further,
6. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

8.1.5 REQUEST TO MOVE OCTOBER 21, 2019 GENERAL COMMITTEE MEETING TO OCTOBER 22, 2019 (16.0)

Moved by Councillor Khalid Usman

Seconded by Councillor Andrew Keyes

1. That the General Committee meeting of October 21, 2019 (from 9:30AM to 3:00 PM) be moved to October 22, 2019 (from 9:30 AM to 3:00 PM); and,
2. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

8.2 REPORT NO. 37 - DEVELOPMENT SERVICES PUBLIC MEETING
(OCTOBER 7, 2019)

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

8.2.1 PRELIMINARY REPORT 1938540 ONTARIO LTD., UNIONVILLE
MONTESSORI SCHOOL, TEMPORARY USE ZONING BY-LAW
AMENDMENT APPLICATION TO PERMIT A PRIVATE SCHOOL
AND DAY NURSERY TO OPERATE WITHIN THE EXISTING
PORTABLE

AT 9286 KENNEDY ROAD, FILE NO. PLAN 19 256209 (WARD 6)
(10.5)

Moved by Councillor Karen Rea

Seconded by Councillor Reid McAlpine

1. That the report titled “PRELIMINARY REPORT, 1938540 Ontario Ltd., Unionville Montessori School, Temporary Use Zoning By-law Amendment Application to permit a private school and day nursery within the existing portable at 9286 Kennedy Road, File No. PLAN 19 256209 (Ward 6)” be referred back to staff.

Carried

Council had before it the following motion which was not considered at the meeting:

That the deputation by Zhi Xiang (Richard) Tang made at the October 7, 2019 Development Services Public Meeting regarding 1938540 Ontario Ltd. Unionville Montessori School, Temporary Use Zoning By-Law Amendment Application be received.

1. That the report titled “PRELIMINARY REPORT, 1938540 Ontario Ltd., Unionville Montessori School, Temporary Use Zoning By-law Amendment Application to permit a private school and day nursery within the existing portable at 9286 Kennedy Road, File No. PLAN 19 256209 (Ward 6)” be received; and,
2. That the Record of the Public Meeting held on October 7, 2019, with respect to the Temporary Use Zoning By-law Amendment Application to permit a private school and day nursery within the existing portable

at 9286 Kennedy Road, File No. PLAN 19 256209 (Ward 6)” be received; and,

3. That the application by 1938540 Ontario Ltd., Unionville Montessori School, to amend Zoning By-law 304-87, as amended, be approved; and,
4. That the proposed amendment to Zoning By-law 304-87, as amended, be enacted without further notice; and further,
5. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

8.2.2 PRELIMINARY REPORT APPLICATION FOR ZONING BY-LAW AMENDMENT TO FACILITATE A FUTURE LAND SEVERANCE AND PERMIT ONE SINGLE DETACHED DWELLING WITH SITE-SPECIFIC ZONE EXCEPTIONS AT 7739 9TH LINE, ON THE SOUTH SIDE OF 14TH AVENUE

(WARD 7) FILE NO. ZA 19 126535 (10.5)

Moved by Councillor Khalid Usman

Seconded by Councillor Amanda Collucci

1. That the Development Services Commission report dated September 23, 2018, entitled “Preliminary Report Application for Zoning By-law Amendment to facilitate a future land severance and permit one single detached dwelling with site-specific zone exceptions at 7739 9th Line, on the south side of 14th Avenue. (Ward 7). File No. ZA 19 126535”, be received; and,
2. That the Record of the Public Meeting held on October 7th, 2019 with respect to the proposed application for Zoning By-law Amendment, be received; and,
3. That the applications by Memar Architects Inc., for a Zoning By-law Amendment (ZA 19 126535) be approved and the draft Zoning By-law Amendment be finalized and enacted without further notice; and further,
4. That staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

8.3 REPORT NO. 38 - DEVELOPMENT SERVICES COMMITTEE (OCTOBER 15, 2019)

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

8.3.1 CITY OF MARKHAM COMMENTS ON THE PROVINCIAL POLICY STATEMENT REVIEW (10.0)

Moved by Regional Councillor Jim Jones

Seconded by Councillor Keith Irish

1. That the staff report entitled “City of Markham Comments on the Provincial Policy Statement Review, dated October 15, 2019, be received; and,
2. That this staff report and recommendations be forwarded to the Ministry of Municipal Affairs and Housing and York Region as the City of Markham’s comments on the proposed changes to the Provincial Policy Statement as part of the Provincial Policy Review; and,
3. That the Ministry of Municipal Affairs and Housing be advised that whereas Markham Council supports the Provincial Policy Statement as a tool to establish high level Province-wide standards in land use planning, Markham Council does not support inclusion of detailed policy language regarding matters that are best dealt with at the local municipal level having regard for local priorities (e.g., identifying priority development applications); and,
4. That the Ministry of Municipal Affairs and Housing be advised of the following specific recommendations:
 - i. That current Provincial Policy Statement 2014 policy 4.9 which identifies that the PPS policies represent minimum standards, remain as policy in the Interpretation and Implementation section under Part V: Policies;
 - ii. That the references to ‘market-based’ and ‘market demand’ in proposed policies 1.1.1, 1.1.3.8, 1.4.3 and 1.7 be clarified through definition and that a reference to both market-based and non market-based **may** be included to ensure planning authorities

continue to plan for an inclusive, broad and responsive approach to addressing housing needs;

iii. That the employment policies be revised as follows:

- a. That the proposed additional references to 'mixed uses' and 'consideration of housing policy' be deleted from proposed policy 1.3.1;
 - b. That the prohibition of residential and institutional uses in proposed policy 1.3.2.3 apply to all employment areas, rather than only to those planned for industrial and manufacturing uses; and,
 - c. That the reference in proposed policy 1.3.2.3 to include appropriate transition within employment areas be revised to provide for appropriate transition between employment areas and non-employment areas, to be consistent with the Growth Plan;
- iv. That the Province provide guidance and clarification for municipalities with respect to the required method and level of engagement with Indigenous communities;
- v. That the Province provide municipalities with an opportunity to review any future modifications to 'Hazard Lands' policies resulting from the ongoing current review prior to incorporation in the Provincial Policy Statement;
- vi. That proposed policy 4.7 regarding streamlining of development approvals be removed, and instead the Province be advised that the intent of proposed policy 4.7 regarding streamlining development approvals would be more appropriately directed to the review and update of regulations, guidelines, standards and internal and external staffing levels to achieve the outcome of fast tracking applications;
- vii. That if proposed policy 4.7 regarding streamlining of development approvals remains, the Province provide criteria and guidance on identification of 'priority' applications for consideration of fast tracking;
- viii. That the Province review the process for approval of private communal water and wastewater services to require that private operators establish fiscally responsible life cycle and financial

reserve practices, to ensure that these systems are designed to meet municipal design standards and to allow municipalities to recover all costs of taking over these services in the event of a default;

- ix. That the Province consider stronger policy wording in building strong healthy communities that requires land use planning to seek solutions to minimize and/or reduce climate change impacts; and,
5. Further that staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried as Amended

Council consented to amend 4(ii) from:

"That the references to 'market-based' and 'market demand' in proposed policies 1.1.1, 1.1.3.8. 1.4.3 and 1.7 be clarified through definition and that a reference to both market-based and non market-based be included to ensure planning authorities continue to plan for an inclusive, broad and responsive approach to addressing housing needs; which would include but not prioritize market-based approaches to housing;

by deleting the following:

"which would include but not prioritize market-based approaches to housing;"

and adding the word:

"may"

to read as follows:

"That the references to 'market-based' and 'market demand' in proposed policies 1.1.1, 1.1.3.8. 1.4.3 and 1.7 be clarified through definition and that a reference to both market-based and non market-based **may** be included to ensure planning authorities continue to plan for an inclusive, broad and responsive approach to addressing housing needs;"

8.3.2 CANADA INDIA BUSINESS FORUM, NEW DELHI AND MUMBAI, NOVEMBER 19 AND 21, 2019 (10.16)

Moved by Councillor Khalid Usman

Seconded by Councillor Karen Rea

1. That the Report dated October 15, 2019 entitled “Canada India Business Forum, New Delhi and Mumbai, November 19 & 21, 2019 ” be received, and
2. That the City of Markham be represented at the Canada India Business Forum by Christina Kakaflikas, Manager, Economic Development, and
3. That the total cost of the City’s participation in the Forum, not exceeding \$6,500.00 will be expensed from within Economic Development’s 2019 operating budget (acc. #610-9985811- International Investment Attraction Program), and
4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

9. MOTIONS

There were no motions.

10. NOTICE OF MOTION TO RECONSIDER

There were no notices of motions.

11. NEW/OTHER BUSINESS

11.1 RECOMMENDATION FROM THE SEPTEMBER 13, 2019 LICENSING COMMITTEE HEARING (8 LINCOLN GREEN DRIVE) (2.0)

Following the appellant's deputation on the request to remove one (1) Silver Maple tree, Tanya Lewinberg, Public Realm Coordinator, provided Council with a synopsis of the rationale behind the recommendation for eight (8) replacement trees. Commissioner Brenda Librecz provided further clarification on the rationale for tree replacement.

Discussion on the matter ensued. Council Members sought further clarification from the owner on the rationale for removing the tree and her request for a reduction in the number of requested replacement trees from eight (8) trees to three (3) trees.

Moved by Councillor Karen Rea

Seconded by Regional Councillor Jim Jones

Council consented to separate the Recommendation and considered Recommendation No. 1:

1. That the application to remove one (1) Silver Maple tree at 8 Lincoln Green Drive, Markham, Ontario be approved.

LOST by Recorded Vote

(See following for recorded vote (5:4))

(See following to bring the matter forward)

Recorded Vote (5:4)

YEAS:

Councillor Karen Rea, Regional Councillor Jim Jones, Regional Councillor Jack Heath, Councillor Andrew Keyes (4)

NAYS:

Councillor Keith Irish, Councillor Reid McAlpine, Deputy Mayor Don Hamilton, Councillor Amanda Collucci, Councillor Khalid Usman (5)

ABSENT:

Councillor Alan Ho, Mayor Frank Scarpitti, Regional Councillor Joe Li, Councillor Isa Lee (4)

Council had before it the following original motion for consideration:

1. That the application to remove one (1) Silver Maple tree at 8 Lincoln Green Drive, Markham, Ontario be approved; and,
2. That the applicant provide for eight (8) replacement trees on the property of 8 Lincoln Green or any other private property in Markham, and in a size and native species deemed appropriate by staff, by September 30, 2020, or provide a cash-in-lieu payment of \$300.00 per tree; and further,

3. That the recommendations are based on the unique characteristics of this case only and are not intended to be precedent setting nor to be used as a basis for future cases.

Moved by Councillor Karen Rea

Seconded by Regional Councillor Jim Jones

That Council consider the matter of "Recommendation from the September 13, 2019 Licensing Committee Hearing (8 Lincoln Green Drive" immediately following the Deputations with respect thereto.

Carried

12. ANNOUNCEMENTS

There were no announcements.

13. BY-LAWS - THREE READINGS

Moved by Councillor Khalid Usman

Seconded by Councillor Andrew Keyes

That By-law 2019-106 be given three readings and enacted.

Carried

Three Readings

13.1 BY-LAW 2019-106 ROAD DEDICATION BY-LAW

Carried

14. CONFIDENTIAL ITEMS

There we no confidential items to be considered.

15. CONFIRMATORY BY-LAW - THREE READINGS

Moved by Regional Councillor Jim Jones

Seconded by Councillor Amanda Collucci

That By-law 2019-107 be given three readings and enacted.

Three Readings

BY-LAW 2019- A BY-LAW TO CONFIRM THE PROCEEDINGS OF THE COUNCIL MEETING OF OCTOBER 16, 2019.

Carried

16. ADJOURNMENT

Moved by Regional Councillor Jack Heath

Seconded by Councillor Keith Irish

That the Council meeting be adjourned at 2:03 p.m.

Carried

Kimberley Kitteringham

City Clerk

Don Hamilton

Deputy Mayor

Alcohol and Gaming Commission of Ontario
Licensing and Registration
90 SHEPPARD AVE E SUITE 200
TORONTO ON M2N 0A4
Fax: 416-326-8711
Tel: 416-326-8700 or 1-800-522-2876 toll free in Ontario

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

Premises Name Ichi Don Japanese Cuisine		Premises Telephone Number	
Contact Name Wen Guo	Contact's Telephone Number 416 205 8388	Email Address 633destiny@gmail.com	
Address Unit 110-110, 3636 Steeles Ave. E	City / Town Markham	Province / State ON	Postal Code L3R 1K9

- ☒ Indoor areas
☐ Outdoor areas

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)

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

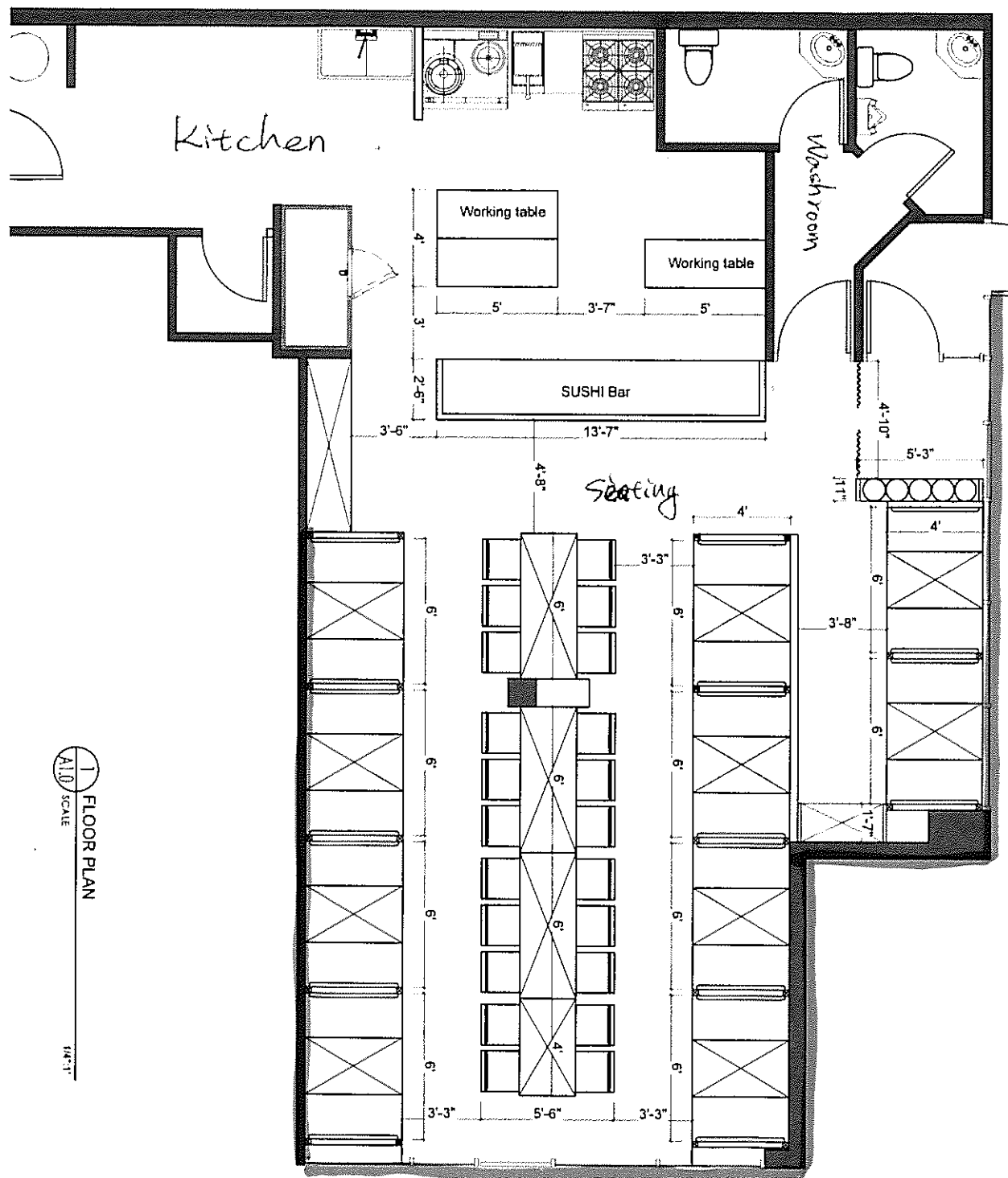
Specific concerns regarding zoning or non-compliance with by-laws must be clearly outlined **in a separate submission or letter within 30 days of this notification.**

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? <u>Warden & Steeles -</u>	What is the distance between the restaurant and the closest residential area? (in kilometres) <u>1 kilometre -</u>
Does the restaurant have a valid Business Licence issued by the City of Markham? <input checked="" type="radio"/> Yes <input checked="" type="radio"/> No Business Licence Number: <u>138265</u> 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) <input checked="" type="checkbox"/> Family <input type="checkbox"/> Roadhouse <input type="checkbox"/> Sports Bar <input type="checkbox"/> Fine Dining <input type="checkbox"/> Take Out <input type="checkbox"/> Cafe	
What, if any, entertainment or amusements will be provided in the restaurant? (select all that apply) <input type="checkbox"/> Karaoke <input type="checkbox"/> Live Entertainment <input type="checkbox"/> Casino <input type="checkbox"/> Off-Track Betting <input type="checkbox"/> Arcade	
Is the liquor licence application for an expansion of the existing operations? <input type="radio"/> Yes <input checked="" type="radio"/> No If yes, please provide the <u>current</u> existing maximum seating capacity: _____ If no, please provide the <u>planned</u> existing maximum seating capacity: <u>60</u>	
Location History	
Has a Building Permit been applied for or obtained for this location? <input type="radio"/> Yes Building Permit Number: _____ <input checked="" type="radio"/> No	
Was the location previously used as a restaurant? <input checked="" type="radio"/> Yes <input 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? <input type="radio"/> Yes <input checked="" type="radio"/> No If yes, please provide Alteration Permit Number: _____	

[Signature]
Applicant's Signature

Sep 19, 2019
Date



1
A1.0
FLOOR PLAN
SCALE

144-1

HUGE DESIGN GROUP
 516.333.1111
 WWW.HUGEDESIGNGROUP.COM
 Unit 8 500 Alder Road
 Markham, ON Canada



MEMO

一切以用户的精力为准则,因此此例是毫无保留地交予用户,且其内容完全由用户决定,其设计过程立即通过知识,而非本公司设计过程而结束,小册子特征如下:

PROJECT

POKE BOWL

ADDRESS

3535 Steeles Ave E
Unit 115

DESIGNER:

DRAW

CHECK

APPROVE

JOE MUMFORD

DATE _____

2015.04.25

SCALE

SEE NOTES

•

FLOOR PLAN

NUMBER

در

PAGE



Ichi Don Japanese Cuisine

熟丼 Donburi

海老穴子天丼	Shrimp Tempura Don	18.98
炸星鰻北海月丼	Anago Hotate Tempura Don	22.98
太子龍蝦天婦羅丼	Lobster Tempura Don	22.98
鰻魚二重丼	Unagi Don	19.98
鵝肝霜降牛丼	Truffle Foie Gras Sirloin Don	26.98
玉子燒牛丼	Beef Tamago Don	16.98
松露安格斯牛丼	Truffle Angus Beef Don	21.98
照燒雞肉親子丼	Teriyaki Chicken Don	16.98
黑毛豬排玉子丼	Pork Chop Tamago Don	15.98
豚腩生薑燒丼	Ginger Pork Belly Don	15.98

Add-ons

鰻肝Foie Gras...8 鱈魚Ikkura...6 海膽Uni...8 松露醬Truffle Sauce...3

揚物 Tempura

天婦羅合盛	Ebi Tempura	12.98
綜合蔬菜串揚	Vegetable Tempura Kushi	6.98
霜降牛炸串	Beef Kushikatsu	8.98
青蔥若雞唐揚	Chicken Karaage with Green Onions	6.98
揚出豆腐	Agedashi Tofu	5.98

燒物 Yaki

鹽烤大蝦	Shrimp Yaki	8.98
銀鱈魚西京燒	Grilled Black Cod	16.98
帆立貝起司燒	Grilled Scallop with Mayo	9.98
炭燒大鰻魚	Ikayaki	12.98
炙燒厚切牛舌串	Grilled Beef Tongue Kushi	9.98
炭烤羊小排	Grilled Lamb Rack	12.98
魚子雞肉串萬全燒	Toriyaki with Mayo	7.98

吸物 Soup

松茸菇味噌湯	Miso Soup with Mushroom	2.98
茶碗蒸	Chawanmushi	5.98
海鮮銀杏茶壺湯	Seafood Ginkgo Soup	7.98
清煮蛤蜊湯	Sake Clam Soup	8.98
釜燒海鮮烏冬	Seafood Udon	14.98
鮭魚茶漬飯	Salmon Chazuke	6.98

小菜 Side Dish

和風野菜沙拉	Green Salad	5.98
松露鹽毛豆	Truffle Salted Edamame	3.98
芥末八爪魚	Takowasabi	4.98
胡麻味秋葵	Okra with Sesame Sauce	3.98

甘味 Dessert

手作抹茶焦糖布丁	Matcha Crème Brûlée	6.98
香芋榴槤天婦羅	Taro & Durian Tempura	12.98

汽水	Soft Drink	2.50
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Ichi Don Japanese Cuisine

生拌 Chirashi

混合海鮮拌	Chirashi Don	18.98
極上海之幸拌	Deluxe Chirashi Don	38.98
鰵火鮪魚拌	Blue Fin Tuna Don	18.98
油漬鮭魚視子拌	Salmon Ikura Don	18.98
聚選月之戀拌	Hotate Uni Don	25.98
藍鰭金槍大腹拌(小)	Blue Fin Toro Don	32.98
膏華海膽鮭魚卵拌(小)	Uni Amaebi Ikura Don	38.98
天使蝦海膽拌	Aka Ebi Uni Don	32.98
鰵蝦魚子大蟹拌	Aka Ebi Amaebi Tobiko Don	22.98
龍蝦大滿貫拌	Lobster Don	48.98

Add-ons

鰵肝 Fois Gras...8 鮭立卵 Ikura...6 海膽 Uni...8 波松露醬 Truffle Sauce...3

刺身 Sashimi

鮭魚刺身	Salmon Sashimi	5.98
鮪魚刺身	Tuna Sashimi	6.98
鰻魚刺身	Hamachi Sashimi	6.98
天使蝦刺身	Aka Ebi Sashimi	12.98
海膽刺身	Uni	Market Price
牛刺身佐和風油醋	Beef Tataki	18.98
鮭魚片薄造	Salmon Carpaccio	12.98
鮪魚塔塔	Tuna Tataki	12.98

今日刺身盤和 Today's Sashimi Platter

8pc.....15.98 18pc.....28.98 28pc.....38.98

一簞刺身盤和 Ichi Sashimi Platter

8pc.....23.98 18pc.....42.98 28pc.....56.98

壽司 Sushi

炙燒鮭魚腹壽司	Torched Salmon Belly Nigiri Sushi	3.98/pc
藍鰭金槍大腹壽司	Blue Fin Toro Nigiri Sushi	9.98/pc
大蝦壽司	Shrimp Nigiri Sushi	4.98/pc
星鰻壽司	Anago Nigiri Sushi	5.98/pc
海膽壽司	Uni Nigiri Sushi	12.98/pc
鮭魚卵壽司	Ikura Nigiri Sushi	3.98/pc
肥立貝佐海膽壽司	Hotate Uni Nigiri Sushi	6.98/pc
炙燒和牛壽司	Torched Wagyu Beef Nigiri Sushi	7.98/pc
鰻肝壽司	Fois Gras Nigiri Sushi	7.98/pc
海膽牛肉手卷	Uni Beef Temaki	14.98
海膽天使蝦手卷	Uni Aka Ebi Temaki	15.98
特上手握壽司 (6pcs)	Chef's Nigiri Sushi (6pcs)	18.98
一簞手握壽司 (8pcs+1 Temaki)	Ichi Nigiri Sushi (8pcs+1 Temaki)	38.98
炙灼綜合壽司 (6pcs)	Torched Nigiri Sushi (6pcs)	18.98
火灼三色堡壽司	Tri Aburi Oshi	18.98
特上海之彩卷	Seafood Maki	18.98
龍蝦荷金燒卷	Lobster Maki	22.98
瓜瓜軟殼蟹卷	Soft-shell Crab Maki	18.98
日本梅醬紫蘇卷	Plum Shiso Maki	7.98



Brenda J. Librecz
Commissioner, Community & Fire Services

Memorandum

To: Mayor & Members of Council
Cc: Andy Taylor, CAO and Executive Leadership Team
From: Brenda Librecz, Commissioner, Community & Fire Services Commission
Date: October 25, 2019
Re: Funding Program - Investing in Canada Infrastructure Program (ICIP): Ontario Community, Culture and Recreation (CCR) closes on November 12, 2019

Please find the following update for your information.

The Ontario government released the **ICIP: Community, Culture and Recreation (CCR) Program Guidelines** for this long-awaited funding program on September 3, 2019. “The Investing in Canada Infrastructure Program (ICIP) is a cost-shared infrastructure funding program between the federal government, provinces and territories, and municipalities and other recipients. This program will see up to \$30 billion in combined federal, provincial and other partner funding, under four priority areas, including Community, Culture and Recreation. The Community, Culture and Recreation stream will support community infrastructure priorities across the province, **improving access** to and/or **quality** of community, cultural, and recreation priority infrastructure projects.”

Key Highlights of the Ontario Community, Culture and Recreation (CCR) Funding Program

- Funding program opened on September 3, 2019, and closes on **November 12, 2019**.
- **Municipalities** are eligible to apply for funding.
- Two funding categories: A) **Rehabilitation and Renovation** category for projects less than \$5 million in total project cost; and B) **Multi-Purpose** category for projects up to \$50 million in total project cost.
- **Cost-sharing formula for total eligible costs is Federal contribution (40%), Provincial contribution (33.33%), and Applicant contribution (26.67%)**. Any expenditures incurred before approval of funding are not eligible for reimbursement.
- The funding program is expected to be well-subscribed and competitive.
- Each submission required the completion of an **application form** and a comprehensive **business case** online. An applicant can submit more than one application.
- Specific endorsement of a project by a municipal Council is not a requirement of the funder.



Brenda J. Librecz

Commissioner, Community & Fire Services

- Funding decision will be provided to applicants in **spring/summer 2020** and approved project must be substantially be completed by March 31, 2027.

Senior Staff has completed a review for candidate projects that would be competitive in the **Multi-Purpose** (up to \$50 million in total project costs) category of the CCR Funding Program. Staff reviewed the ILMP for priorities that would fit the criteria. The following departments were consulted: Economic Growth, Culture & Entrepreneurship Department, Recreation, Operations (Parks) and Markham Public Library. Culture has indicated that they don't have any projects suitable as a candidate at this time. There are two candidate projects that have a good alignment to the CCR Funding Program. Senior staff has concluded that the project, **Milliken Mills Community Centre & Library Renovation and Expansion**, has the best chance for success. Staff has commenced the process of completing the application and comprehensive business case to the CCR Program for funding subject to hearing feedback from Council.

Overview of Shortlisted Projects

Project Name	Brief Description	Internal Assessment	Senior Staff Decision
Milliken Mills Community Centre & Library Renovation and Expansion	<p>Revitalize the aging and busy facility to meet the needs of the existing community, as documented in the 2010 and 2019 Integrated Leisure Master Plan Update (seeking approval currently), address service demands from the Area of Intensification - Milliken Centre Secondary Plan (under development), and address service gaps in the areas of seniors centre, gymnasiums, and community hub partnerships</p> <ul style="list-style-type: none"> • 40,000 sq.ft. addition to provide seniors centre space, community hubs, study/networking/ gathering spaces, double gymnasiums and renovation and revitalization of the 17,000-sq.ft. library • Up to \$30 million in total project cost 	<ol style="list-style-type: none"> 1. Delivery on Funder Objectives and Outcome – High 2. City-owned and has capital component – Yes 3. Publicly accessible – Yes 4. Integrated service delivery – Yes 5. Meet substantial completion deadline – Yes 6. Draft facility design plans are available - Yes 7. Maximum grant funding realized, if approved - \$ \$22.0 million <p><u>Conclusion:</u> A strong business case can be made to the funder, it meets all aspects of the funder's requirements and objective, and has high project readiness.</p>	Proceed to apply for CCR funding
Markham Centre Neighbourhood Centre	<p>Design and build a multi-purpose community hub to provide recreation, library, and other services to serve Markham's Downtown and contribute to the vision of a complete community</p> <ul style="list-style-type: none"> • Up to 10,000 sq.ft. • Up to \$5.0 million subject to the securing of a partnership opportunity. 	<ol style="list-style-type: none"> 1. Delivery on Funder Objectives and Outcome – High 2. City-owned and has capital component – Unknown (pursuing innovative arrangement to acquire needed space) 3. Publicly accessible – Yes 4. Integrated service delivery – Yes 5. Meet substantial completion deadline – Unknown (see #2) 6. Draft facility design plans are available - No 7. Maximum grant funding realized, if approved - \$ 3.7 million 	--



Brenda J. Librecz

Commissioner, Community & Fire Services

		<u>Conclusion:</u> Project does not meet all aspects of the funder's requirements and objective, and while the project will deliver good value to Markham when fully conceived, it has a lower project readiness rating.	
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Rationale for Selection

Staff believe an application to the CCR Program to fund the project, **Milliken Mills Community Centre & Library Renovation and Expansion** should be submitted, because the project is well-matched to the objectives and requirements of the Ontario funding program in the following manner:

- The project delivers on **all four objectives and the outcome of the provincial funder**. The objectives include: 1) meeting community and user needs or service gap; 2) promoting good asset management planning; 3) representing good value for money; and 4) fostering greater accessibility. The outcome of this fund is to improve access and/or quality of community infrastructure for Ontarians.

Markham can demonstrate solid commitment for this project from our Council, through the 2015-2019 and 2020-2023 (under development) **BMFT Strategic Plans**. Undertaking this project during the current Council term will be a significant deliverable of the 2020-2023 Strategic Plan and aligns well to the BMFT goals of Exceptional Services by Exceptional People; Engaged, Diverse, Thriving & Vibrant City; Safe, Sustainable & Complete Community; and Stewardship of Money & Resources.

This project will help Markham meet community needs, as documented through the master planning work of the **2010 Integrated Leisure Master Plan and the proposed 2019 Integrated Leisure Master Plan Update**. Each document noted gaps and provision targets, and made specific improvement recommendations relating to the Milliken Mills Community Centre and Library. Additional supporting material that can be used in the application for funding for this project included Markham Public Library Board reports and past budget submissions.

The **Milliken Centre Secondary Plan**, as an Area of Intensification, is located south of the Milliken Mills Community Centre in the northeast quadrant of Steeles Avenue East and Kennedy Road. Milliken Centre is expected to generate demand for services from the forecasted 15,000 new residents. As a new development area it could generate Community Benefits Charge (former development charges) that could be utilized for this project to cover the City's share.

The funder's interest in **integrated service delivery** will place the project in an excellent position for funding as our municipality, having achieved internal integrated service delivery, is looking to advance a community hub model to create more integrated service opportunities with external partnering organizations.

- Milliken Mills Community Centre & Library is **city-owned**, has a **capital** component, is **publicly accessible**, and operates under an **integrated service delivery** model - all characteristics required by the funder.

**Brenda J. Libreccz**Commissioner, Community & Fire Services

- The total project cost is estimated to be below the funding cap of \$50 million and is an eligible project type identified in the **Multi-Purpose** category of this fund. Project types include new build/construction projects, larger scale renovation, and/or expansion of existing facilities. If approved, the funder will pay for 73.33% (Federal + Provincial sources) of the total eligible project costs. An amount that the city would normally have to obtain through sources, such as property taxes.
- Markham's current practice will ensure this project meets or exceeds stated **accessibility standards, building codes**, and applicable **energy efficiency standards**, as outlined.
- The project is consistent with the city's **Asset Management Plan** directives and can be substantially completed by **March 31, 2027**.

If you have any questions or concerns please let know.

Brenda Libreccz
Commissioner



Report to: Development Services Committee

Meeting Date: October 15, 2019

SUBJECT: **Recommendation Report**
 Demolition Permit Application
 11 Princess Street
 Markham Village Heritage Conservation District, Ward 4

PREPARED BY: File No. 19 133557 DP
 George Duncan, CAHP, Senior Heritage Planner, ext. 2296

REVIEWED BY: Regan Hutcheson, MCIP, RPP, CAHP
 Manager of Heritage Planning, ext. 2080

RECOMMENDATION:

- 1) That the report titled “Recommendation Report, Demolition Permit Application, 11 Princess Street, Markham Village Heritage Conservation District, Ward 4, File No. 19 133557”, dated October 15, 2019, be received;
- 2) That Council endorse the demolition of the existing 1950s dwelling;
- 3) And that Staff be authorized and directed to do all things necessary to give effect to this resolution.

PURPOSE:

To recommend that Council support the demolition of a 1950s dwelling at 11 Princess Street, within the Markham Village Heritage Conservation District, to allow the construction of a new dwelling as part of a Site Plan Control Application.

BACKGROUND:

The owners of the property propose to construct a new two storey dwelling

The owners of 11 Princess Street have submitted a Site Plan Control Application (File No. SPC 19 122591) and an associated Minor Variance Application (File No. A/53/19) to construct a new two storey dwelling on the subject property. The existing 1950s dwelling, not considered a heritage building, is proposed to be demolished. The Minor Variance Application was approved by the Committee of Adjustment on June 26, 2019.

The property is located within a heritage conservation district

As the property is designated under Part V of the Ontario Heritage Act, review by Heritage Markham is required and the approval of Council is necessary to permit the demolition of the existing dwelling. Heritage Markham reviewed the Site Plan Control Application on July 10, 2019 and August 14, 2019, and had no objection to the demolition of the existing dwelling and its replacement with a new dwelling.

OPTIONS/ DISCUSSION:**The Ontario Heritage Act requires Council to consider all demolition applications for designated properties**

Although the subject building is not considered to possess cultural heritage value, it is located within the Markham Village Heritage Conservation District. According to Section 42(1) of the *Act*, an owner is required to obtain a permit from the municipality to:

1. alter any part of the property other than the interior
2. erect, demolish or remove any building or structure on the property or permit the erection, demolition or removal.

The Act does allow a municipality to delegate its power to grant permits for the alteration of property situated in a heritage conservation district to an employee or official of the municipality. Markham Council has approved such a by-law delegating its power for the approval of alterations to the Manager of Heritage Planning. However, upon consultation with Legal staff, it has been determined that the delegation authority does not include the applications for demolition or removal. Therefore, all applications for demolition of buildings and structures within heritage conservation districts, whether of cultural heritage value or not, must be considered by Council.

Staff has no objection to the proposed demolition of the existing 1950s dwelling

Staff supports the proposed redevelopment of the property and is currently processing the Site Plan Control Application, and has no objection to the demolition of the existing non-heritage dwelling on the property.

FINANCIAL CONSIDERATIONS AND TEMPLATE: (external link)

None

HUMAN RESOURCES CONSIDERATIONS

Not Applicable

ALIGNMENT WITH STRATEGIC PRIORITIES:

Not Applicable

BUSINESS UNITS CONSULTED AND AFFECTED:

The demolition request was reviewed by Heritage Markham, Council's advisory committee on heritage matters, within the context of the Site Plan Control and Minor Variance Applications.

RECOMMENDED BY:

Biju Karumanchery, M.C.I.P., R.P.P.
Director, Planning & Urban Design

Arvin Prasad, MPA, RPP, MCIP
Commissioner, Development Services

ATTACHMENTS:

Figure 1: Applicant & Location Map

Figure 2: Building Photograph

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Demolition.doc

FIGURE 1**APPLICANT NAME & LOCATION MAP**

APPLICANT/OWNERS: Cui Zhu Liang c/o The Gregory Design Group

LOCATION MAP

FIGURE 2
BUILDING PHOTOGRAPH





Report to: Development Services Committee

Meeting Date: October 15, 2019

SUBJECT: **Recommendation Report**
 Amendment to the Thornhill Heritage Conservation District
 Plan – Robert Jarrot House Statement of Cultural Heritage
 Value or Interest
 15 Colborne Street
 Thornhill Heritage Conservation District, Ward 1

PREPARED BY: George Duncan, CAHP, Senior Heritage Planner, ext. 2296

REVIEWED BY: Regan Hutcheson, MCIP, RPP, CAHP,
 Manager of Heritage Planning, ext. 2080

RECOMMENDATION:

- 1) That the report titled “Recommendation Report, Amendment to the Thornhill Heritage Conservation District Plan – Robert Jarrot House Statement of Cultural Heritage Value or Interest, 15 Colborne Street, Thornhill Heritage Conservation District, Ward 1”, dated October 15, 2019, be received;
- 2) THAT as recommended by Heritage Markham, the Statement of Cultural Heritage Value or Interest for 15 Colborne Street in the Building Inventory of the Thornhill Heritage Conservation District Plan (2007) be amended as per Appendix ‘C’ to include the exterior of the 1963/1975 addition designed by B Napier Simpson Jr. as a heritage attribute based on its design/physical value and its historical/associative value;
- 3) AND THAT staff be authorized and directed to do all things necessary to give effect to this resolution.

EXECUTIVE SUMMARY:

Not applicable.

PURPOSE:

To recommend to Council that the Statement of Cultural Heritage Value or Interest for 15 Colborne Street in the Thornhill Heritage Conservation District Plan be amended to include the 1963/1975 addition designed by noted Canadian architect B. Napier Simpson Jr., as requested by the current property owner and supported by staff and the Heritage Markham Committee.

BACKGROUND:**The Robert Jarrot House is a Class A building in the Thornhill Heritage Conservation District**

The Robert Jarrot House at 15 Colborne Street, c.1853, is a Class A heritage building in the Thornhill Heritage Conservation District. It was constructed by a local carpenter as his family residence. Additions have been made to the dwelling, including a rear addition from c.1910 and a family room added on the west side in 1963, which was further enlarged in 1975. The side addition is of cultural heritage value or interest because it was designed by Bruce Napier Simpson Jr., a Thornhill resident who was an important architect that specialized in historic restorations and traditional designs based on early Canadian architecture in the 1960s-1970s. The current Statement of Cultural Heritage Value or Interest for the property from the Building Inventory of the Thornhill Heritage Conservation District Plan is attached as Appendix 'A.'

The property owner wishes to protect the B. Napier Simpson Jr. addition from potential demolition by a future owner

The current property owner values the B. Napier Simpson Jr. addition and has approached City staff and Heritage Markham to seek an appropriate means of ensuring its protection by identifying it as a significant feature of the historic dwelling.

Heritage Markham supports the protection of the B. Napier Simpson Jr. addition

On July 17, 2019 Heritage Markham requested staff to report back on the merits and process for designating the property under Part IV of the Ontario Heritage Act in order to protect the B. Napier Simpson Jr. addition. Staff recommended that although Heritage Markham suggested that the property, already protected by Part V designation under the Ontario Heritage Act, be considered for designation under Part IV of the Act, staff is of the opinion that the amending of the Statement of Cultural Heritage Value or Interest contained in the Thornhill Heritage Conservation District Plan is an appropriate mechanism to add additional features of cultural heritage value.

The property owner appeared as a deputation at the August 14, 2019 Heritage Markham meeting in support of protecting the Napier Simpson addition

At the August meeting of the Heritage Markham Committee, the property owner made a deputation in support of protecting the B. Napier Simpson Jr. addition. The property owner and Heritage Markham Committee agreed with staff's recommendation that the appropriate means of protecting the addition is to amend the Statement of Cultural Heritage Value or Interest in the Building Inventory of the Thornhill Heritage Conservation District Plan 2007. The following resolution was passed:

That staff continue the process to further protect the heritage attributes of the Robert Jarrot House situated at 15 Colborne Street in the Thornhill Heritage Conservation District.

CARRIED

OPTIONS/ DISCUSSION:**The Thornhill Heritage Conservation District Plan includes a process for re-classifying the heritage status of a property**

When the Thornhill Heritage Conservation District Plan was amended and approved in 2007, a process for changing the classification of a property was included (see Appendix 'B'). Staff has generally followed this procedure, although this property is not being re-classified.

The reasons for the request to change the building's heritage attributes for 15 Colborne Street were identified at the August 14, 2019 meeting of Heritage Markham:

- The design compatibility of the 1963/1975 addition with the c.1853 dwelling;
- The associative value of the 1963/1975 addition, designed by noted Canadian architect B. Napier Simpson Jr.

Buildings within the heritage conservation district are classified as A – heritage buildings of major significance to the district; B – emerging heritage buildings which are generally early 20th century structures, and C – other buildings which are generally newer structures that are considered for their cultural heritage value on a case-by-case basis. Class A and Class B buildings each have a Statement of Cultural Heritage Value or Interest, which includes a listing of heritage attributes that define the character of the building and embody its cultural heritage value.

Modern-era additions were not considered when the Thornhill District Plan was amended in 2007.

When the new Building Inventory was created in 2007, the focus of the building classifications and Statements of Cultural Heritage Value or Interest was upon the principal cultural heritage resource. Modern-era additions may have been noted in the building descriptions, but were not included in the list of heritage attributes, as was the case for this property.

Buildings and properties do not necessarily have to be old to possess value. In Brantford, the City has designated the modern 1960s home of Wayne Gretzky due to its associative value to one of the world's best hockey players. The Thornhill Heritage District Plan also identified some recent buildings as possessing cultural heritage value such as 24 Deanbank Drive, built in 1963/1975 due to its associative value with B. Napier Simpson Jr. and its unique vernacular architectural expression. Markham Council has also recently required the retention and incorporation of 38 John Street (built in the 1950s) into a new single detached dwelling, due to the building's contextual value to the streetscape.

Approval of Heritage Markham's recommendation will require minor changes to the text of the Statement of Cultural Heritage Value or Interest for 15 Colborne Street

If Council approves the recommendation for the inclusion of the 1963 addition as a heritage attribute (thereby giving it enhanced status for protection within the context of the heritage conservation district designation), minor changes will be required to be made to the text of the Statement of Cultural Heritage Value or Interest for the Robert Jarrot House. The recommended revised text is attached as Appendix 'C'.

FINANCIAL CONSIDERATIONS

Not applicable.

HUMAN RESOURCES CONSIDERATIONS

Not applicable.

ALIGNMENT WITH STRATEGIC PRIORITIES:

This report aligns with the Corporate Direction of Managed Growth and Environment by ensuring that significant cultural heritage resources are preserved within the context of the changing urban landscape, and minimizes existing building materials being sent to landfill.

BUSINESS UNITS CONSULTED AND AFFECTED:

The Heritage Markham Committee was consulted.

RECOMMENDED BY:

Biju Karumanchery, M.C.I.P., R.P.P.
Director of Planning & Urban Design

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

File Path:

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ATTACHMENTS:

Figure 1: Location Map

Figure 2: Building Photograph

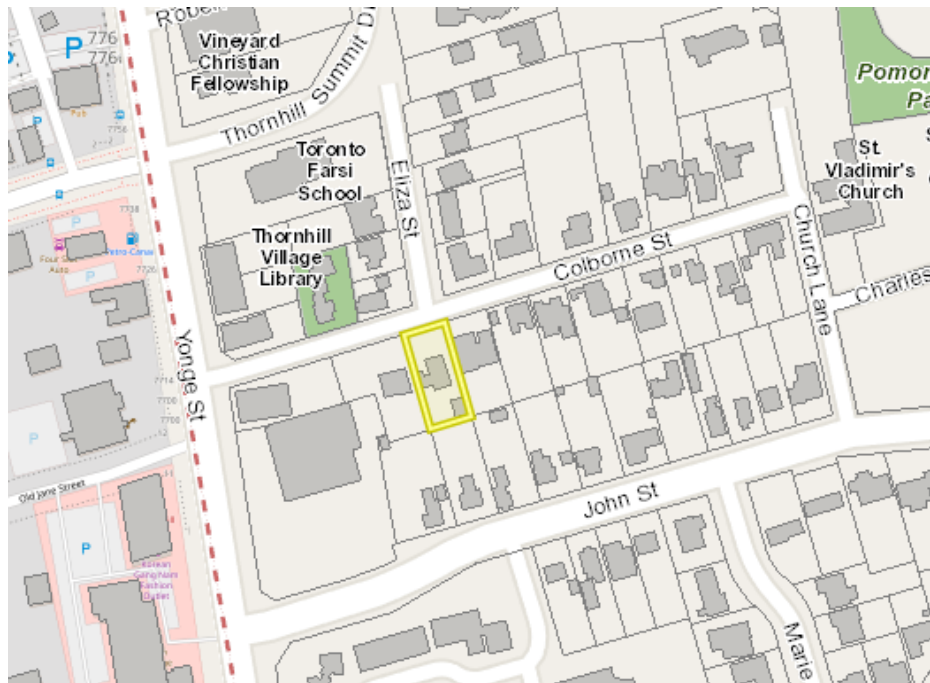
Appendix 'A': Current Statement of Cultural Heritage Value or Interest

Appendix 'B': Process for Changing Building Classification

Appendix 'C': Recommended Revised Statement of Cultural Heritage Value or Interest

OWNER:

Diane Berwick

FIGURE 1: Location Map**FIGURE 2: Building Photograph**

Appendix 'A' - Current Statement of Cultural Heritage Value or Interest

Robert Jarrot House, 15 Colborne Street, c.1853

Statement of Cultural Heritage Value or Interest:

The stuccoed house at 15 Colborne Street was constructed c.1853. It was originally owned by Robert Jarrot, a joiner (a skilled carpenter that produces doors, windows and other finished woodwork). In the 1910s, the house was added to and remodeled with windows typical of the early 20th century. The house is representative of the early period of Thornhill's history as a mill village. The Jarrot House is a good example of a modest tradesman's house in the vernacular Georgian Tradition, with early 20th century remodeling as a later development. There is evidence of peaked window heads, a feature associated with the Classic Revival style. The bellcast-roofed veranda is a recent, but appropriate addition.

Description of Heritage Attributes:

Exterior character-defining attributes that embody the cultural heritage value of 15 Colborne Street include:

- Rectangular plan of original cottage
- Rear addition from the 1910s
- One and a half storey height
- Stucco wall finish
- Gable roof
- Brick fireplace chimney
- Balanced 3-bay front with centre door
- Wood windows with wood surrounds
- Reproduction bellcast-roofed front veranda

Appendix 'B' – Process for Changing Building/Property Classification

Changes to Building/Property Classification

The most appropriate time to re-examine the classification of all buildings/properties would be at the next complete review of the District Plan document. However, there may be rare occasions when it may be appropriate to consider revising a building classification. The following process will be used in the consideration of any potential change to a building classification:

5. Request for change to building classification.
This can be requested by the property owner, member of the public, Council, staff or Heritage Markham.
2. The request must identify the reasons for the requested change in status.
For advancement to a higher Class, the request must identify how the building possesses cultural heritage value. The **cultural heritage value** of individual sites within the District can be expressed in terms of their design or physical values, historical or associative values, or contextual values. Properties of **cultural heritage value** should reveal broad architectural, cultural, social, political, economic or military patterns of our history, or should have some association with specific events or people that have shaped details of that history.
3. The owner of the property will be notified of the request for change.
Staff will notify the property owner of the requested change in classification and provide any materials submitted to support the request. The owner will be asked to comment on the request.
4. Staff and Heritage Markham review
Heritage Section staff will review the requested change and prepare a recommendation for Heritage Markham's consideration. The views of the property owner will be expressed to Heritage Markham. The property owner will be notified of the recommendation and invited to attend the Heritage Markham meeting to discuss the proposed change. Heritage Markham will make a recommendation to Council.
5. Council Review
Staff will prepare a report to Development Services Committee/ Council regarding the requested change to the building status. The property owner will be notified of the date of the meeting and will be sent a copy of the staff report. If desired, the property owner will have the opportunity to speak to Council on the issue. Development Services Committee and Council will review the request and pass a resolution either supporting or not supporting the requested change. If the change is supported, the Heritage Plan will be amended.

Appendix 'C' – Recommended Revised Statement of Cultural Heritage Value or Interest

Robert Jarrot House, 15 Colborne Street, c.1853

Statement of Cultural Heritage Value or Interest:

The stuccoed house at 15 Colborne Street was constructed c.1853. It was originally owned by Robert Jarrot, a joiner (a skilled carpenter that produces doors, windows and other finished woodwork). In the 1910s, the house was added to and remodeled with windows typical of the early 20th century. The house is representative of the early period of Thornhill's history as a mill village. The Jarrot House is a good example of a modest tradesman's house in the vernacular Georgian Tradition, with early 20th century remodeling as a later development. There is evidence of peaked window heads, a feature associated with the Classic Revival style. A family room was added to the west side of the house in 1963, designed by the noted Canadian architect B. Napier Simpson Jr., and enlarged in 1975 with a small addition designed by the same architect. The bellcast-roofed veranda is a recent, but appropriate addition.

Description of Heritage Attributes:

Exterior character-defining attributes that embody the cultural heritage value of 15 Colborne Street include:

- Rectangular plan of original cottage
- Rear addition from the 1910s
- Gable-roofed single-storey addition on the west side, 1963 and 1975
- One and a half storey height
- Stucco wall finish
- Gable roof
- Brick fireplace chimney
- Balanced 3-bay front with centre door
- Wood windows with wood surrounds
- Reproduction bellcast-roofed front veranda



Report to: Development Services Committee

Meeting Date: October 15th, 2019

SUBJECT: RECOMMENDATION REPORT
 Humboldt Greensborough Valley Holdings Limited
 Applications to amend the Official Plan and Zoning By-law,
 and for Draft Plan of Subdivision and Site Plan Approval to
 permit a common element condominium townhouse
 development comprised of 147 townhouses including 121
 back-to-back townhouses on the east side of Donald Cousens
 Parkway, south of Major Mackenzie Drive, west of Ninth
 Line, north of Castlemore Avenue (Concession 8, Part of Lot
 19) (Ward 5)

File Nos: OP 18 129244, ZA 10 132122, SU 11 118324 &
 SC 10 132123

PREPARED BY: Stacia Muradali, MCIP, RPP, Ext. 2008
 Senior Planner, East District

REVIEWED BY: Ron Blake, MCIP, RPP, Ext. 2600
 Senior Development Manager

RECOMMENDATION:

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- 1) That the staff report titled “RECOMMENDATION REPORT, Humboldt Greensborough Valley Holdings Limited, Applications to amend the Official Plan and Zoning By-law, and for Draft Plan of Subdivision and Site Plan Approval to permit a common element condominium townhouse development comprised of 147 townhouses including 121 back-to-back townhouses on the east side of Donald Cousens Parkway, south of Major Mackenzie Drive, west of Ninth Line, north of Castlemore Avenue (Concession 8, Part of Lot 19) (Ward 5), File Nos: OP 18 129244, ZA 10 132122, SU 11 118324 & SC 10 132123”, be received;
- 2) That the record of the Public Meeting held on June 11th, 2018 regarding the applications for Official Plan and Zoning By-law Amendments and Draft Plan of Subdivision 19TM-95082, be received;
- 3) That Council approve the Official Plan Amendment application (OP 18 129244) submitted by Humboldt Greensborough Valley Holdings Limited to redesignate the subject land from “Residential Low Rise” to “Residential Mid Rise” in the 2014 Official Plan (as partially approved on November 24th, 2017 and further updated on April 9th, 2018), as amended, attached in draft as Appendix ‘A’ be finalized and adopted without further notice;

-
- 4) That Council approve the Zoning By-law Amendment application (ZA 10 132122) submitted by Humboldt Greensborough Valley Holdings Limited to amend Zoning By-laws 304-87 and 177-96, as amended, attached in draft as Appendix 'B' be finalized and enacted without further notice;
 - 5) That Council approve the application for Draft Plan of Subdivision 19TM- 95082 (SU 11 118324) submitted by Humboldt Greensborough Valley Holdings Limited subject to the condition attached in draft as Appendix 'C';
 - 6) That Council endorse in principle the Site Plan application (SC 10 132123) submitted by Humboldt Greensborough Valley Holdings Limited for a common element condominium townhouse development comprised of 147 townhouses including 121 back-to-back townhouses, subject to the conditions attached as Appendix 'D';
 - 7) That Site Plan Approval be delegated to the Director of Planning and Urban Design or his designate, not to be issued prior to execution of a site plan agreement;
 - 8) That Council assign servicing allocation for a maximum of 147 townhouses;
 - 9) That Council permit applications for minor variances within two (2) years of the proposed amending by-law coming into force, attached as Appendix 'B', in accordance with Section 45 (1.4) of the Planning Act;
 - 10) And that Staff be authorized and directed to do all things necessary to give effect to this resolution.

EXECUTIVE SUMMARY:

Not applicable.

PURPOSE:

This report seeks Council approval of the proposed amendments to the Official Plan and Zoning By-law and Draft Plan of Subdivision applications, and endorsement in principle of the Site Plan application submitted by Humboldt Greensborough Valley Holdings Limited to permit a common element condominium townhouse development comprised of 147 townhouses including 121 back-to-back townhouses on the east side of Donald Cousens Parkway (DCP), south of Major Mackenzie Drive, west of Ninth Line, north of Castlemore Avenue.

BACKGROUND:**Subject lands and area context**

The subject lands front onto the east side of the DCP and is located south of Major Mackenzie Drive, west of Ninth Line, north of Castlemore Avenue and is approximately 3.1 hectares (7.7 acres) (Figure 1). There is a 10 metre servicing easement (in favour of the City) for an existing sanitary pipe which is located within Block 2 of the proposed draft plan (see Figure 4). A stormwater pond, the Little Rouge Creek, Ninth Line and the

Rouge National Urban Park (located on the east side of Ninth Line) are located to the east of the subject land. The Cornerstone Community Church and a proposed mid-rise building (6 storeys) are located to the south. Low density residential development consisting of single-detached dwellings exist across the DCP on the west side. A future public park, Little Rouge Creek valleylands and woodlands, and residential development comprised of semi-detached and townhouse dwellings up to three (3) storeys in height are located to the north. There is no significant vegetation on the subject property which is currently vacant (Figure 3).

Original Proposal

In 2010 and 2011 the Owner submitted applications to amend the Zoning By-law, and for Draft Plan of Subdivision and Site Plan approval to permit a common element condominium townhouse development which consisted of 112 townhouses. After the statutory Public Meeting was held for those applications on June 21, 2011, there was no activity on the applications while the landowner explored alternative forms of development.

Current proposal

In November 2017, the applicant submitted revised Zoning By-law Amendment and Site Plan Approval applications to permit a common element condominium townhouse development comprised of 121 back-to-back townhouses and 26 townhouses with rear yards. As a result of the introduction of back-to-back townhouses, the applicant was required to submit an Official Plan Amendment application and this is discussed in more detail later in this report. The previously submitted draft plan of subdivision application did not change.

The proposed townhouses will be oriented along the entire DCP frontage and also along the property line which abuts the existing stormwater management pond to the east (Figure 5). The proposed back-to-back townhouses will include unit widths of 6.1 metres (20 feet) with the majority being 7.3 metres (23.9 feet). The remaining townhouses will be approximately 5.9 metres (19.35 feet) wide with rear yards backing onto the stormwater management pond. All of the proposed townhouses will be three (3) storeys in height and each will have a single car garage and driveway. The 37 proposed visitor parking spaces will be well distributed throughout the proposed development, with some located at both the north and south ends, around the proposed common amenity area and some will be centrally located.

The back-to-back townhouses will each have rooftop terraces. For additional outdoor amenity space to serve all of the residents in the proposed development, an approximately 0.2 hectare (0.5 acre) outdoor amenity space located at the north end of the proposed development will be provided.

There are two (2) proposed vehicular accesses, a right-in/ right-out access on DCP at the mid-point of the proposed development and a full movement access at the south end. The applicant is also proposing floor plans which will offer a bedroom, bathroom and kitchenette as options on the main floor of the townhouses with rear yards (26 townhouses) and the 7.3 metre wide back-to-back townhouses (75 townhouses). The

optional floor plans to include a bedroom, bathroom and kitchenette on the main floor will appeal to a more diverse range of age groups including seniors as well as offer opportunities for independent living.

Official Plan and Zoning

The subject land is designated “Residential Low Rise” in the City’s 2014 Official Plan (as partially approved on November 24th, 2017 and further updated on April 9th, 2018) (the “City’s 2014 Official Plan”). The “Residential Low Rise” designation contemplates single and semi-detached dwellings as well as townhouses up to a maximum height of three (3) storeys. However, back-to-back townhouses are not provided for in this designation. An Official Plan Amendment is required to permit the proposed back-to-back townhouses.

The majority of the subject land is zoned “Agriculture One (A1)” and the northeast corner is zoned “Open Space One (O1)” by zoning by-law 304-87, as amended. A Zoning By-law Amendment is required to permit the proposed development.

Public Input

The statutory Public Meeting respecting the proposed development was held on June 11th, 2018 and there were no residents who spoke at the Public Meeting. Written submissions have not been received respecting the proposed development.

OPTIONS/ DISCUSSION:

The proposed amendment to the Official Plan is appropriate

The proposed Official Plan Amendment (Appendix ‘A’) to redesignate the subject land from “Residential Low Rise” to “Residential Mid Rise” and “Greenway” is considered appropriate given the area context surrounding the subject land. The subject land is separated from the existing community to the west by the DCP. The east side of DCP in this area (south of Major Mackenzie Drive, north of the intersection of Ninth Line and DCP) has been developed with a more intense form of residential development establishing it’s own character including semi-detached dwellings and townhouses to the north, and a six (6) storey mid-rise building proposed to the south, north of the existing Cornerstone Community Church (see Figure 3).

Designating Block 2 on the draft plan “Greenway” is appropriate to protect the adjacent valleylands and woodlands to the north. This area of land has been determined to be important in providing a minimum 10 metre vegetation protection zone (see Figure 4). It is Staff’s opinion that the proposed development is compatible with the surrounding neighbourhood and is an appropriate form of intensification.

The Region of York has exempted the proposed Official Plan Amendment from Regional approval because in their opinion the Official Plan Amendment application is considered to be a local matter.

The proposed amendment to the Zoning By-law is appropriate

The proposed zoning by-law amendment (Appendix 'B') to rezone the subject land from "Agriculture One (A1)" and "Open Space One (O1)" by zoning by-law 304-87, as amended, to "Residential Two *630 (R2*630)" and "Open Space One (OS1)" by zoning by-law 177-96, as amended, to permit the proposed townhouse development is considered appropriate. The proposed townhouse unit widths will range from 5.9 metres (19.3 feet) to 7.3 metres (23.9 feet) with maximum height up to 12 metres (39.3 feet) which will permit built form which will be compatible with the surrounding neighbourhood. The proposed amending by-law also requires a minimum area of 2000 square metres (0.2 hectares) for the proposed outdoor amenity space and will zone Block 2 on the draft plan "Open Space One (OS1)" which will not permit development of that area of land.

Proposed Draft Plan of Subdivision

The purpose of the proposed draft plan of subdivision (Figure 4) is to create a registered block on a plan of subdivision with an area of approximately 2.85 hectares (7 acres) to facilitate the creation of individual lots for the proposed townhouses through part lot control. Block 2 on the draft plan which is approximately 0.1 hectares (0.267 acres) will be conveyed to the City. There is a City sanitary pipe currently located within Block 2. Block 2 will also provide the minimum 10 metre vegetation protection zone to the Little Rouge Creek woodlands and valleylands to the north. Other blocks on the draft plan include Blocks 4 and 5 which are 0.3m reserves along the entire DCP frontage, and a Regional road widening (Block 3) also along the entire DCP frontage. The draft plan conditions are attached as Appendix 'C'.

Proposed site plan

The proposed site plan is appropriate subject to the conditions listed in Appendix 'D'. The proposed back-to-back townhouses will be located along the entire DCP frontage as well as facing the stormwater management pond at the northern half of the proposed development. The townhouses with rear yards will back onto the existing stormwater management pond to the east at the southern end of the proposed development. There is a window street along the DCP frontage which will provide access for the proposed back-to-back townhouses facing DCP (see Figure 4). The proposed layout supports urban design principles as the built form aligns and frames the DCP and the stormwater management pond to the east. The proposed built form is a contemporary style and the materials consist of brick with wood elements. Front garages are softened by overhangs and extensive window glazing is provided on the second and third floors. The proposed amenity/play area is located to abut the Little Rouge Creek valley land to the north which will enhance the use and appeal of this amenity space by the residents.

Shrub plantings, deciduous native trees and landscaping will be used to delineate the private amenity area from the open space system along the mutual property boundary. There will be adequate site circulation for pedestrians as there are contiguous sidewalks throughout the proposed development and adequate vehicular access and circulation for motor vehicles, emergency vehicles and garbage trucks. Sufficient visitor parking is provided as the proposed 37 visitor parking spaces comply with the City's parking by-law. The amount of outdoor amenity areas in the form of rooftop terraces, rear yards and

the proposed 0.2 hectare (0.5 acre) common amenity area will appropriately serve the future residents.

Staff are still working with the applicant to provide an appropriate width of landscape buffer along DCP. Staff have requested that the landscape buffer be a minimum 3.0 metres (9.8 feet) at the north end of the site and slightly taper towards the south end. Staff are also working with the applicant on the size of front yard landscape areas for units fronting onto the DCP. Staff has required a minimum soil volume of 30m³ for every two (2) townhouse units to facilitate the planting of high branching deciduous trees. The front entrance pathways may also need to be reconfigured to achieve the desired tree planting requirements. Staff are also requesting that the Canada Post Boxes located along the main entry road be relocated internal to the site. This would also provide space for additional landscape treatment and reduce the potential for vehicular conflict. The applicant will be required to provide the appropriate landscape buffer along DCP and adequate tree planting and revise the site plan and landscape plans accordingly prior to site plan endorsement, to the satisfaction of the Director of Planning and Urban Design (Appendix 'D'). The applicant is also required to provide a sidewalk within the boulevard of the City's cul-de-sac to the south of the subject land, extending from DCP to a future pedestrian pathway around the stormwater management facility to the east of the subject land. The site plan will need to be revised to reflect this sidewalk as well as the location of proposed bicycle spaces prior to site plan endorsement (Appendix 'D').

The applicant has also committed to implementing some sustainable initiatives throughout the proposed development such as using predominantly drought tolerant plant and tree species, as well as using silva cells to help support tree growth and on-site stormwater management.

Region of York

Donald Cousens Parkway is under the York Region's jurisdiction. York Region has reviewed the applications and reports submitted in support of the applications including the Traffic Impact Study. Some of York Region's requirements include conveyance of a road widening along the DCP frontage as well as establishing a 0.3m reserve across the full DCP frontage of the site except at the proposed access. It should be noted that previously, the proposed access on DCP was located at the north end of the proposed development. However, given York Region's concerns respecting the sightlines for the previously proposed access, the applicant has relocated the proposed DCP access to its current proposed location (see Figure 5). The applicant is required to comply with all of the Region's draft plan conditions (Appendix 'C') before the draft plan of subdivision is registered.

Toronto and Region Conservation Authority (TRCA)

The north-east portion of the subject land (Block 2 on the draft plan) is located within the TRCA's Regulated Area as it is traversed by a valley corridor associated with the Little Rouge River. This area around the Little Rouge River also contains significant valleylands and woodlands. Both the TRCA and the City's Natural Heritage staff will not allow development, pathways or park structures to be located within this area. However, the existing City pipe located within this area will be permitted. The TRCA has

reviewed the applications and supporting materials. One of their main comments relates to on-site retention and stormwater runoff for a 5mm storm event. They propose using Low Impact Development (LID) measures to encourage infiltration, evapotranspiration and/or reuse (eg. permeable driveway pavers, rainwater harvesting, bio-retention planters, enhanced grass swales or silva cells). The applicant is proposing to incorporate silva cells around the tree plantings as part of the proposed development. The planting and restoration plan for the vegetation protection zone must incorporate only native, non-invasive species, to the satisfaction of the TRCA and the Director of Planning and Urban Design. The applicant will be required to revise the respective engineering drawings and reports, as well as any plans including planting and restoration plans, and site plan. In addition, the applicant is required to explore further opportunities to increase the ecological function and provide an overall net benefit to the natural heritage system, to the satisfaction of the TRCA and the Director of Planning and Urban Design, as a condition of draft plan approval (see Appendix 'C').

Transportation

Both the Region and City transportation staff have reviewed the Traffic Impact Study and related addendums submitted by the applicant in support of the proposed development. The key finding of the traffic impact study is that the timing of the signalization at DCP and Castlemore Avenue should continue to be monitored by the Region in determining when the appropriate volumes have been met to warrant a traffic signal. The applicant has also committed to implementing a Transportation Demand Management (TDM) plan including a marketing and education program which will provide the future residents of the proposed development with maps of cycling routes, public transit schedules and information on Smart Commute programs serving the area. The applicant will also provide prepaid PRESTO cards in the amount of \$25 to each unit owner as a financial incentive to encourage commuters to try public transit. The applicant is required to satisfy all transportation requirements listed in the draft plan conditions (Appendix 'C') as well as provide a Letter of Credit to ensure that the proposed TDM measures are implemented to the satisfaction of the Director of Engineering (Appendix 'D').

Parkland

The subject land is located within the Greensborough community which is subject to the Greensborough Developers Group Agreement, which outlines the development cost obligations of participating landowners including parkland dedication. The applicant is required to meet their parkland obligations prior to approval of the proposed development. Approximately 0.3 hectares (0.74 acres) of parkland will be required for the proposed 147 townhouses. Any parkland owing above and beyond the Developers Group obligations will be paid to the City as cash-in-lieu of parkland. It should be noted that the proposed outdoor amenity space is not eligible for a credit against the parkland dedication requirement. The applicant is required to provide an appraisal report to the satisfaction of Director of Planning and Urban Design to determine the amount of cash-in-lieu of parkland owed to the City. The applicant is also required to provide a clearance letter from the Trustee of the Developers Group prior to registration of the draft plan of subdivision (see Appendix 'C').

Permission to apply for minor variances within two (2) years of by-law enactment

The applicant has requested that Council grant exemption from subsection 45 (1.4) of the Planning Act, which will permit applications for minor variances within two (2) years of the enactment of the amending by-law attached as Appendix 'B'. Staff have no objection to this request as the site plan requires a few minor revisions as discussed above. Staff will have the opportunity to review the appropriateness of any requested minor variances should any such applications be made in the future. This provision will be included in the Resolution of Council.

Public art

The applicant is required to provide a Public Art contribution in accordance with the City's public art policies and Section 37 of the Planning Act. The contribution has been identified in the Zoning By-law Amendment (Appendix 'B') and is collected prior to execution of the site plan agreement.

CONCLUSION:

Based on the discussion above staff is of the opinion that the proposed development is appropriate and recommend approval of the proposed Official Plan and Zoning By-law Amendments (Appendices 'A' and 'B') and Draft Plan of Subdivision subject to the draft conditions listed in Appendix 'C'. Staff also recommend endorsement in principle of the site plan subject to the site plan conditions in Appendix 'D'.

FINANCIAL CONSIDERATIONS:

Not applicable.

HUMAN RESOURCES CONSIDERATIONS:

Not applicable.

ALIGNMENT WITH STRATEGIC PRIORITIES:

The applications align with the City's strategic priority of providing a safe and sustainable community.

BUSINESS UNITS CONSULTED AND AFFECTED:

The applications have been circulated to various departments and external agencies and their conditions and comments have been incorporated into the Official Plan and Zoning By-law Amendments as well as Draft Plan and Site Plan conditions.

RECOMMENDED BY:

Biju Karumanchery, M.C.I.P., R.P.P.
Director, Planning & Urban Design

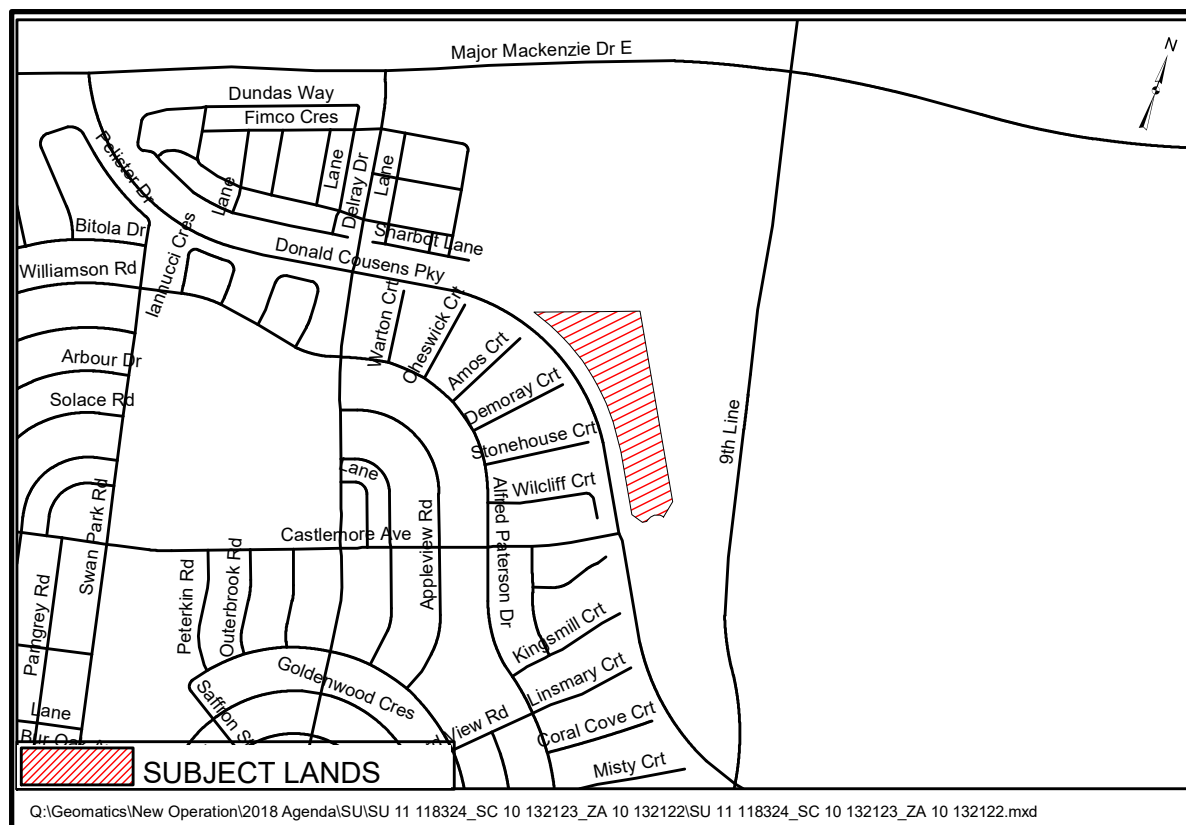
Arvin Prasad, M.C.I.P., R.P.P.
Commissioner of Development Services

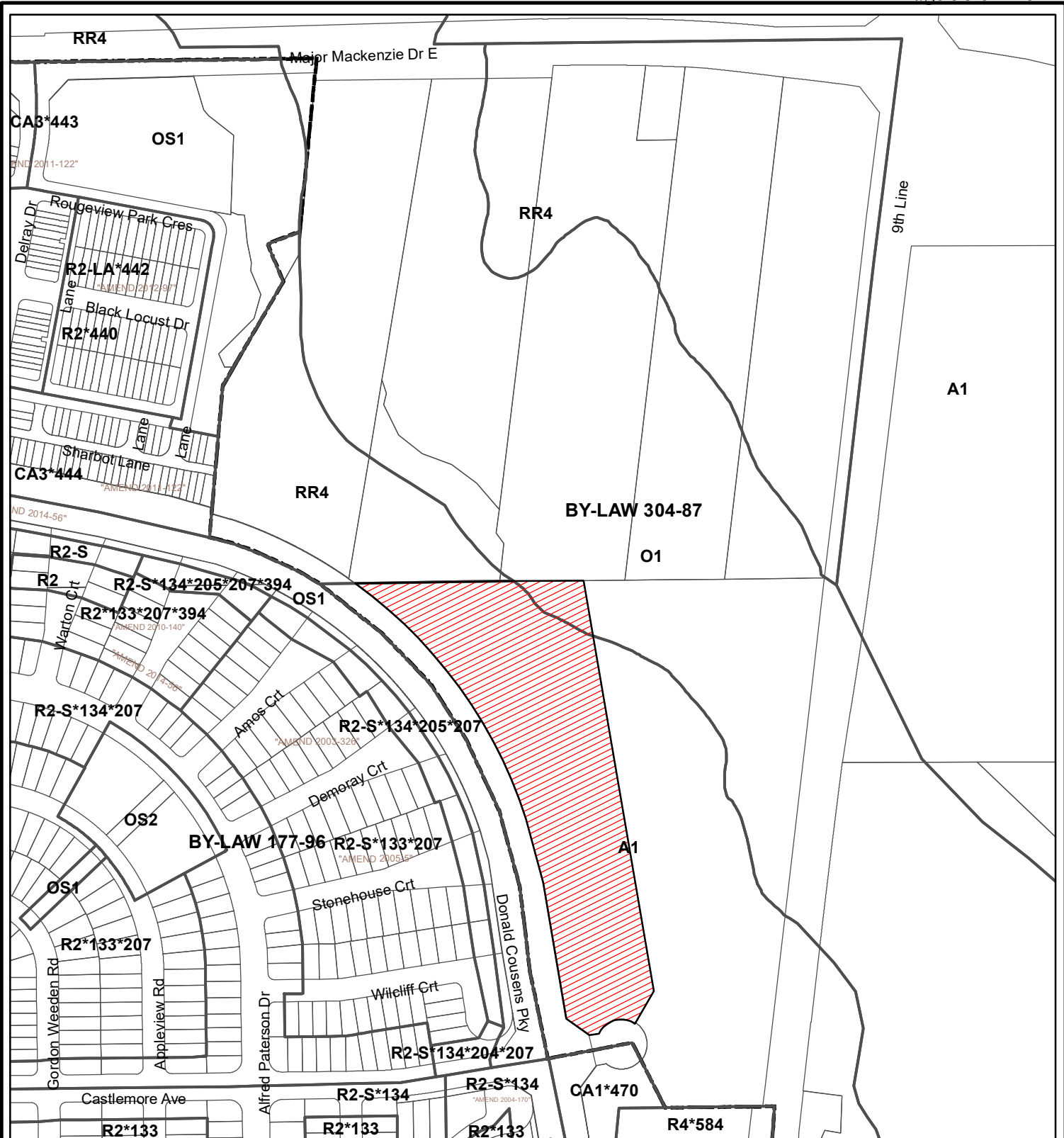
ATTACHMENTS:

Figure 1: Location Map
Figure 2: Area Context/Zoning
Figure 3: Air Phot
Figure 4: Proposed Draft Plan of Subdivision
Figure 5: Proposed Site Plan
Figure 6: Front Elevation on Donald Cousens Parkway (6.1m Townhouses)
Figure 7: Front Elevation on Donald Cousens Parkway (7.3m Townhouses)
Figure 8: Front Elevation Townhouses with Rear Yards
Figure 9: Rear Elevation Townhouses with Rear Yards

Appendix 'A': Proposed Official Plan Amendment
Appendix 'B': Proposed Zoning By-law Amendment
Appendix 'C': Draft Plan Conditions
Appendix 'D': Site Plan Conditions

File path: Amanda\File 18 129244\Documents\Recommendation Report





AREA CONTEXT / ZONING

APPLICANT: Humboldt Greensborough Valley Holdings Limited
 Concession 8 Part of lot 19, East of Donald Cousens Parkway,
 West of 9th Line, South of Major Mackenzie Drive East.

 SUBJECT LANDS

FILE No. OP1812944, ZA10132122, SU11118324 & SC10132123 (SM)

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Date: 29/08/2019



DEVELOPMENT SERVICES COMMISSION

Drawn By: CPW

Checked By: SM

FIGURE No.2



AERIAL PHOTO (2018)

APPLICANT: Humboldt Greensborough Valley Holdings Limited
 Concession 8 Part of lot 19, East of Donald Cousens Parkway,
 West of 9th Line, South of Major Mackenzie Drive East.

FILE No. OP1812944, ZA10132122, SU11118324 & SC10132123 (SM)

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Date: 29/08/2019



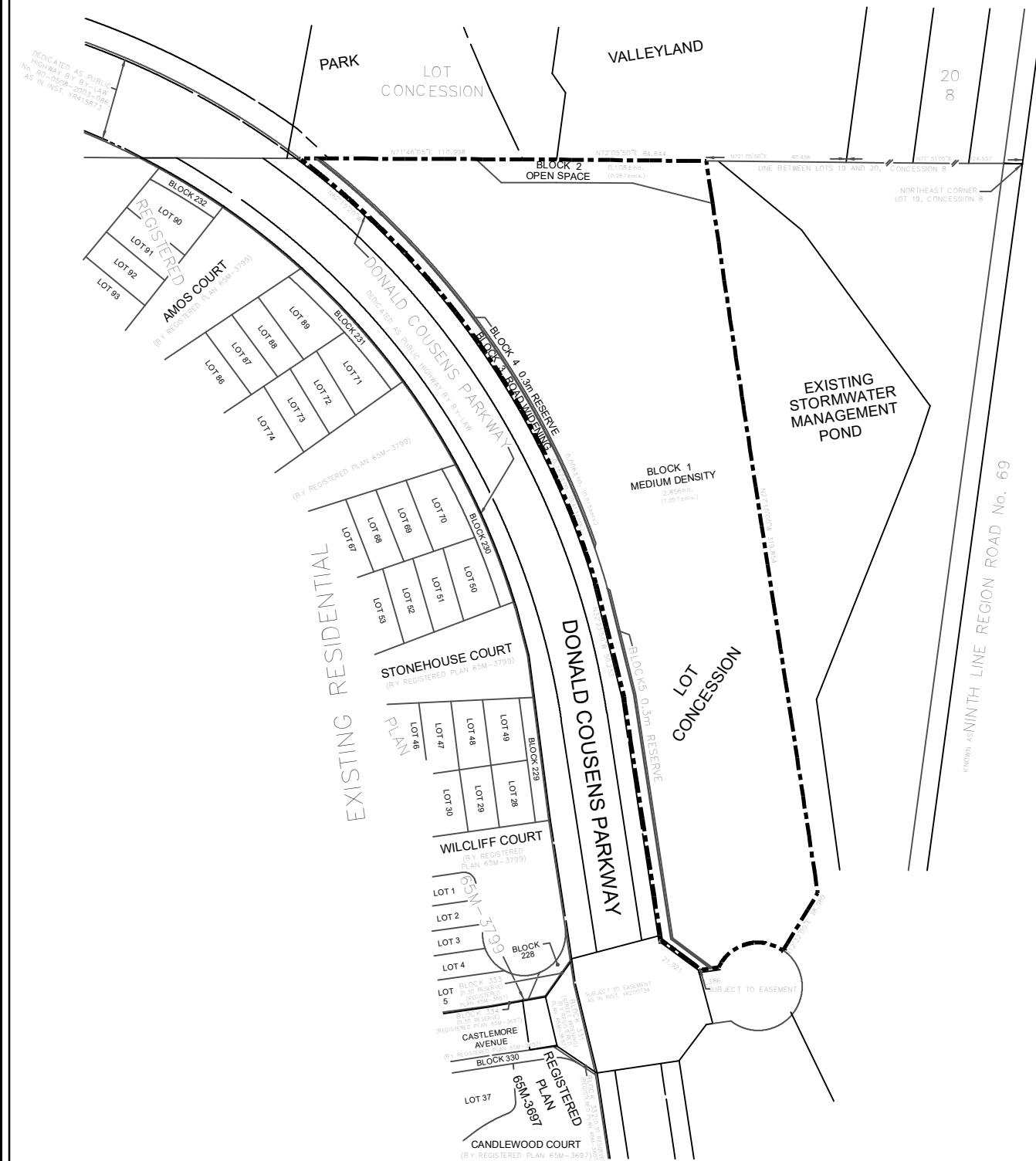
DEVELOPMENT SERVICES COMMISSION

Drawn By: CPW

Checked By: SM

FIGURE No.3

 SUBJECT LANDS



DRAFT PLAN OF SUBDIVISION

APPLICANT: Humboldt Greensborough Valley Holdings Limited
 Concession 8 Part of lot 19, East of Donald Cousens Parkway,
 West of 9th Line, South of Major Mackenzie Drive East.

FILE No. OP1812944, ZA10132122, SU11118324 & SC10132123 (SM)

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Date: 29/08/2019

MARKHAM DEVELOPMENT SERVICES COMMISSION

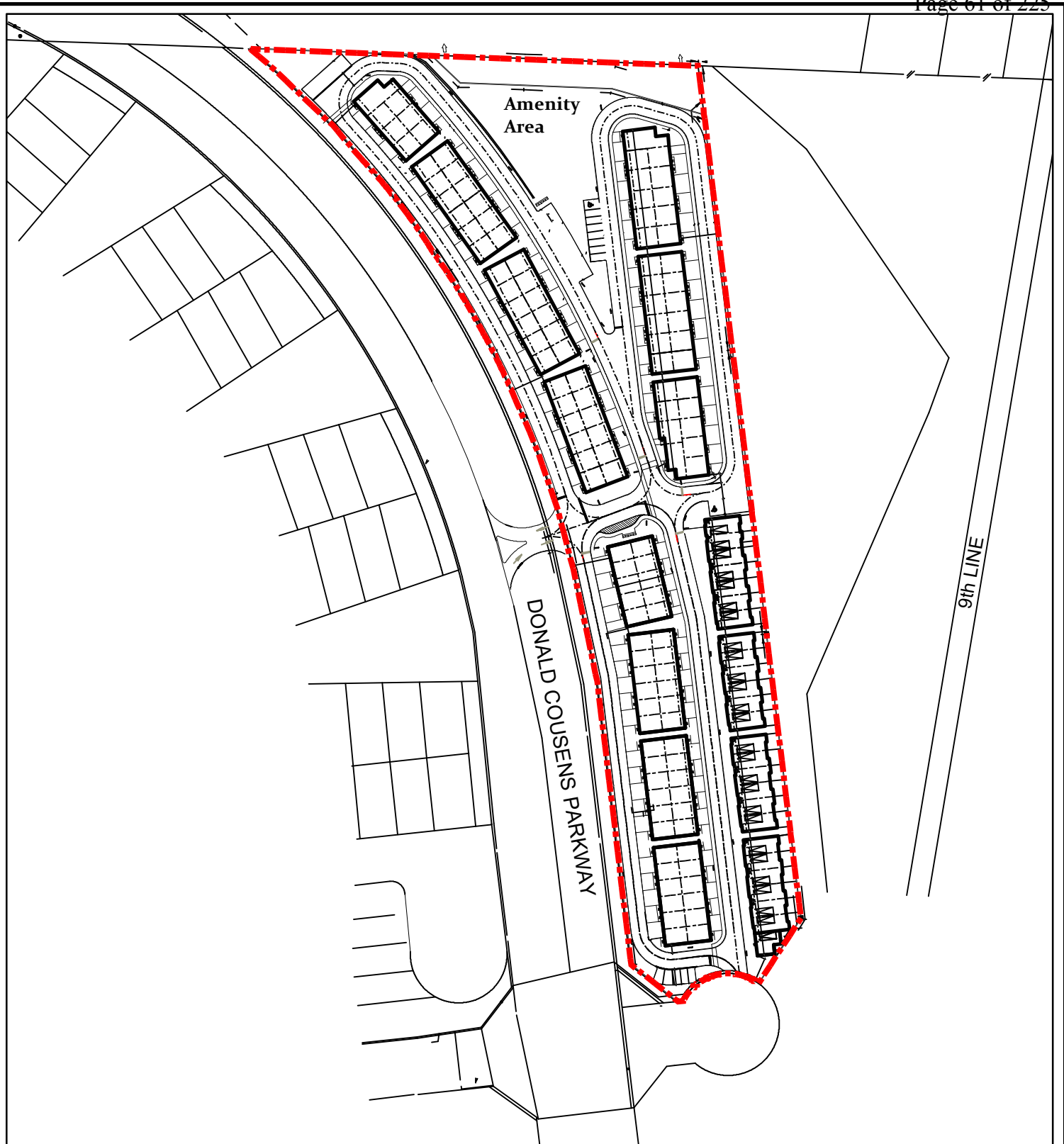
Drawn By: CPW

Checked By: SM

FIGURE No.4



SUBJECT LANDS



SITE PLAN

APPLICANT: Humboldt Greensborough Valley Holdings Limited
 Concession 8 Part of lot 19, East of Donald Cousens Parkway,
 West of 9th Line, South of Major Mackenzie Drive East.

FILE No. OP1812944, ZA10132122, SU11118324 & SC10132123 (SM)

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 SUBJECT LANDS

Date: 29/08/2019



FRONT ELEVATION ON DONALD COUSENS PARKWAY (6.1m TOWNHOUSES)

APPLICANT: Humboldt Greensborough Valley Holdings Limited
 Concession 8 Part of lot 19, East of Donald Cousens Parkway,
 West of 9th Line, South of Major Mackenzie Drive East.

FILE No. OP1812944, ZA10132122, SU11118324 & SC10132123 (SM)

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Date: 29/08/2019



FRONT ELEVATION ON DONALD COUSENS PARKWAY (7.3m TOWNHOUSES)

APPLICANT: Humboldt Greensborough Valley Holdings Limited
 Concession 8 Part of lot 19, East of Donald Cousens Parkway,
 West of 9th Line, South of Major Mackenzie Drive East.

FILE No. OP1812944, ZA10132122, SU11118324 & SC10132123 (SM)

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Date: 29/08/2019



FRONT ELEVATION (Townhouses with rear yards)

APPLICANT: Humboldt Greensborough Valley Holdings Limited
 Concession 8 Part of lot 19, East of Donald Cousens Parkway,
 West of 9th Line, South of Major Mackenzie Drive East.

FILE No. OP1812944, ZA10132122, SU11118324 & SC10132123 (SM)

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Date: 29/08/2019



REAR ELEVATION (Townhouses with rear yards)

APPLICANT: Humboldt Greensborough Valley Holdings Limited
 Concession 8 Part of lot 19, East of Donald Cousens Parkway,
 West of 9th Line, South of Major Mackenzie Drive East.

FILE No. OP1812944, ZA10132122, SU11118324 & SC10132123 (SM)

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Date: 29/08/2019

APPENDIX 'A'

CITY OF MARKHAM

OFFICIAL PLAN AMENDMENT NO. XXX

To amend the City of Markham Official Plan 2014, as amended.

(Humboldt Greensborough Valley Holdings Limited)

(October 2019)

CITY OF MARKHAM

OFFICIAL PLAN AMENDMENT NO. XXX

To amend the City of Markham Official Plan 2014, as amended.

This Official Plan Amendment was adopted by the Corporation of the City of Markham, By-law No. _____ - ____ in accordance with the Planning Act, R.S.O., 1990 c.P.13, as amended, on the XXth day of October, 2019.

Kimberly Kitteringham
CITY CLERK

Frank Scarpitti
MAYOR

THE CORPORATION OF THE CITY OF MARKHAM

BY-LAW NO. _____

Being a by-law to adopt Amendment No. XXX to the City of Markham Official Plan 2014, as amended.

THE COUNCIL OF THE CORPORATION OF THE CITY OF MARKHAM, IN ACCORDANCE WITH THE PROVISIONS OF THE PLANNING ACT, R.S.O., 1990 HEREBY ENACTS AS FOLLOWS:

1. THAT Amendment No. XXX to the City of Markham Official Plan 2014, as amended, attached hereto, is hereby adopted.
2. THAT this by-law shall come into force and take effect on the date of the final passing thereof.

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS XXth DAY OF OCTOBER, 2019.

Kimberly Kitteringham
CITY CLERK

Frank Scarpitti
MAYOR

CONTENTS

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4. BASIS 6

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3. SCHEDULES “A” to “G”

DRAFT

PART I - INTRODUCTION

(This is not an operative part of Official Plan Amendment No. XXX)

PART I - INTRODUCTION

1.0 GENERAL

- 1.1 PART I - INTRODUCTION, is included for information purposes and is not an operative part of this Official Plan Amendment.
- 1.2 PART II - THE OFFICIAL PLAN AMENDMENT, including Schedules “A” to “G”, attached hereto, constitutes Official Plan Amendment No. XXX. Part II is an operative part of this Official Plan Amendment.

2.0 LOCATION

This Amendment applies to lands comprising approximately 3.14 ha (7.76 ac), located on the east side of Donald Cousens Parkway, west of Ninth Line, south of Major Mackenzie Drive and north of Castlemore Avenue known legally as Part of Lot 9 Concession 8.

3.0 PURPOSE

The purpose of this Official Plan Amendment is to re-designate the subject lands from ‘Residential Low Rise’ to ‘Residential Mid Rise’ to allow back-to-back townhouses and from ‘Residential Low Rise’ to ‘Greenway System’ to restrict development.

4.0 BASIS OF THIS OFFICIAL PLAN AMENDMENT

This Amendment will provide for the development of 121 back-to-back townhouse units and 26 street townhouse units for a total of 147 units on common element condominium roads. The proposed re-designation from ‘Residential Low Rise’ to ‘Residential Mid Rise’ to allow back-to-back townhouses is appropriate given the area context surrounding the subject lands and character of the area on the east side of Donald Cousens Parkway, south of Major Mackenzie Drive, north of the intersection of Donald Cousens Parkway and Ninth Line. The subject lands are separated from the existing community by Donald Cousens Parkway to the west, a future public park, significant valleylands and woodlands, and residential development comprised of semi-detached dwellings and townhouses to the north, a stormwater management pond and Ninth Line to the east, and the Cornerstone Community Church and a proposed mid-rise building to the south.

Certain portions of the subject lands are proposed to be removed from the 'Greenbelt Plan Area' overlay. These lands were previously subject to the transition policies in Section 5.2 of the Greenbelt Plan and were subsequently removed from the Greenbelt Plan Area in the 2017 Greenbelt Plan. A portion of the subject lands will be re-designated to 'Greenway' to protect the ecological and hydrological functions associated with the Little Rouge Creek valleylands and woodlands.

DRAFT

DRAFT

PART II - THE OFFICIAL PLAN AMENDMENT

(This is an operative part of Official Plan Amendment No. XXX)

PART II - THE OFFICIAL PLAN AMENDMENT

1.0 THE OFFICIAL PLAN AMENDMENT

1.1 The following Maps and Appendices of Part I of the Official Plan 2014, as amended, are hereby amended as follows:

- a) Map 1- Markham Structure is amended by replacing the 'Neighbourhood Area' component with a 'Greenway System' component as shown on Schedule "A" attached hereto.
- b) Map 3 - Land Use is amended by re-designating the subject lands from "Residential Low Rise" to "Residential Mid Rise" and "Greenway" as shown on Schedule "B" attached hereto.
- c) Map 4 - Greenway System is amended by removing lands from the 'Greenbelt Plan Area' overlay, modifying the 'Greenway System Boundary' and adding lands to 'Natural Heritage Network' as shown on Schedule "C" attached hereto.
- d) Map 5 - Natural Heritage Features and Landforms and Map 6 - Hydrologic Features are amended by modifying the 'Greenway System Boundary' and adding lands to 'Other Greenway System Lands including certain naturalized stormwater management facilities' as shown on Schedule "D" attached hereto.
- e) Map 7 - Provincial Policy Areas is amended by removing lands from the 'Greenbelt Plan Area', 'Greenbelt Natural Heritage System' and 'Greenbelt Protected Countryside' as shown on Schedule "E" attached hereto.
- f) Map 9 - Countryside Agriculture Area is amended by modifying the 'Countryside Agriculture Area Boundary' and removing lands from 'Greenbelt Protected Countryside' as shown on Schedule "F" attached hereto.
- g) Appendix B - Headwater Drainage Features and Appendix C - Community Facilities are amended by adding lands to the 'Greenway System' as shown on Schedule "G" attached hereto.

2.0 IMPLEMENTATION AND INTERPRETATION

The provisions of the City of Markham Official Plan 2014, as amended, regarding the implementation and interpretation of the Plan, shall apply in regard to this Amendment, except as specifically provided for in this Amendment.

This amendment shall be implemented by an amendment to the Zoning By-law, Draft Plan of Subdivision and Site Plan approval and other Planning Act approvals, in conformity with the provisions of this Amendment.

Prior to Council's decision becoming final, this Amendment may be modified to incorporate technical amendments to the text and maps. Technical amendments are those minor changes that do not affect the policy or intent of the Amendment. For such technical amendments, the notice provisions of Section 10.7.5 of the City of Markham Official Plan 2014, as amended, shall apply.

DRAFT

Major Mackenzie Dr E

Rougeview Park Cres

Black Locust Dr

Delray Dr

Lane

Lane

Lane

Lane

Lane

Lane

Donald Cousens Pky

Warton Crt

Cheswick Crt

Amos Crt

Demoray Crt

Stonehouse Crt

Wilcliff Crt

Castlemore Ave

Alfred Paterson Dr

Appelview Rd

Gordon Weeden Rd

Lane

9th Line

AMENDMENT TO MAP 1 - MARKHAM STRUCTURE CITY OF MARKHAM OFFICIAL PLAN 2014, as amended



BOUNDARY OF AREA COVERED BY THIS AMENDMENT



FROM 'NEIGHBOURHOOD AREA' to 'GREENWAY SYSTEM'

Major Mackenzie Dr E



AMENDMENT TO MAP 3 - LAND USE CITY OF MARKHAM OFFICIAL PLAN 2014, as amended

--- BOUNDARY OF AREA COVERED BY THIS AMENDMENT

FROM 'RESIDENTIAL LOW RISE' to 'GREENWAY'

FROM 'RESIDENTIAL LOW RISE' to 'RESIDENTIAL MID RISE'

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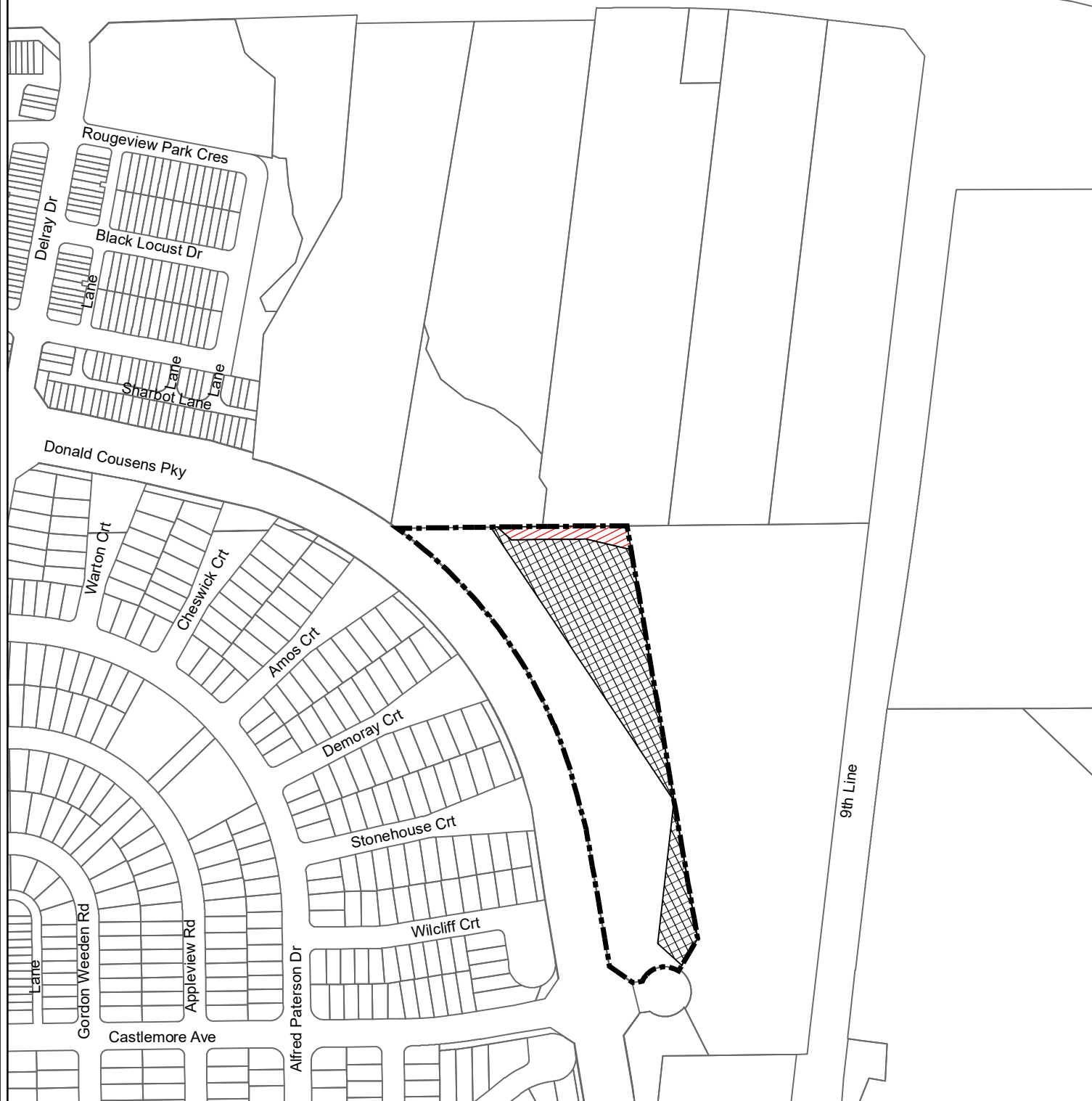
DEVELOPMENT SERVICES COMMISSION

SCHEDULE "B" TO OPA No.




Drawn By: CPW
Checked By: SM

SCALE: NTS
DATE: 30/08/2019

Major Mackenzie Dr E



AMENDMENT TO MAP 4 - GREENWAY SYSTEM CITY OF MARKHAM OFFICIAL PLAN 2014, as amended

-  BOUNDARY OF AREA COVERED BY THIS AMENDMENT
-  ADD TO 'GREENWAY SYSTEM' and 'NATURAL HERITAGE NETWORK'
-  REMOVE FROM 'GREENBELT PLAN AREA'

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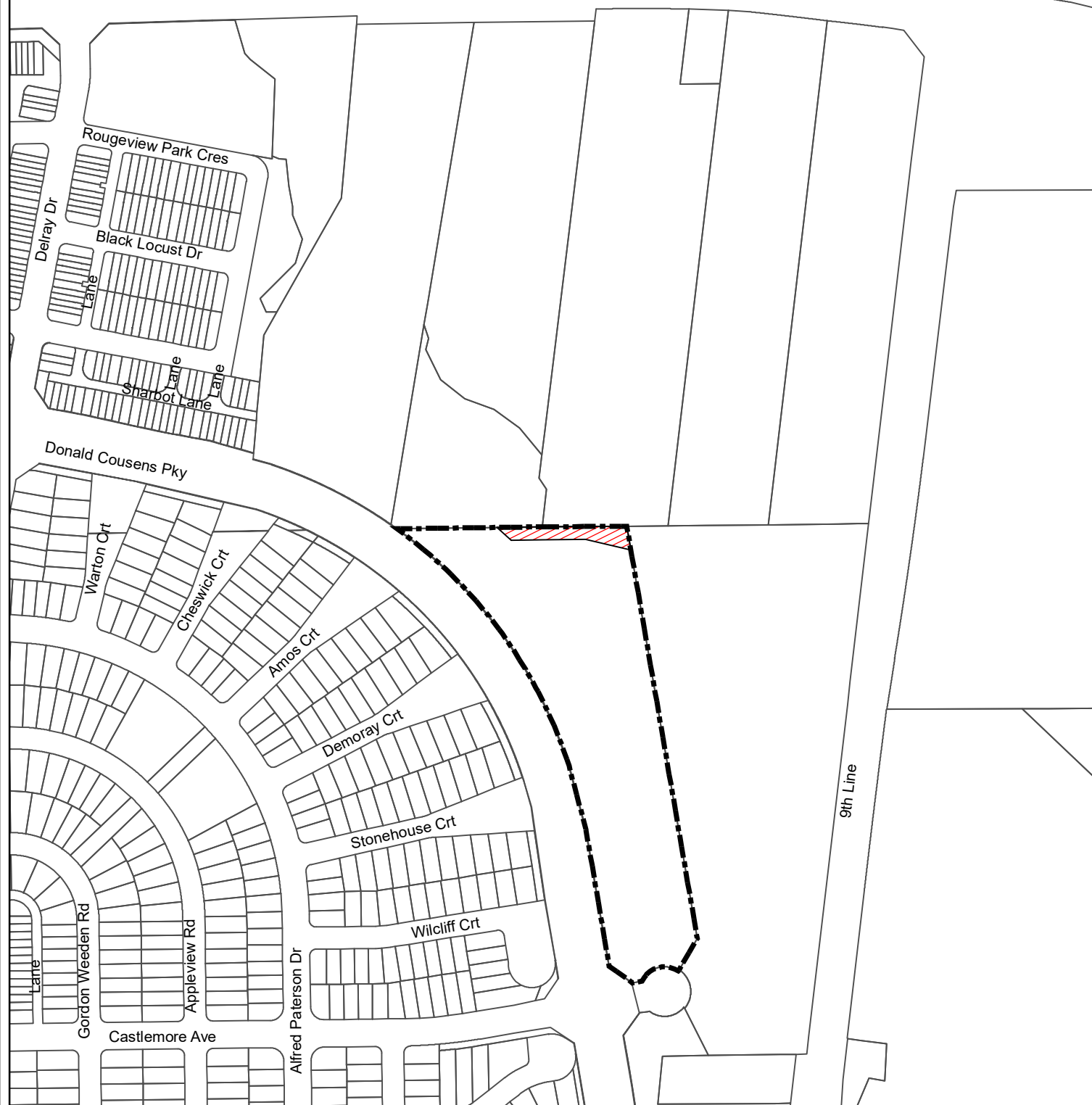


DEVELOPMENT SERVICES COMMISSION

SCHEDULE "C" TO OPA No.

Drawn By: CPW
Checked By: SMSCALE: NTS
DATE: 30/08/2019

Major Mackenzie Dr E



AMENDMENT TO MAP 5 - NATURAL HERITAGE FEATURES AND LANDFORMS
AND MAP 6 HYDROLOGIC FEATURES. CITY OF MARKHAM OFFICIAL PLAN 2014,
as amended

- BOUNDARY OF AREA COVERED BY THIS AMENDMENT
- ▨ ADD TO 'GREENWAY SYSTEM' AS 'OTHER GREENWAY SYSTEM
LANDS INCLUDING CERTAIN NATURALIZED STORMWATER'

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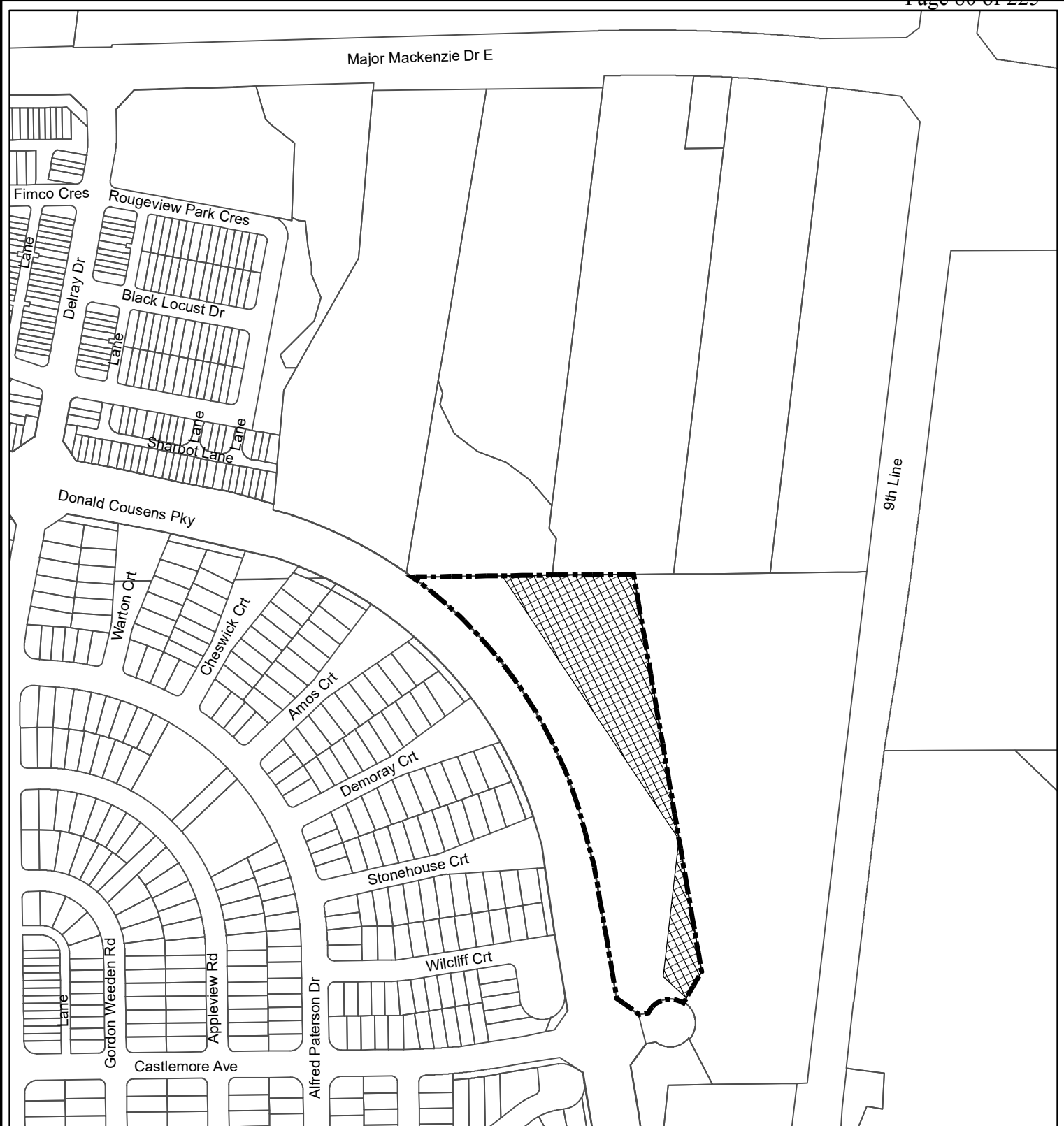


DEVELOPMENT SERVICES COMMISSION

SCHEDULE "D" TO OPA No.

Drawn By: CPW
Checked By: SM

SCALE: NTS
DATE: 30/08/2019



AMENDMENT TO MAP 7 - PROVINCIAL POLICY AREAS CITY OF MARKHAM OFFICIAL PLAN 2014, as amended



BOUNDARY OF AREA COVERED BY THIS AMENDMENT



REMOVE FROM 'GREENBELT PLAN AREA', 'GREENBELT NATURAL HERITAGE SYSTEM' and 'GREENBELT PROTECTED COUNTRYSIDE'

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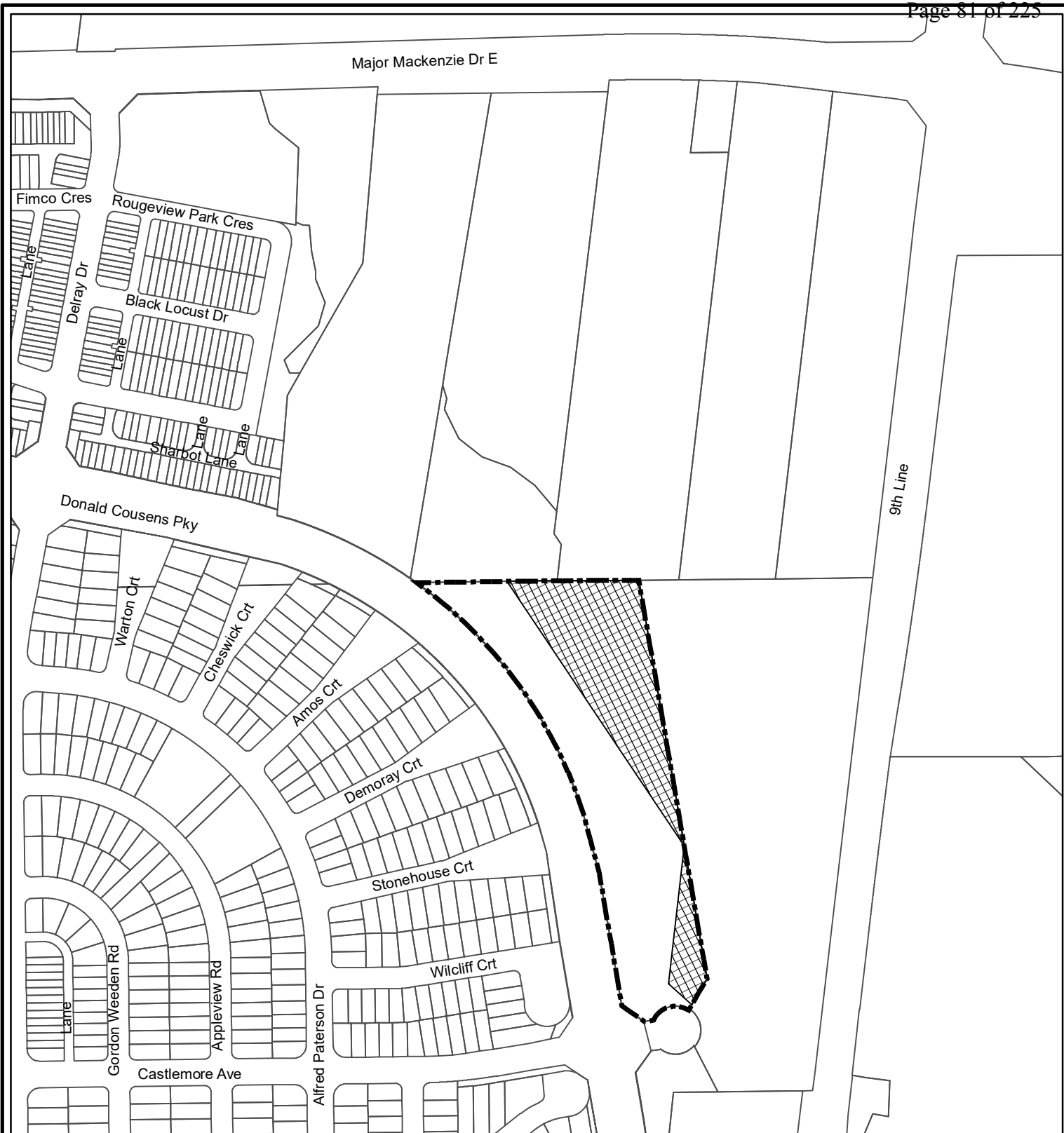


DEVELOPMENT SERVICES COMMISSION



SCHEDULE "E" TO OPA No.

Drawn By: CPW
Checked By: SM

SCALE: NTS
DATE: 30/08/2019



AMENDMENT TO MAP 9 - COUNTRYSIDE AGRICULTURE AREA CITY OF MARKHAM OFFICIAL PLAN 2014, as amended

-  BOUNDARY OF AREA COVERED BY THIS AMENDMENT
-  REMOVE FROM 'COUNTRYSIDE AREA' and 'GREENBELT PROTECTED COUNTRYSIDE'

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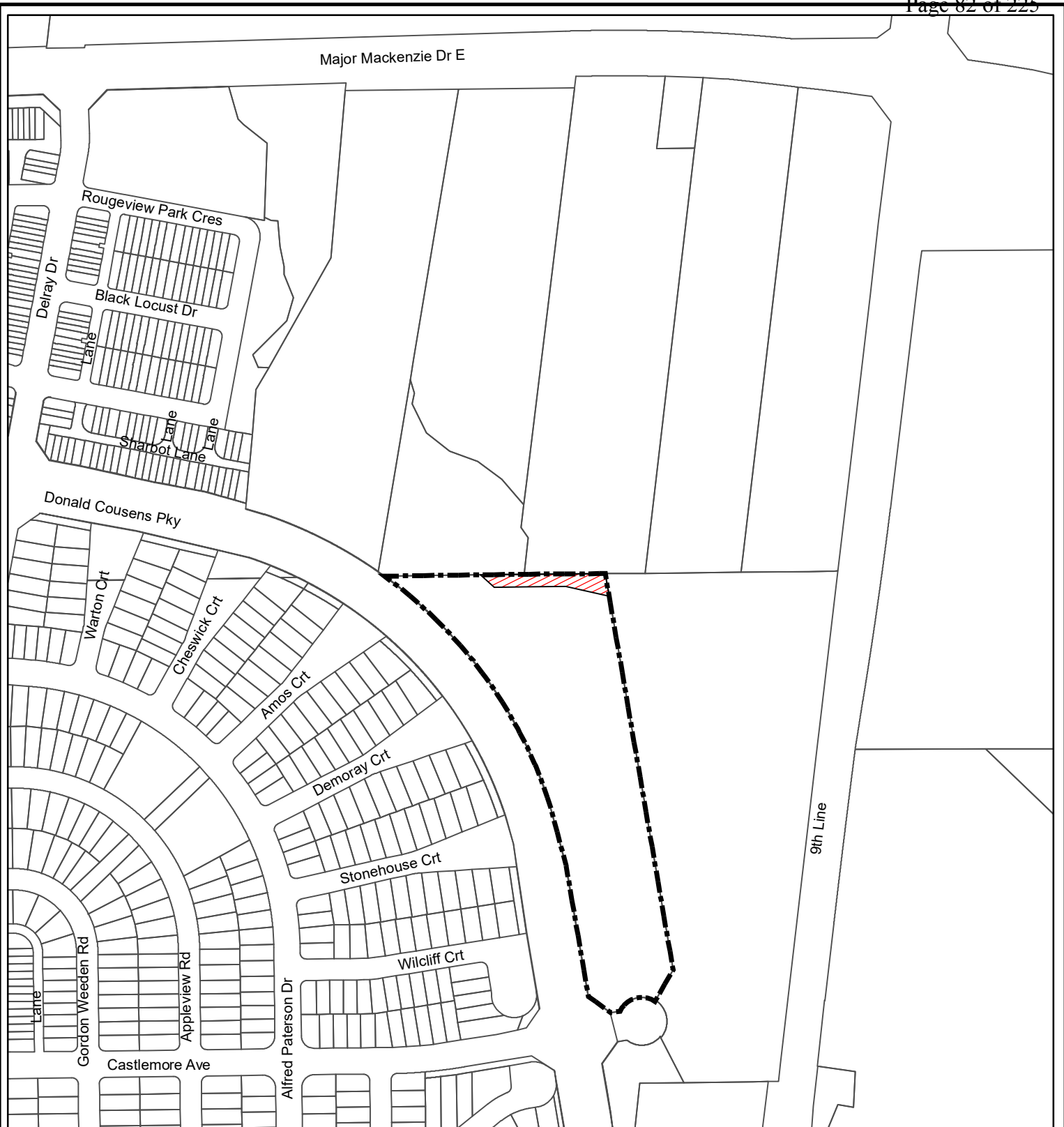


DEVELOPMENT SERVICES COMMISSION



SCHEDULE "F" TO OPA No.

Drawn By: CPW
Checked By: SM

SCALE: NTS
DATE: 30/08/2019



AMENDMENT TO APPENDIX B - HEADWATER DRAINAGE FEATURES AND APPENDIX C - COMMUNITY FACILITIES CITY OF MARKHAM OFFICIAL PLAN 2014, as amended

-  BOUNDARY OF AREA COVERED BY THIS AMENDMENT
 ADD TO 'GREENWAY SYSTEM'

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DEVELOPMENT SERVICES COMMISSION

SCHEDULE "G" TO OPA No.

Drawn By: CPW
Checked By: SM

SCALE: NTS
DATE: 30/08/2019

APPENDIX ‘B’



BY-LAW 2019-_____

A By-law to amend By-law 177-96, as amended

The Council of the Corporation of the City of Markham hereby enacts as follows:

1. By-law 177-96, as amended, is hereby further amended as follows:
- 1.1 By rezoning the lands outlined on Schedule ‘A’ attached hereto as follows:

from:

Agriculture One (A1)
Open Space (O1)

to:

Open Space One (OS1)
Residential Two *630 (R2*630)
- 1.2 By adding the following subsection to Section 7- EXCEPTIONS

Exception 7.630	Humboldt Greensborough Valley Holdings Limited	Parent Zone 177-96
ZA 10132122	Part of Lot 9, Concession 8 (East side of Donald Cousens Parkway, south of Major Mackenzie Drive, north of Castlemore Avenue, west of Ninth Line)	Amending By- law 2019-XXX
Notwithstanding any other provisions of this By-law, the provisions in this Section shall apply to those lands denoted *630 as shown on ‘Schedule A’ to this By-law subject to any holding provisions applying to the subject lands.		
7.630.1 Only Permitted Uses		
The following uses are the only permitted uses:		
a)	<i>Multiple Dwellings</i>	
b)	<i>Townhouse Dwellings</i>	
c)	<i>Accessory Dwelling Units</i>	
7.630.2 Zone Standards		
The following specific Zone Standards shall apply:		
a)	Notwithstanding any further division or partition of any lands subject to this Section, all lands zoned R2*630 shall be deemed to be one lot for the purposes of this By-law.	
b)	Minimum width of <i>multiple dwellings</i> – 7.3 m	
c)	Notwithstanding b) above, a maximum of 46 <i>multiple dwelling units</i> may have a width of 6.1 metres	
d)	Minimum width of <i>townhouse dwellings</i> – 5.9 m	
e)	Maximum height – 12 m	
f)	Minimum area of the outdoor amenity space – 2,000 square metres	
g)	Maximum number of dwelling units <ul style="list-style-type: none"><i>Townhouse Dwellings</i> – 26<i>Multiple Dwellings</i> – 121	
h)	<i>Accessory Dwelling units</i> are only permitted within a <i>Townhouse Dwelling</i>	
i)	Minimum Setbacks <ul style="list-style-type: none">Northerly <i>lot line</i> – 6 metres	

	<ul style="list-style-type: none">• All other <i>lot lines</i> – 1 metre
g)	Notwithstanding the above, the provisions of Table B2 shall not apply

2. SECTION 37 AGREEMENT

2.1 A contribution by the Owner to the City for the purpose of public art, in the amount of \$1425.00 per dwelling unit, to be indexed to the Ontario rate of inflation as per the consumer price index (CPI), in accordance with Section 37 of the Planning Act, as amended, shall be required. Payments shall be collected in accordance with the terms of an agreement to secure for the Section 37 contribution. Nothing in this section shall prevent the issuance of a building permit as set out in Section 8 of the Building Code Act or its successors.

Read a first, second and third time and passed on _____, 2019.

Kimberley Kitteringham
City Clerk

Frank Scarpitti
Mayor



EXPLANATORY NOTE

BY-LAW 2019-XXXX

A By-law to amend By-law 177-96, as amended

**Humboldt Greensborough Valley Holdings Limited
CON 8 PT LOT 19**

Lands Affected

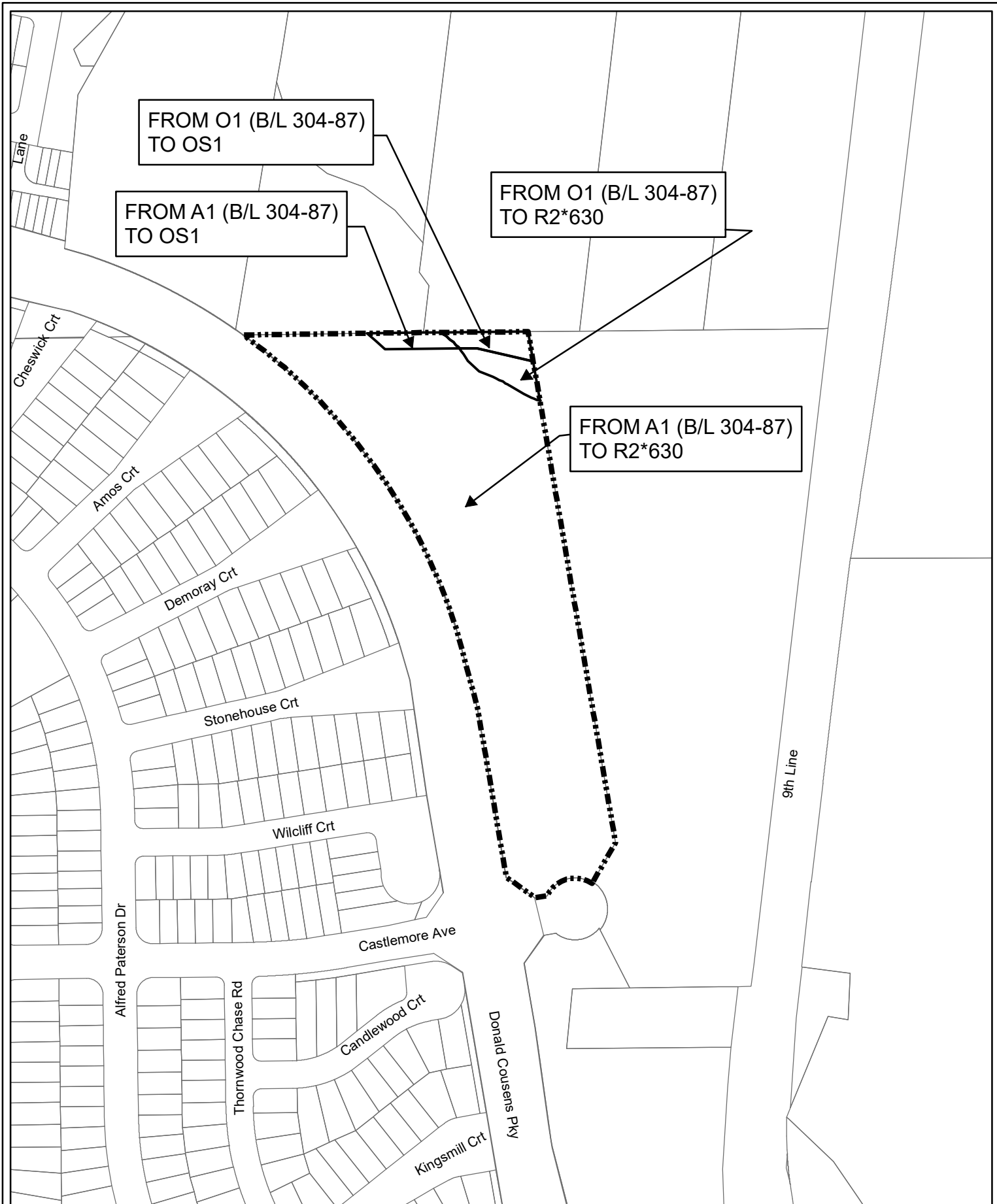
The proposed by-law amendment applies to 3.142 hectares (7.764 acres) of land located on the east side of Donald Cousens Parkway, south of Major Mackenzie Drive, west of Ninth Line, north of Castlemore Avenue.

Existing Zoning

By-law 304-87, as amended, currently zones the subject land as “Open Space One (O1)” and “Agriculture One (A1)”.

Purpose and Effect

The purpose and effect of this By-law is to amend By-law 177-96, as amended, to rezone the subject property to “Residential Two *630 (R2*630)” and “Open Space One (OS1)” in order to facilitate the development of a common element condominium multiple dwelling and townhouse development.

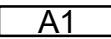
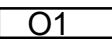





SCHEDULE " A " TO BY-LAW

AMENDING BY-LAWS 304-87 & 177-96 DATED



 BOUNDARY OF AREA COVERED BY THIS SCHEDULE
 BOUNDARY OF ZONE DESIGNATION(S)

 Agriculture One  Open Space one  Exception Section Number
 Residential Two  Open Space one

THIS IS NOT A PLAN OF SURVEY. Zoning information presented in this Schedule is a representation sourced from Geographic Information Systems. In the event of a discrepancy between the zoning information contained on this Schedule and the text of zoning by-law, the information contained in the text of the zoning by-law of the municipality shall be deemed accurate.

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NOTE: This Schedule should be read in conjunction with the signed original By-Law filed with the City of Markham Clerk's Office

APPENDIX 'C'

DRAFT PLAN CONDITIONS

THE CONDITIONS OF THE COUNCIL OF THE CITY OF MARKHAM
TO BE SATISFIED PRIOR TO RELEASE FOR REGISTRATION OF
PLAN OF SUBDIVISION 19TM-95082
HUMBOLD GREENSBOROUGH VALLEY HOLDINGS LIMITED
ARE AS FOLLOWS:

1. General

- 1.1 Approval shall relate to a draft plan of Subdivision prepared by KLM Planning Partners Inc., identified as Project No. P-2015, Drawing No. 19:2, dated June 5, 2019, and incorporate the following redline revisions:
 - Any redline revisions required to address comments from the City and external agencies.
- 1.2 This draft approval shall apply for a maximum period of three (3) years from date of issuance by the City, and shall accordingly lapse on XXXX, 2022, unless extended by the City upon application by the Owner.
- 1.3 The Owner shall enter into a subdivision agreement with the City agreeing to satisfy all conditions of the City and Agencies, financial and otherwise, prior to final approval.
- 1.4 The Owner acknowledges and understands that prior to final approval of this draft plan of subdivision, any amendments (if applicable) to the City's new 2014 Official Plan (as partially approved on November 24th, 2017 and further updated on April 9th, 2018), as amended, and Zoning By-law 177-96, as amended to implement the plan shall have come into effect in accordance with the provisions of the Planning Act.
- 1.5 The Owner acknowledges and agrees that the draft plan of subdivision and associated conditions of draft approval may require revisions, to the satisfaction of the City, to implement or integrate any recommendations from studies required as a condition of draft approval, as well as any comments and conditions received from municipal departments and external agencies after draft approval is granted.
- 1.6 Prior to the release for registration of the Draft Plan of Subdivision (19TM-17002), the Owner shall prepare and submit to the satisfaction of the City of Markham, all technical reports and drawings, including but not limited, traffic studies, functional traffic design studies, stormwater management reports, functional servicing reports, design briefs, detailed design drawings, noise studies, servicing and infrastructure phasing plan, etc., to support the Draft Plan of Subdivision. The Owner agrees to

revise the Draft Plan of Subdivision as necessary to incorporate the design and recommendations of the accepted technical reports, studies, and drawings.

- 1.7 The Owner shall implement the designs and recommendations of the accepted technical reports submitted in support of the Draft Plan of Subdivision, including but not limited to, traffic studies, functional traffic design studies, stormwater management reports, functional servicing reports, design briefs, detailed design drawings, noise studies, to the satisfaction of the City, and at no cost to the City.

The Owner agrees to revise the Draft Plan of Subdivision as necessary to incorporate the recommendations, to implement or integrate any recommendations from the above studies and drawings.

- 1.8 The Owner shall design and construct all required relocations of, and modifications to existing infrastructure, including but not limited to, watermains, sewers, light standards, utilities, stormwater management facilities and roads to the satisfaction of, and at no cost to the City.
- 1.9 The Owner shall agree in the Subdivision Agreement to pay to the City, all required fees in accordance with the City's Fee By-law 211-083, as amended.
- 1.10 The Owner shall agree in the Subdivision Agreement or Pre-Servicing Agreement, whichever comes first, to submit financial securities, as required by the City, prior to construction of municipal infrastructure as required to service the subdivision.
- 1.11 The Owner covenants and agrees to enter into a construction agreement and/or encroachment agreement or any agreement deemed necessary to permit construction of services, roads, stormwater management facilities or any other services that are required external to the Draft Plan of Subdivision to service the proposed development, to the satisfaction of the Director of Engineering and the City Solicitor.
- 1.12 Prior to final approval of the draft plan, the Owner acknowledges and agrees to obtain required approval from the Region of York, Toronto and Region Conservation Authority (TRCA) and any other applicable public agencies.
- 1.13 The Owner shall covenant and agree in the subdivision agreement to obtain approval of Site Alteration Plans in accordance with the City's Standards prior to proceeding with any on-site works and more particularly topsoil stripping.

2. Community Design

- 2.1 The Owner shall implement and incorporate all requirements of the approved Upper Greensborough Neighbourhood Community Design Plan into all landscape plans,

architectural control guidelines, engineering plans and any other required design documents.

- 2.2 Plans submitted for model home permits for any building within the plan of subdivision shall bear an approval stamp identifying the architectural company retained for architectural control and the signature of the control architect. The approval stamp shall certify that the floor plans, building elevations and site plans are designed in accordance with the approved architectural guidelines.
- 2.3 The Owner shall ensure that the design architect for any buildings within the plan of subdivision shall not assume the role of control architect for the plan of subdivision.

3. Parks and Open Space

- 3.1 The Owner and City covenants and agrees that parkland dedication within this plan is required at a rate specified in the City's Parkland Dedication By-law 195-90, as amended and in accordance with the Planning Act, as amended.
- 3.2 Open Space Block 2 shall be conveyed to the City in a condition which is acceptable to the City.
- 3.2 The Owner shall post approved copies of any Open Space Plans, Conceptual Park Development Master Plans and Upper Greensborough Neighbourhood Community Design Plan within the draft plan of subdivision.
- 3.2 The Owner shall provide a specialized depth of topsoil in the entire municipal boulevard to appropriately plant boulevard trees to the satisfaction of the Director of Planning and Urban Design.

4. Landscape Works

- 4.1 Prior to execution of the subdivision agreement, the Owner shall submit landscape plans based on the approved Wismer Commons Open Space Master Plan and Community Design Plan into all landscape works, to the satisfaction of the Director of Urban Design, and which includes:
 - a) street tree planting in accordance with the City of Markham Streetscape Manual, dated June 2009, as amended from time to time;
 - b) Perimeter chain link fencing where abutting open space, valley lands and park lands.
 - d) All other landscaping as determined by the Community Design Plan, Public Realm Guidelines, Architectural Control Guidelines and the Environmental

Master Drainage Plan.

- 4.2 The Owner shall construct all landscaping in accordance with the approved plans at no cost to the City.
- 4.3 The Owner shall not permit their builders to charge home purchasers for the items listed in Condition 4.1.
- 4.4 The Owner shall include in all agreements of purchase and sale the following clause:

“PURCHASERS ARE ADVISED THAT AS A CONDITION OF APPROVAL OF THE SUBDIVISION WITHIN WHICH THIS LOT IS LOCATED, THE CITY OF MARKHAM HAS REQUIRED THE DEVELOPER TO UNDERTAKE AND BEAR THE COST OF THE FOLLOWING ITEMS:

- STREET TREES (TREES PLANTED IN THE CITY BOULEVARD OR IN ADJACENT PUBLIC LANDS OR PRIVATE LOTS TO MEET 4.1 A)
- CORNER LOT FENCING
- REAR LOT LINE FENCING AT LANES (IF SPECIFICALLY REQUIRED BY THE CITY)
- TREE PLANTING IN REAR YARDS ADJOINING THE LANES (IF SPECIFICALLY REQUIRED BY THE CITY)
- NOISE ATTENUATION FENCING AS IDENTIFIED IN THE NOISE IMPACT STUDY
- FENCING OF SCHOOL, PARK, WALKWAY AND STORMWATER MANAGEMENT POND BLOCKS
- BUFFER PLANTING FOR OPEN SPACE, WALKWAY AND STORMWATER MANAGEMENT POND BLOCKS AND SINGLE LOADED STREET ALLOWANCES
- SUBDIVISION ENTRY FEATURES AND DECORATIVE FENCING AS IDENTIFIED ON LANDSCAPE PLANS APPROVED BY THE CITY

THE DEVELOPER HAS BORNE THE COST OF THESE ITEMS AND THE HOME PURCHASER IS NOT REQUIRED TO REIMBURSE THIS EXPENSE.”

- 4.5 The Owner shall submit a restoration and planting plan for Block 2 to the satisfaction of the Director of Planning and Urban Design.

5. Tree Inventory and Tree Preservation Plans

- 5.1 The Owner shall submit for approval a tree inventory and tree preservation plan to the satisfaction of the Director of Planning and Urban Design in accordance with

the City of Markham Streetscape Manual dated 2009, as amended from time to time.

- 5.2 The Owner shall submit a site grading plan showing the trees to be preserved based on the approved Tree Preservation Plan prior to the issuance of a Top Soil Stripping Permit to the satisfaction of the Director of Planning and Urban Design.
- 5.3 The Owner shall obtain written approval from the Director of Planning and Urban Design prior to the removal of any trees or destruction or injury to any part of a tree within the area of the draft plan.
- 5.4 The Owner shall submit for approval, as part of the tree inventory and tree preservation plan, in accordance with the City of Markham Streetscape Manual a tree compensation schedule detailing replacement and enhancement planting or the replacement value based on the following:
 - a) Trees between 20cm and 40cm diameter at breast height (DBH) shall be replaced at a ratio of 2:1
 - b) All trees over 40cm DBH shall have an individual valuation submitted to the City by an ISA certified Arborist in accordance with the Council of Tree and Landscape Appraisers (CTLA) Guide for Plant Appraisal (2000)
 - c) Where a site does not allow for the 2:1 replacement, the City will negotiate a credit for tree planting on alternate sites which may include the rear yards of lots.
 - d) Any unauthorized tree removal or tree damage shall be subject to tree replacement or payment of equivalent economic value, as determined by the City.

6. Financial

- 6.1 Prior to execution of the subdivision agreement the Owner shall provide a letter of credit, in an amount to be determined by the Director of Planning and Urban Design, to ensure compliance with applicable tree preservation, fencing, streetscape, buffer, landscaping and other landscaping requirements.

7. Noise Impact Study

- 7.1 Prior to final approval of the draft plan, the Owner shall submit a Noise Impact Study, prepared by a qualified noise consultant, with recommended mitigation measures for noise generated by road traffic and by any other identified noise sources, to the satisfaction of the City, in consultation with the Region of York. The Owner further agrees to make any revisions to the draft plan that may be required to achieve the recommendations of the Noise Impact Study.
- 7.2 The Owner shall covenant and agree in the subdivision agreement to implement noise control measures and warning clauses as recommended by the approved

Noise Impact Study, to the satisfaction of the City (Commissioner of Development Services), in consultation with the Region of York.

8. Municipal Services

- 8.1 Prior to the release for registration of the Draft Plan of Subdivision, the Owner complies with, to the satisfaction of the Director of Engineering, the following:
 - a) Make satisfactory arrangements with the Engineering Department to construct any improvements to the municipal infrastructure in connection with the Functional Servicing Report as accepted by the Director of Engineering, should it be determined that improvements to such infrastructure is required to support the development.
- 8.2 Prior to release for registration of the Draft Plan of Subdivision, the Owner shall demonstrate to the satisfaction of the City that the Subdivision will be provided with two (2) independent water supply points to provide for adequate redundancy and looping for domestic and fire protection purposes.
- 8.3 The Owner shall agree in the Subdivision Agreement to not apply for any building permits until the City is satisfied that adequate road access, municipal water supply, sanitary sewers and storm drainage facilities are available to service the proposed development.

9. Lands to be Conveyed to the City/ Private Easements

- 9.1 The Owner shall grant required easements to the appropriate authority for sewers, watermains, public utilities or drainage purposes, prior to registration of the Draft Plan of Subdivision. The Owner shall also provide/obtain any easements and works external to the Draft Plan of Subdivision necessary to connect watermains, storm and sanitary sewers to outfall trunks and stormwater management facilities, to the satisfaction of the City.

10. Utilities

- 10.1 The Owner shall covenant and agree in the subdivision agreement that hydro electric, telephone, gas and television cable services and any other form of telecommunication services shall be constructed at no cost to the City as underground facilities within the public road allowances or within other appropriate easements, as approved on the Composite Utility Plan, to the satisfaction of the City and authorized agencies.
- 10.2 The Owner shall covenant and agree in the subdivision agreement to enter into any agreement or agreements required by any applicable utility companies, including Alectra (formerly PowerStream) , Enbridge, telecommunications companies, etc.

- 10.3 The Owner shall covenant and agree in the subdivision agreement to facilitate the construction of Canada Post facilities at locations and in manners agreeable to the City of Markham in consultation with Canada Post and that where such facilities are to be located within public rights-of-way they shall be approved on the Composite Utility Plan and be in accordance with the Community Design Plan.
 - 10.4 The Owner shall covenant and agree in the subdivision agreement to include in all offers of purchase and sale a statement that advises prospective purchasers that mail delivery will be from a designated Community Mailbox. The Owners will further be responsible for notifying purchasers of the exact Community Mailbox locations prior to the closing of any home sale.
 - 10.5 The Owner shall covenant and agree in the subdivision agreement to provide a suitable temporary Community Mailbox location(s) which may be utilized by Canada Post until the curbs, sidewalks and final grading have been completed at the permanent Community Mailbox locations. This will enable Canada Post to provide mail delivery to new residents as soon as homes are occupied.
 - 10.6 Standard Community Mailbox installations are to be done by Canada Post at locations approved by the municipality and shown on the Composite Utility Plan. Should the developer propose an enhanced Community Mailbox installation, any costs over and above the standard installation must be borne by the developer, and be subject to approval by the City in consultation with Canada Post.
 - 10.7 The Owner covenants and agrees that it will permit any telephone or telecommunication service provider to locate its plant in a common trench within the proposed subdivision prior to registration provided the telephone or telecommunications services provider has executed a Municipal Access Agreement with the City. The Owner shall ensure that any such service provider will be permitted to install its plant so as to permit connection to individual dwelling units within the subdivision as and when each dwelling unit is constructed.
11. Transportation Impact Study/Internal Functional Traffic Design Study
- 11.1 Prior to final approval of the draft plan, the Owner covenants and agrees to address all outstanding comments related to the Transportation Impact Study and Transportation Demand Management Plan to the satisfaction of the City and the Region of York. The Owner further covenants and agrees to incorporate the recommendations of these studies, to the satisfaction of the Director of Engineering.
 - 11.2 The Owner shall provide a revised Transportation Impact Study and Transportation Demand Management (TDM) Plan to address the comments provided by the City, to the satisfaction of the Director of Engineering.

- 11.3. The Owner shall covenant and agree in the subdivision agreement to provide the City with a TDM Letter of Credit in the amount to be approved by the Director of Engineering, to ensure compliance with the recommendations in the TDM Plan.

12. Development Charges

- 12.1 The Owner covenants and agrees to provide written notice of all development charges related to the subdivision development, including payments made and any amounts owing, to all first purchasers of lands within the plan of subdivision at the time the lands are transferred to the first purchasers.
- 12.2 The Owner shall pay all fees and development charges as set out in the subdivision agreement.

13. Environmental Clearance

- 13.1 The Owner covenants and agrees to retain a “Qualified Person” to prepare all necessary Environmental Site Assessments (ESA) and file Records of Site Condition with the Provincial Environmental Site Registry for all lands to be conveyed to the City. The “Qualified Person” shall be defined as the person who meets the qualifications prescribed by the *Environmental Protection Act* and O. Reg. 153/04, as amended. The lands to be conveyed to the City shall be defined as any land or easement to be conveyed to the City, in accordance with the City’s Environmental Policy and Procedures for Conveyance of Land to the City pursuant to the Planning Act.
- 13.2 Prior to the earlier of any construction, including site alteration, the execution of a pre-servicing agreement or Subdivision Agreement, the Owner agrees to submit Environmental Site Assessment (ESA) report(s) prepared by a Qualified Person, in accordance with the Environmental Protection Act and its regulations and all applicable standards for all lands to be conveyed to the City for peer review and concurrence.
- 13.3 Prior to the earlier of any construction including site alteration, the execution of a pre-servicing agreement or Subdivision Agreement of a phase within the Draft Plan of Subdivision, the Owner agrees to submit environmental clearance(s) and Reliance Letter(s) from a Qualified Person to the City for all lands or interests in lands to be conveyed to the City to the satisfaction of the City of Markham. The Environmental Clearance and Reliance Letter will be completed in accordance with the City’s standards and will be signed by the Qualified Person and a person authorized to bind the Owner’s company. The City will not accept any modifications to the standard Environmental Clearance and Reliance letter, except as and where indicated in the template.

- 13.4 The Owner agrees that, prior to execution of this Agreement, an environmental clearance shall be provided to the City for all lands or interests in lands to be conveyed to the City to the satisfaction of the Director of Engineering. The City shall be satisfied that the lands are environmentally suitable for their proposed use and be certified as such by the “Qualified Person” as defined in Ontario Regulation 153/04, all of which shall be in accordance with the *Environmental Protection Act* and its regulations. The “Qualified Person” shall file a Record of Site Condition on the Provincial Environmental Site Registry for all lands to be conveyed.
- 13.5 The Owner covenants and agrees that if, during construction of a phase within the Draft Plan of Subdivision, contaminated soils or materials or groundwater are discovered, the Owner shall inform the City of Markham immediately, and undertake at its own expense, the necessary measures to identify and remediate the contaminated soils or groundwater, all in accordance with the *Environmental Protection Act* and its regulations, to the satisfaction of the City of Markham and the Ministry of the Environment, Conservation and Parks.
- 13.6 The Owner agrees to assume full responsibility for the environmental condition of the Lands comprising the Draft Plan of Subdivision. The Owner shall further agree in the Subdivision Agreement to indemnify and save harmless the City, its directors, officers, Mayor, Councillors, employees and agents from any and all actions, causes of action, suits, claims, demands, losses, expenses and damages whatsoever that may arise either directly or indirectly from the approval and Assumption by the City of the municipal infrastructure, the construction and use of the municipal infrastructure, or anything done or neglected to be done in connection with the use or any environmental condition on or under the Lands comprising the Draft Plan of Subdivision, including any work undertaken by or on behalf of the City in respect of the Lands comprising the Draft Plan of Subdivision and the execution of this Agreement.
14. Heritage
- 14.1 Prior to final approval of the draft plan of subdivision or any phase thereof, the Owner shall carry out a cultural heritage resource assessment for the lands within the draft plan to ensure the assessment and identification of appropriate treatment of built heritage and archaeological resources, and further to mitigate any identified adverse impacts to significant heritage resources to the satisfaction of the City (Commissioner of Development Services) and the Ministry of Culture. No demolition, grading, filling or any form of soil disturbances shall take place on the lands within the draft plan in proximity to the heritage resource prior to the issuance of a letter from the Ministry of Culture (Heritage Branch) to the City indicating that all matters relating to heritage resources have been addressed in accordance with licensing and resource conservation requirements.

- 14.2 The Owner shall covenant and agree in the subdivision agreement to implement any measures recommended by the heritage resource assessment, to the satisfaction of the City and the Ministry of Culture.

15. Well Monitoring Program and Mitigation Plan

- 15.1 Prior to any site alteration activities, the Owner shall check if there are any active wells within 500 metres of the Zone of Influence (ZOI). If any active wells are found within the ZOI, the Owner shall prepare and implement a Well Monitoring Program and Mitigation Plan, in accordance with the City's requirements to the satisfaction of the Director of Engineering.

16. Other City Requirements

- 16.1 The Owner acknowledges and agrees that firebreak lots within the draft plan shall be designated in the subdivision agreement, to the satisfaction of the Fire Chief. The Owner shall provide a letter of credit in an amount to be determined by the Fire Chief at the subdivision agreement stage to ensure compliance with this condition.
- 16.2 The Owner shall acknowledge and agree in the subdivision agreement that building permits will not be issued for lands in any stage of development within the draft plan of subdivision until the Director of Building Services has been advised by the Fire Chief that there is an adequate water supply for firefighting operations and acceptable access for firefighting equipment is available. The Owner shall further covenant and agree that fire protection sprinklers (if required) are installed to the satisfaction of the Fire Chief or his designate.
- 16.3 The Owner shall acknowledge and agree that the adequacy and reliability of water supplies for firefighting purposes are subject to review and approval of the Fire Chief or his designate.
- 16.4 The Owner shall covenant and agree in the subdivision agreement to include warning clauses in agreements of purchase and sale for all units with single car garages advising purchasers of the following:
- the City's parking by-law requires a minimum of two parking spaces, one in the driveway and one in the garage;
 - the City's zoning by-law restricts the width of the driveway, this width does not allow two cars to park side by side; and,
 - overnight street parking will not be permitted unless an overnight street parking permit system is implemented by the City
- 16.5 The Owner shall provide and post display plans in all sales offices which clearly indicate the location of the following facilities in relation to the lot being purchased,

prior to any Agreements of Purchase and Sale being executed by the Owner, a builder or their real estate agents:

Park, by type, including Park and Open Space Concept Plans and Streetscape Plans; stormwater management ponds and related facilities; schools by type; place of worship sites; other institutional site by type; commercial site by type; other surrounding land uses and facilities as specified by the City; existing or future: rail facilities, provincial highways, arterial and collector roads, transit routes and stops; City approved sidewalk, walkway and bike route locations; City approved postal box and utility furniture locations or possible locations if prior to approval; City lot grading standards.

All display plans shall be reviewed and approved at the sales office by City staff, prior to the opening of the sales office.

- 16.6 The Owner covenants and agrees to purchase from the City two (2) recycling containers, one (1) green bin and one (1) kitchen collector per residence so that each purchaser may participate in the City's waste diversion program. Furthermore, the Owner shall ensure that the recycling containers, green bins, kitchen collectors and educational materials are deposited in each home on or before the date of closing.
- 16.7 The Owner covenants and agrees to contact the City at least four (4) weeks prior to unit occupancy to arrange an appointment time in which the recycling containers, green bins, kitchen collectors and educational materials are to be collected by the Owner.
- 16.8 The Owner covenants and agrees to pay to the City the cost for recycling containers, green bins and kitchen collectors and to provide said recycling containers, green bins and kitchen collectors to purchasers at the same cost as paid to the City.
- 16.9 The Owner covenants and agrees that during the construction phase of the development, unobstructed roadway access to a width no less than 6 metres will be provided for the safe passage of municipal waste and recycling collection vehicles on the designated collection day. Furthermore, if required, the Owner shall provide vehicle turning space that meets the City's engineering design standards. The Owner agrees that at times when the above defined access cannot be provided, the Owner shall be responsible for moving all residential waste, recyclables and organics from the occupied units to an agreed upon centralized location at the Owner's expense, for collection by the City.

17. Region of York

Conditions/Clauses to be Included in the City's Subdivision Agreement

- 17.1 The Owner shall save harmless York Region from any claim or action as a result

of water or sanitary sewer service not being available when anticipated.

- 17.2** The Owner shall advise all potential purchasers of the existing transit service on Donald Cousens Parkway, including the location of existing bus stops and shelters.
- 17.3 The Owner shall agree to implement the noise attenuation features as recommended by the noise study and to the satisfaction of Development Engineering.
- 17.4 The Owner shall agree that where berm, noise wall, window and/or oversized forced air mechanical systems are required, these features shall be certified by a professional engineer to have been installed as specified by the approved Noise Study and in conformance with the Ministry of Environment guidelines and the York Region Noise Policy.
- 17.5 The following warning clause shall be included the subdivision agreement with respect to the lots or blocks affected:
- "Purchasers are advised that despite the inclusion of noise attenuation features within the development area and within the individual building units, noise levels will continue to increase, occasionally interfering with some activities of the building's occupants".
- 17.6 Where noise attenuation features will abut a York Region Right-Of-Way, the Owner shall agree in wording satisfactory to York Region's Development Engineering, as follows:
- a) That no part of any noise attenuation feature shall be constructed on or within the York Region Right-Of-Way;
 - b) That noise fences adjacent to York Region roads may be constructed on the private side of the property line and may be a maximum 2.5 metres in height, subject to the area municipality's concurrence;
 - c) That maintenance of the noise barriers and fences bordering on York Region Right-Of-Way's shall not be the responsibility of York Region.
- 17.7 The Owner shall agree in wording satisfactory to the Development Engineering, to be responsible to decommission any existing wells on the owner's lands in accordance with all applicable provincial legislation and guidelines and to the satisfaction of the area municipality.
- 17.8 The Owner shall agree that no development shall occur on Block 1 without obtaining Site Plan approval from York Region and the City of Markham.

Conditions to be Satisfied Prior to Final Approval

- 17.9 The Owner shall provide a revised Draft Plan of Subdivision to the satisfaction of York Region to reflect the changes to the reserves on Donald Cousens Parkway on the attached red line revision.
- 17.10 York Region shall confirm that adequate water supply and sewage servicing capacity are available and have been allocated by the City of Markham for the development proposed within this draft plan of subdivision or any phase thereof.
- 17.11 The Region requires the Owner submit a Phase One Environmental Site Assessment (“ESA”) in general accordance with the requirements of the Environmental Protection Act and O. Reg. 153/04 Records of Site Condition, as amended (“O. Reg. 153/04”). The Phase One ESA must be for the Owner’s property that is the subject of the application and include the lands to be conveyed to the Region (the “Conveyance Lands”). The Phase One ESA cannot be more than two (2) years old at: (a) the date of submission to the Region; and (b) the date title to the Conveyance Lands is transferred to the Region. If the originally submitted Phase One ESA is or would be more than two (2) years old at the actual date title of the Conveyance Lands is transferred to the Region, the Phase One ESA will need to be either updated or a new Phase One ESA submitted by the Owner. Any update or new Phase One ESA must be prepared to the satisfaction of the Region and in general accordance with the requirements of O. Reg. 153/04. The Region, at its discretion, may require further study, investigation, assessment, delineation and preparation of reports to determine whether any action is required regardless of the findings or conclusions of the submitted Phase One ESA. The further study, investigation, assessment, delineation and subsequent reports or documentation must be prepared to the satisfaction of the Region and in general accordance with the requirements of O. Reg. 153/04. Reliance on the Phase One ESA and any subsequent reports or documentation must be provided to the Region in the Region’s standard format and/or contain terms and conditions satisfactory to the Region.

The Region requires a certified written statement from the Owner that, as of the date title to the Conveyance Lands is transferred to the Region: (i) there are no contaminants of concern, within the meaning of O. Reg. 153/04, which are present at, in, on, or under the property, or emanating or migrating from the property to the Conveyance Lands at levels that exceed the MOECC full depth site condition standards applicable to the property; (ii) no pollutant, waste of any nature, hazardous substance, toxic substance, dangerous goods, or other substance or material defined or regulated under applicable environmental laws is present at, in, on or under the Conveyance Lands; and (iii) there are no underground or aboveground tanks, related piping, equipment and appurtenances located at, in, on or under the Conveyance Lands.

The Owner shall be responsible for all costs associated with the preparation and delivery of the Phase One ESA, any subsequent environmental work, reports or other documentation, reliance and the Owner's certified written statement.

- 17.12 Upon registration of the plan, if not already provided, the Owner shall convey the following lands to York Region for public highway purposes, free of all costs and encumbrances, to the satisfaction of the Regional Solicitor:
 - a) A widening across the full frontage of the site where it abuts Donald Cousens Parkway of sufficient width to provide a minimum of 22.50 metres from the centreline of construction of Donald Cousens Parkway, and
 - b) A 15.0 metre by 15.0 metre daylight triangle at the southwest and corner of the intersection of Donald Cousens Parkway and Castlemore Avenue, and
 - c) A 0.3 metre reserve across the full frontage of the site, except at the approved access location, adjacent to the above noted widening, where it abuts Donald Cousens Parkway and adjacent to the above noted widening(s).
 - 17.13 The Owner shall provide a copy of the Subdivision Agreement to the Regional Corporate Services Department, outlining all requirements of the Corporate Services Department.
 - 17.14 The Owner shall enter into an agreement with York Region, agreeing to satisfy all conditions, financial and otherwise, of the Regional Corporation; Regional Development Charges are payable in accordance with Regional Development Charges By-law in effect at the time that Regional development charges, or any part thereof, are payable.
 - 17.15 The Regional Corporate Services Department shall advise that Conditions 17.1 to 17.14 inclusive, have been satisfied.
18. Ministry of Natural Resources (MNR)
- 18.1 The Owner shall agree in the subdivision agreement to satisfy all requirements of the MNR with respect to the endangered species and any potential impacts on the draft plan of subdivision, and to provide written confirmation that it has consulted with MNR in this respect, to the satisfaction of the Commissioner of Development Services.
19. Enbridge Gas Distribution
- 19.1 The Owner covenants and agrees in the subdivision agreement:
 - a) To contact Enbridge Gas Distribution's Customer Connections department by emailing for service and metre installation details and to ensure that gas

pipings is installed prior to the commencement of site landscaping (including, but not limited to: tree planting, silva cells and/or soil trenches) and/or asphalt paving.

- b) If the gas main needs to be relocated as a result of changes in the alignment or grade of the future road allowances or for temporary gas pipe installations pertaining to phase construction, all costs are the responsibility of the Owner.
- c) In the event that easement(s) are required to serves this development, the applicant will provide the easement(s) to Enbridge Gas Distribution at no cost.
- d) In the event that a pressure reducing regulator station is required, the applicant will provide a 3 metre by 3 metre exclusive use location that is within the municipal road allowance. The final size and location of the regulator station will be confirmed by Enbridge Gas Distribution's Customer Connections department.
- e) The Owner will grade all road allowances to as final elevation as possible, provide necessary field survey information and all approved municipal road cross-sections, identifying all utility locations prior to the installation of the gas piping.

20. Canada Post

20.1 The Owner covenants and agrees in the subdivision agreement to comply with the following conditions:

- a) The Owner/ developer agrees to include on all purchases and sale, a statement that advises the prospective purchaser that mail delivery will be from a designated Community Mailbox.
- b) The Owner/ developer will be responsible for notifying the purchaser of the exact Community Mailbox locations prior to the closing of any home sale.
- c) The Owner/developer will consult with Canada Post to determine suitable locations for the placement of Community Mailboxes and to indicate these locations on the appropriate servicing plans.
- d) The Owner/ developer will provide the following for each Community Mailbox site and include these requirements on the appropriate servicing plans:
 - i) an appropriately sized sidewalk section (concrete pad) to place the

Community Mailboxes on;

- ii) any required walkway across the boulevard; and
- iii) any required curb depressions for wheelchair access.

20.2 The Owner/developer further agrees to determine and provide a suitable temporary Community Mailbox(s) location(s) which may be utilized by Canada Post until the curbs, sidewalks and final grading have been completed at the permanent Community mailbox locations. This will enable Canada Post to provide mail delivery to the new homes as soon as they are occupied.

20.3 The Owner/ developer further agrees to provide Canada Post at least 60 days notice prior to the confirmed first occupancy date to allow for the community mailboxes to be ordered and installed at the prepared temporary location.

21. Municipal Infrastructure

21.1 The Owner and the City acknowledge that this subdivision, when fully constructed, will tentatively have the following City's municipal infrastructure:

- Lanes: 3,500m
- Local Roads: 230m
- Minor / Major Collectors: 490m
- Sidewalks: 5920m
- Streetlights: 100nos
- Watermain: 3940m
- Sanitary Sewers: 3380m
- Storm Sewers: 3680m
- Multiuse Path (MUP): 575

22. Streetlight Types:

22.1 The Owner shall agree in the Subdivision Agreement to contact City Staff prior to commencing the design for Streetlighting to confirm the type(s) of poles and luminaires to be provided for different streets and/or lanes.

23. Toronto and Region Conservation Authority (TRCA) (Reserved)

23. External Clearances

23.1 Prior to final approval of the draft plan of subdivision, clearance letters, containing a brief statement detailing how conditions have been met, will be required from authorized agencies as follows:

- a) The Regional Municipality of York Planning Department shall advise that Condition 17 has been satisfied.

- b) The Ministry of Culture shall advise that Conditions 14 has been satisfied.
- c) Enbridge Gas Distribution shall advise that Condition 19 has been satisfied.
- d) Canada Post shall advise that Condition 20 has been satisfied.
- e) Bell shall advise that Condition 10 has been satisfied.
- f) Alectra Utilities shall advise that Condition 10 has been satisfied.
- g) Wismer Commons Developers Group Trustee Clearance Letter confirming that the Owner has satisfied their obligations with the Developers Group.
- h) Toronto and Region Conservation Authority shall advise that the Owner has satisfied their conditions.

Dated:

Ron Blake, Senior Development Manager

APPENDIX 'D'
SITE PLAN CONDITIONS
HUMBOLD GREENSBOROUGH VALLEY HOLDINGS LIMITED
SC 10 132123

That prior to site plan endorsement:

1. The Region of York shall provide written confirmation that site plan endorsement can be issued for the proposed development.
2. The TRCA shall provide written confirmation that site plan endorsement can be issued for the proposed development.
3. That the Owner shall revise the site plan to reflect a landscape buffer along Donald Cousens Parkway to the satisfaction of the Director of Planning and Urban Design.
4. That the Owner shall demonstrate to the satisfaction of the Director of Planning and Urban Design, that minimum 30m³ soil volume can be provided to accommodate sufficient tree planting. Any revisions to the site plan which may be required to achieve the required tree planting, including reconfiguration of the front entrance pathways to achieve the required tree planting.
5. That the Owner shall revise the site plan to address transportation comments and to include a sidewalk along the boulevard of the cul-de-sac to the south and location of proposed bicycle spaces, to the satisfaction of the Director of Engineering.

That the Owner shall enter into a Site Plan Agreement with the City, containing all standards and requirements of the City and external agencies, including but not limited to:

1. Provisions for the payment by the Owner of all applicable fees, recoveries, development charges, cash-in-lieu of parkland, and any financial obligations.
2. That the Owner implements the final approved Transportation Demand Management (TDM) measures and provide the respective Letter of Credit.
3. That the Owner agrees to implement the proposed sustainable initiatives attached as Appendix 'E'.
4. That the Owner provides an appraisal report to the satisfaction of the Director of Planning and Urban Design to determine the appropriate amount of cash-in-lieu of parkland.
5. That the Owner agrees to offer optional floor plans including a bedroom, bathroom and kitchenette on the main floor of the townhouses with rear yards and 7.3 metre wide back-to-back townhouses.

Prior to execution of a Site Plan Agreement:

1. The respective draft plan of subdivision shall be registered on title, to the satisfaction of the Director of Planning and Urban Design.
2. The Owner shall submit final site plan, elevation drawings, engineering drawings, landscape plans, lighting plan and photometrics, along with other plans and reports which

are required to comply with the requirements of the City and authorized external agencies, to the satisfaction of the Commissioner of Development Services.

3. The Owner shall submit final plans which incorporate the City's bird friendly guidelines, to the satisfaction of the Director of Planning and Urban Design.



Report to: Development Services Committee Meeting Meeting Date: October 15, 2019

SUBJECT: Hwy 404 Mid-Block Crossing Cost Sharing with York Region (North of 16th Avenue, North of Major Mackenzie Drive and North of Elgin Mills Road)

PREPARED BY: Alain Cachola, P. Eng., Senior Manager, Infrastructure and Capital Works, Engineering Department, Ext. 2711

RECOMMENDATION:

1. That the report entitled “Hwy 404 Mid-Block Crossing Cost Sharing with York Region (North of 16th Avenue, North of Major Mackenzie Drive and North of Elgin Mills Road); and,
2. That staff be authorized to issue a Purchase Order to the Regional Municipality of York, in the amount of \$1,223,540.22, inclusive of HST impact, for the City of Markham’s share of the cost for the following projects:
 - a. Mid-block Crossing North of 16th Avenue (EA and detailed design)
 - b. Mid-block Crossing North of Major Mackenzie Drive (EA)
 - c. Mid-block Crossing North of Elgin Mills Road (EA); and,
3. That the amount of \$1,223,540.22, inclusive of HST impact, be funded from Capital Project #18048 (Regional Mid-block Crossing EA and Design) which currently has an available funding of \$1,366,900; and,
4. That the remaining funds of \$143,359.78 be returned to the original funding source upon the completion of the N of 16th Avenue detailed design; and,
5. That Staff be directed to prepare a Tri-Party Agreement for the construction of the Hwy 404 Mid-Block Crossing (North of 16th Avenue.); and further,
6. 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:

- Issue a Purchase Order to the Regional Municipality of York, in the amount of \$1,223,540.22, inclusive of HST impact for the City of Markham’s share of the Mid-block crossing projects north of 16th Avenue, Major Mackenzie Drive and Elgin Mills Road
- Fund the Purchase Order from Capital Project #18048 (Regional Mid-block Crossing EA and Design) which currently has an available funding of \$1,366,900.

BACKGROUND:

At the Council meeting on September 12, 2012, Council endorsed the findings of the York Region Highway 404 Mid-Block Crossing Study and directed staff to participate in a Working Group with York Region and the Town of Richmond Hill to develop an implementation plan (see Attachment 'A'). York Region now completed the Environmental Assessment (EA) and detailed design for the following Hwy 404 Mid-block crossings as part of its Capital program:

- a. Mid-block Crossing North of 16th Avenue (EA and detailed design)
- b. Mid-block Crossing North of Major Mackenzie Drive (EA)
- c. Mid-block Crossing North of Elgin Mills Road (EA); and,

The Hwy 404 mid-block crossing projects are grade separated crossings of a municipal road over Hwy 404, similar to what was constructed north of Hwy 7. The mid-block crossing projects are funded equally between the Region of York, City of Markham and Town of Richmond Hill as per Regional Policy on Funding Collector Road Crossings of 400 Series Highways, see Attachment 'B'.

The commencement and completion of the EA and design for these projects are as follows:

Mid-block Crossing North of 16th Avenue

The EA for this mid-block crossing commenced in January 2014 and was filed in February 2015. The preferred alignment as identified in the EA is shown in Attachment 'C' – Mid-block Crossing Preferred Alignment (North of 16th Avenue). The final cost of the EA is \$625,346.75 and is to be shared equally between the three parties. The new mid-block crossing will provide a continuous collector road link from Warden Avenue to Leslie Street parallel to 16th Avenue.

The detailed design for this project commenced in 2016 and is currently scheduled to be finalized by Q2 2020. The current estimate to complete the detailed design for this project is \$1,968,775.23 and is to be shared equally between the three parties.

Construction of this mid-block crossing is identified in the Region of York's Infrastructure Acceleration Reserve to be accelerated to 2022.

Mid-block Crossing, North of Major Mackenzie Drive

The EA for this mid-block crossing commenced in June 2016 and was filed in December 2017. The preferred alignment as identified in the EA is shown in Attachment 'D' – Mid-block Crossing Preferred Alignment (North of Major Mackenzie Drive). A Part 2 Order Request was filed for this EA, and was subsequently denied by the Minister of the Environment, Conservation and Parks in November 2018. The final cost of the EA is \$560,901.12 and is to be shared equally between the three parties.

The detailed design for this project has not commenced and the construction is identified in the Region's Infrastructure Acceleration Reserve to be in 2026. Staff will provide a

separate report regarding the construction timing of this project and other Region's accelerated projects.

Mid-block Crossing North of Elgin Mills Road

The EA for this Mid-block crossing commenced in May 2013 and was filed in September 2015. The preferred alignment as identified in the EA is shown in Attachment 'E' – Mid-block Crossing Preferred Alignment (North of Elgin Mills Road). The final cost of the EA is \$515,597.57 and is to be shared equally between the three parties.

The detailed design for this project has not commenced and the construction is identified in the Region's Capital Program beyond 10 years.

OPTIONS/ DISCUSSION:

York Region's Policy on Collector Road Crossings of 400-Series Highways

York Region has a Policy for funding of Collector Road Crossing of 400 Series Highways. The policy establishes the protocol and procedure used to determine the extent that a local municipal road project crossing a 400-series highway is eligible for Regional funding contributions.

The Region of York, Town of Richmond Hill and City of Markham recently completed the construction of the mid-block Crossing, North of Hwy 7 (Norman Bethune Avenue) and utilized the Collector Road Crossing of 400-Series Highways Policy as the framework for the Tri-party Agreement.

Staff recommend that Markham pays for its share of the completed EA and detailed design through a Purchase Order to the Region of York, in accordance to the City of Markham's Purchasing By-law. Staff recommends that a tri-party agreement with York Region and the Town of Richmond Hill be prepared for the North of 16th Avenue crossing, in anticipation of the earlier construction timeframe. Staff will report back on the project timing and seek Council's authorization for the Mayor and Clerk to execute the tri-party agreement in late 2020 or early 2021.

FINANCIAL CONSIDERATIONS

Table 1 below shows the EA and detailed design cost for the three mid-block crossings (MBC).

Table 1 – EA and Detailed Design Cost

MBC Location	EA Cost	Design Cost	Total Cost
N of 16 th Avenue	\$ 625,346.75	\$ 1,968,775.23	\$ 2,594,121.97
N of Major Mackenzie Dr	\$ 560,901.12	N/A	\$ 560,901.12
N of Elgin Mills Road	\$ 515,597.57	N/A	\$ 515,597.57
Total:	\$ 1,701,845.43	\$ 1,968,775.23	\$ 3,670,620.66

Table 2 below shows the assessment of costs between the York Region, City of Markham and Town of Richmond Hill

Table 2 – Cost Sharing Summary

MBC Location	Total Cost	Markham Share	York Region Share	Richmond Hill Share
N of 16 th Avenue	\$ 2,594,121.97	\$ 864,707.32	\$ 864,707.32	\$ 864,707.32
N of Major Mackenzie Dr	\$ 560,901.12	\$ 186,967.04	\$ 186,967.04	\$ 186,967.04
N of Elgin Mills Roads	\$ 515,597.57	\$ 171,865.86	\$ 171,865.86	\$ 171,865.86
Total:	\$ 3,670,620.66	\$ 1,223,540.22	\$ 1,223,540.22	\$ 1,223,540.22

Capital Account #18048 (Regional Mid-block Crossing EA and Design) currently has an available funding of \$1,366,900.00. Staff recommend that a Purchase Order of \$1,223,540.22, inclusive of HST, be issued to York Region. The remaining funds of \$143,359.78 is recommended to be returned to the original funding source upon the completion of the N of 16th Avenue detailed design.

ALIGNMENT WITH STRATEGIC PRIORITIES:

The proposed work for the mid-block crossings are required to continue to accommodate development in City of Markham and southern York Region. Therefore, the recommendations align with the City's Strategic Plan goals of "Safe & Sustainable Community" and "Stewardship of Money & Resources"

BUSINESS UNITS CONSULTED AND AFFECTED:

The Finance Department was consulted and its comments have been addressed in this report.

RECOMMENDED BY:

Brian Lee, P.Eng.
Director of Engineering

Arvin Prasad, MCIP, RPP
Commissioner, Development Services

ATTACHMENTS:

Attachment 'A' – Highway 404 Mid-Block Crossing Study
Attachment 'B' – Region Policy Collector Road Crossing of 400 Series Highways
Attachment 'C' – Mid-block Crossing Preferred Alignment (North of 16th Avenue)
Attachment 'D' – Mid-block Crossing Preferred Alignment (North of Major Mackenzie)
Attachment 'E' – Mid-block Crossing Preferred Alignment (North of Elgin Mills)

Highway 404 Mid-Block Crossings Study Markham and Richmond Hill

Presentation to
Markham Development Services Committee
Loy Cheah
September 11, 2012

Presentation Overview

- ❑ Background
- ❑ Study Conclusions & Recommendations
- ❑ Recommendations for Moving Forward
- ❑ Next Steps

Importance of Midblock Crossings

- ❑ Provide better connectivity across the Highway 404 barrier which implies a more efficient transportation network
- ❑ Allow improved transit connectivity
- ❑ Allow bike facilities on lower volume streets
- ❑ Encourage walking with smaller block size
- ❑ Distribute traffic over more crossings and reduce trip length and environmental impact
- ❑ Increase road capacity

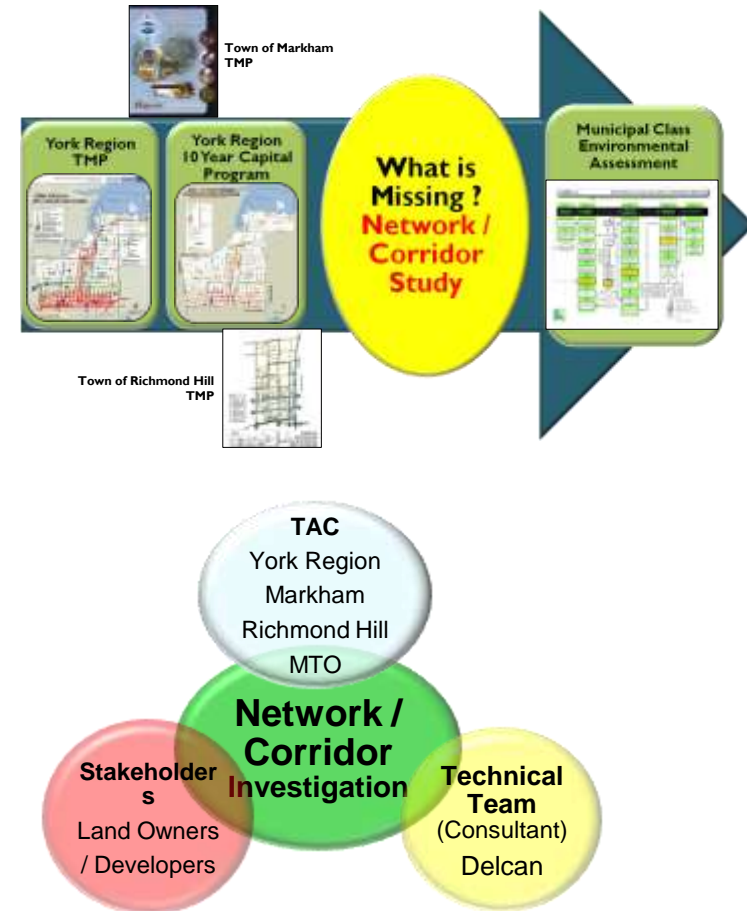
Background

- ❑ Mid-block crossings are identified in various York Region, Markham and Richmond Hill plans
- ❑ March 2008 – Markham Council suspends Class EA of mid-block crossing north of Major Mackenzie Dr
- ❑ June 2009 - Regional Council requested collaboration from Markham and Richmond Hill to develop implementation framework to protect, fund and construct future mid-block crossings
- ❑ December 2009 - Markham Council authorized staff to participate in the study



Collaborative Approach

- ❑ Jan 2010 – York Region, Markham and Richmond Hill established working group to identify next steps for the mid-block crossings
- ❑ Fall 2010 – York Region initiated a joint study with Markham and Richmond Hill including full collaboration with the MTO and area landowners/developers



Study Focus

Mid-Block Collector Road Crossings:

1. Between 19th Ave and Elgin Mills Rd
2. Between Elgin Mills Rd & Major Mackenzie Dr
3. Between Major Mackenzie Dr and 16th Ave

4. NB Off-Ramp extension at Elgin Mills Rd

5. 19th Avenue Interchange

Other key elements with completed EA:

6. Mid-block crossing between Hwy 7 & 16th Ave
7. NB Off-Ramp extension at Highway 7
8. NB Off-Ramp extension at Major Mackenzie Dr



Current Status

Mid-block crossings

1. Mid-block crossing north of Elgin Mills Rd

- Feasibility study completed by Markham
- Class EA study required
- York Region continuing to protect for a future crossing

2. Mid-block crossing north of Major Mackenzie Dr

- Class EA suspended by Markham Council in 2008
- York Region continuing to protect for future crossing

3. Mid-block crossing north of 16th Ave

- Feasibility study completed by Markham
- Class EA study required
- York Region continuing to protect for a future crossing

6. Mid-block crossing north of Hwy 7

- Class EA completed and approved
- Detailed design underway by Markham – 2012 completion
- Construction schedule for 2013/2014 subject to Markham & Richmond Hill agreement (not in place yet) and property acquisition



Current Status

Ramp extensions / interchange

5. 19th Ave interchange and 19th Ave widening

- Feasibility study and Class EA study required
- Property required
- MTO not prepared to assist
- Cost allowance included into Markham DC-by law
- Required for 404 North Secondary Plan employment land

4. Ramp extension at Elgin Mills Rd

- Class EA study by Markham on going

7. Ramp extension at Hwy 7

- Class EA completed
- Project on hold pending further comments from the MTO

8. Ramp extension at Major Mackenzie Dr.

- Class EA completed
- Project on hold pending further comments from the MTO



Network Assessment

- ❑ Regional OP identifies 4 mid-block crossings and 19th Ave interchange
- ❑ Travel times by 2031 expected to increase 50% or more even with all mid-block improvements due to background development
- ❑ Network capacity increases as number of mid-block crossings are provided
- ❑ Pressure to widen east-west arterial roads to six lanes with no mid-block improvements
- ❑ Local connectivity and accessibility benefits are as important as traffic capacity benefits

Implement all mid-block crossings or accept a much higher level of congestion and associated impacts

Network Assessment

Mid-Block crossings are important to achieve:

- ❑ broader planning and community benefits
- ❑ traffic capacity benefits
- ❑ synergistic, positive, network-wide benefits cannot be achieved by other means
- ❑ reduce pressure to widen Regional arterial



Land Use Objectives



Community Benefits



Transportation Network Development



Traffic and Transit Objectives



Active Transportation










Environment

Study Recommendations

- ❑ Implement mid-block crossing between Hwy 7 and 16th Ave in 2013/2014
- ❑ Protect for NB off-ramp extensions at Hwy 7, 16th Ave, Major Mackenzie Dr, and Elgin Mills Road
- ❑ Initiate Class EA/property protection studies for other 3 mid-block crossings
- ❑ Continue to plan and protect other elements including 19th Ave interchange

Recommendations for Moving Forward on the Mid-Block Crossings

	York Region	Markham	Richmond Hill	MTO
Protect (planning approvals)				
Plan (EA)	Proposed lead			
Fund - Capital	1/3 share 	1/3 share 	1/3 share 	
Fund – long term rehab & replacement	Propose 1/3 share	Propose 1/3 share	Propose 1/3 share	
Design & construction lead	As resources permit			

York Region Transportation Committee Resolutions

- ❑ Continue to protect and plan for the four Hwy 404 mid-block crossings and full interchange at 19th Ave
- ❑ For the Hwy 404 mid-block crossings, York Region commit to:
 - ❑ Lead the EA
 - ❑ Fund 1/3 share of capital cost
 - ❑ Fund 1/3 of long-term replacement costs
- ❑ Authorize staff to develop implementation plan with Markham and Richmond Hill and report back on progress

Recommendations to Markham Council

- ❑ Endorse the findings of the study and regional staff recommendations
- ❑ Direct Markham staff to participate in a working group to develop implementation plan



STATUS	Final
Council Approved	Y
CAO Approved:	N/A

TITLE: Collector Road Crossings of 400-Series Highways, Funding of

Edocs No.: 1804805

Original Approval Date: October 18, 2007

Policy Last Updated: October 18, 2007

Posted on Intranet: April 14, 2010

POLICY STATEMENT:

This policy outlines the process and criteria for determining the Region's funding contribution towards new collector road crossings of 400-series highways.

APPLICATION:

This policy applies to requests from local municipalities to York Region for funding contributions towards projects that extend local roads across 400-series highways.

PURPOSE:

This policy establishes the protocol and procedure used to determine the extent that a local municipal road project crossing a 400-series highway is eligible for Regional funding contributions.

DEFINITIONS:

400-series Highway - A 400-series freeway under the jurisdiction of the Ontario Ministry of Transportation located within York Region (Currently Highways 400, 404, 407-ETR, and 427).
Mid-block crossing - A grade separated crossing of a local municipal road over or under a 400-series highway between two arterial York Region roads.

DESCRIPTION:

Activation of Region Funding Contribution

In May 2003 Regional Council authorized the conditional inclusion of funding for a one third contribution towards the capital cost of nine potential collector road crossings of 400-series highways into York Region's 2003 Development Charge Bylaw (DC Bylaw). The conditions required to trigger activation of the funding into the Regional DC Bylaw requires that the local municipality:

Collector Road Crossings of 400-Series Highways, Funding of

October 18, 2007

1. Adopt an Official Plan Amendment which includes the crossing
2. Adds the infrastructure costs for the crossing to it's local DC Bylaw
3. Notifies York Region that the two above criteria have been met and supplies evidence to the Region in support of the claim

Upon satisfying the above conditions the Region will issue a notice to the local municipalities, the Urban Development Institute (UDI), and the Greater Toronto Homebuilders Association (GTHBA) that an increase in the DC rate has been triggered, and will take effect 30 days from the date that the Region has given notice. The Region will not fund retroactive works completed prior to adoption of the inclusion list in the 2003 Development Charges By-law.

Eligible Project Limits

In order for a project to be eligible for Regional contribution the project must:

1. Achieve a connection between arterial (i.e. Regional) roads.
2. Once implemented, must contribute to anticipated deferral of expenditures on the adjacent Regional road network.

Once a project has met the above criteria, the portion of the project to be eligible for Regional contribution must reflect the existing traditional jurisdictional responsibilities relative to Regional and local cost apportionment. This includes:

1. The bridge required for the grade separated crossing.
2. The approach roadway segments to points at which local municipal roads either exist or are planned.

In reflection of the May 2003 Regional Council authorization, the Region's funding contribution will be generally defined as one-third of the capital cost of the eligible project costs.

It should be noted that the policy is premised on the core principle that jurisdiction of these structures are to be transferred to the Ministry of Transportation and as such all future structure maintenance/rehabilitation or long-term replacement are to be borne by the Ministry.

Eligible Project Costs

Two key criteria used in determining the eligible versus non-eligible project cost items are:

1. Whether the specific item would normally be a local municipal cost item on a Regional road project.
2. If the Region would have to pay for similar items on adjacent Regional arterial roads if the crossing was not being constructed.

The following table provides a summary of the general categories and major project cost items. Specific items arising on individual projects that are not easily related to this list shall be subject to discussions and agreement between staff at the Municipal/Regional level. If staff is unable to resolve any differences, a Report will be brought forward to Regional Council for direction.

Collector Road Crossings of 400-Series Highways, Funding of October 18, 2007

Eligible versus Non-Eligible Project Costs

Project Cost Items	Eligible	Non Eligible
<u>Engineering Fees</u>		
• Environmental Assessment	✓	
• Detail design/contract preparation	✓	
• Construction admin/inspection/testing	✓	
<u>Construction</u>		
<u>Roadworks</u>		
• Curb/granulars/asphalt	✓	
• Storm sewers	✓	
• Sidewalk		✓
• Local municipal watermain/sanitary sewer services		✓
• Signage		✓
<u>Structural Work</u>		
• Standard highway, railway, water crossing	✓	
<u>Electrical</u>		
• Illumination		✓
• Traffic signals		✓
<u>Streetscaping</u>		✓
<u>Other</u>		
• Maintenance/rehabilitation/replacement agreements – 407, MTO *		✓
• Legal agreements		✓
• Utilities relocations	✓	
• Property	✓	

NOTE: * All structures maintenance/rehabilitation/replacement costs are the responsibility of the Ministry of Transportation and shall not be borne by either York Region or its local municipalities.

Prior to the release of regional funding contributions, local municipalities are required to provide the following:

- Local municipal council resolution for award of contract(s). —
- Copies of awarded contract(s). —
- Copies of payment certificates made to contractor(s). —

Collector Road Crossings of 400-Series Highways, Funding of October 18, 2007**RESPONSIBILITIES:**

Local municipalities requesting Regional funding contributions towards mid-block crossings of 400-series highways by local collector roads are responsible for compliance with the requirements of this policy.

REFERENCE:

Draft Approval (Transportation and Works Committee Report 2, Clause 8, February 16, 2006)

CONTACT:

General Manager, Roads – Transportation and Works Department

APPROVAL INFORMATION

CAO Approval Date: September 19, 2007

Committee: Transportation and Works **Clause:** 2

Report No: 8

Edocs No. 477342

Council Approval:

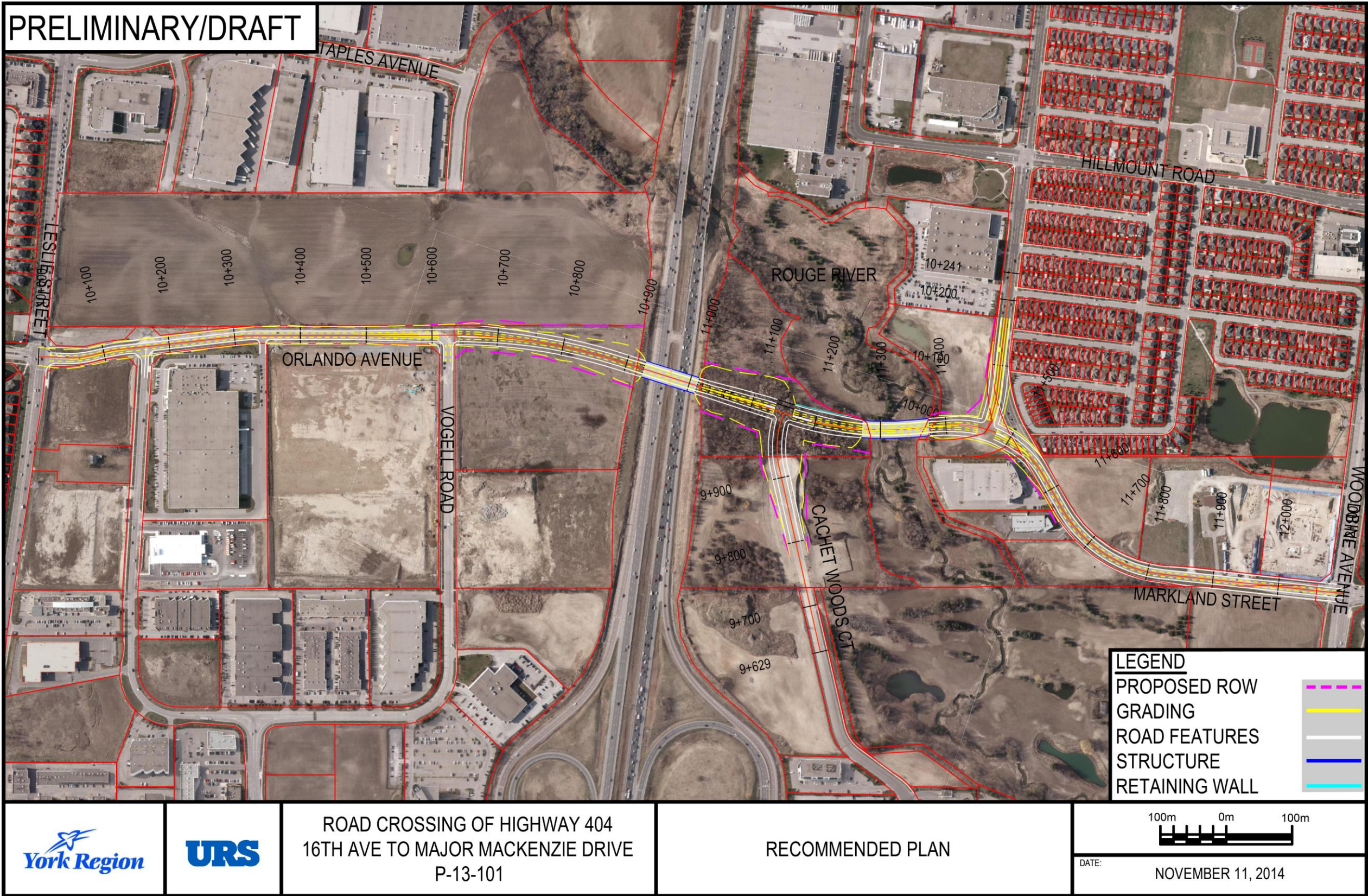
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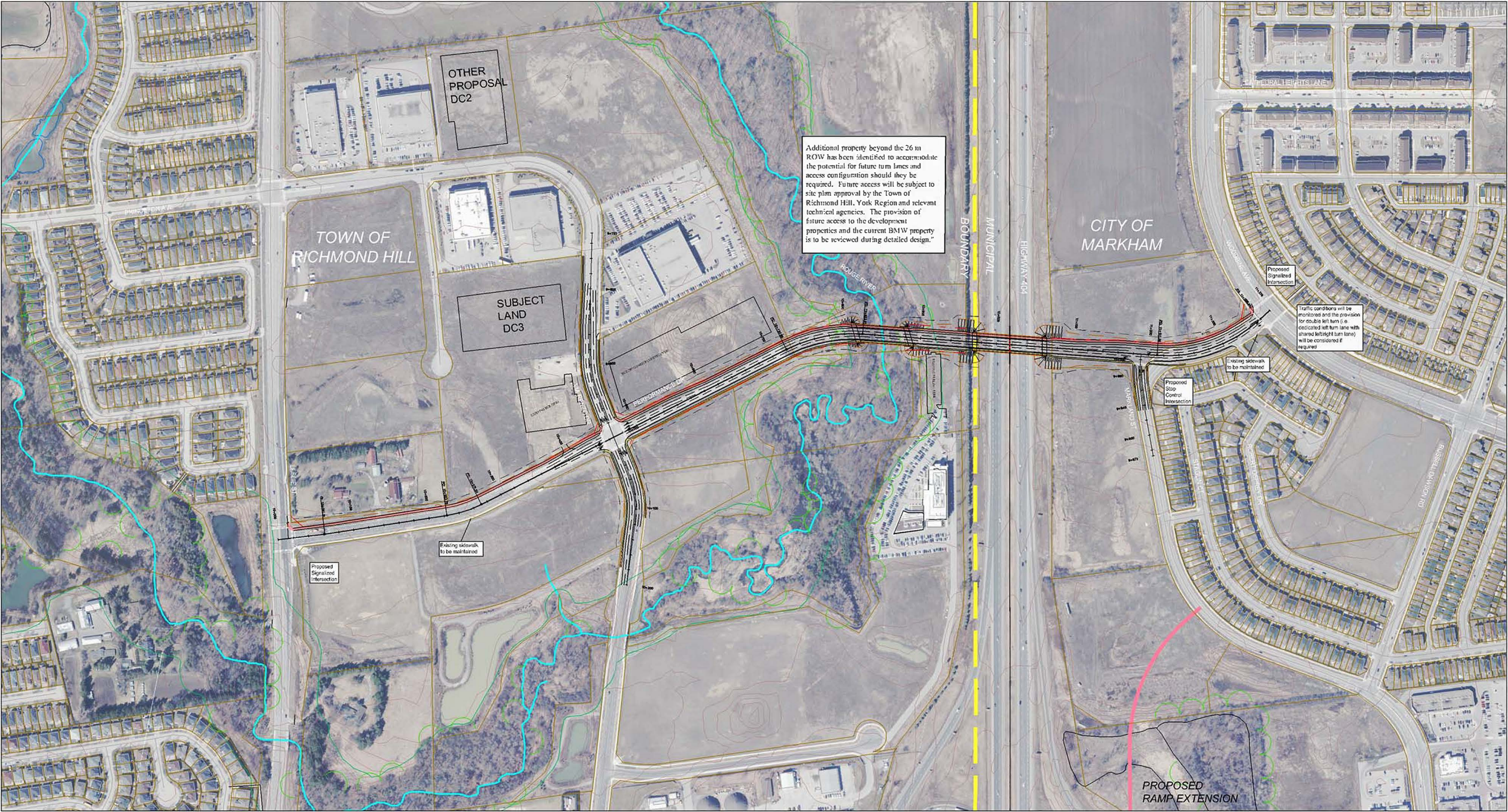
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Date: October 18, 2007

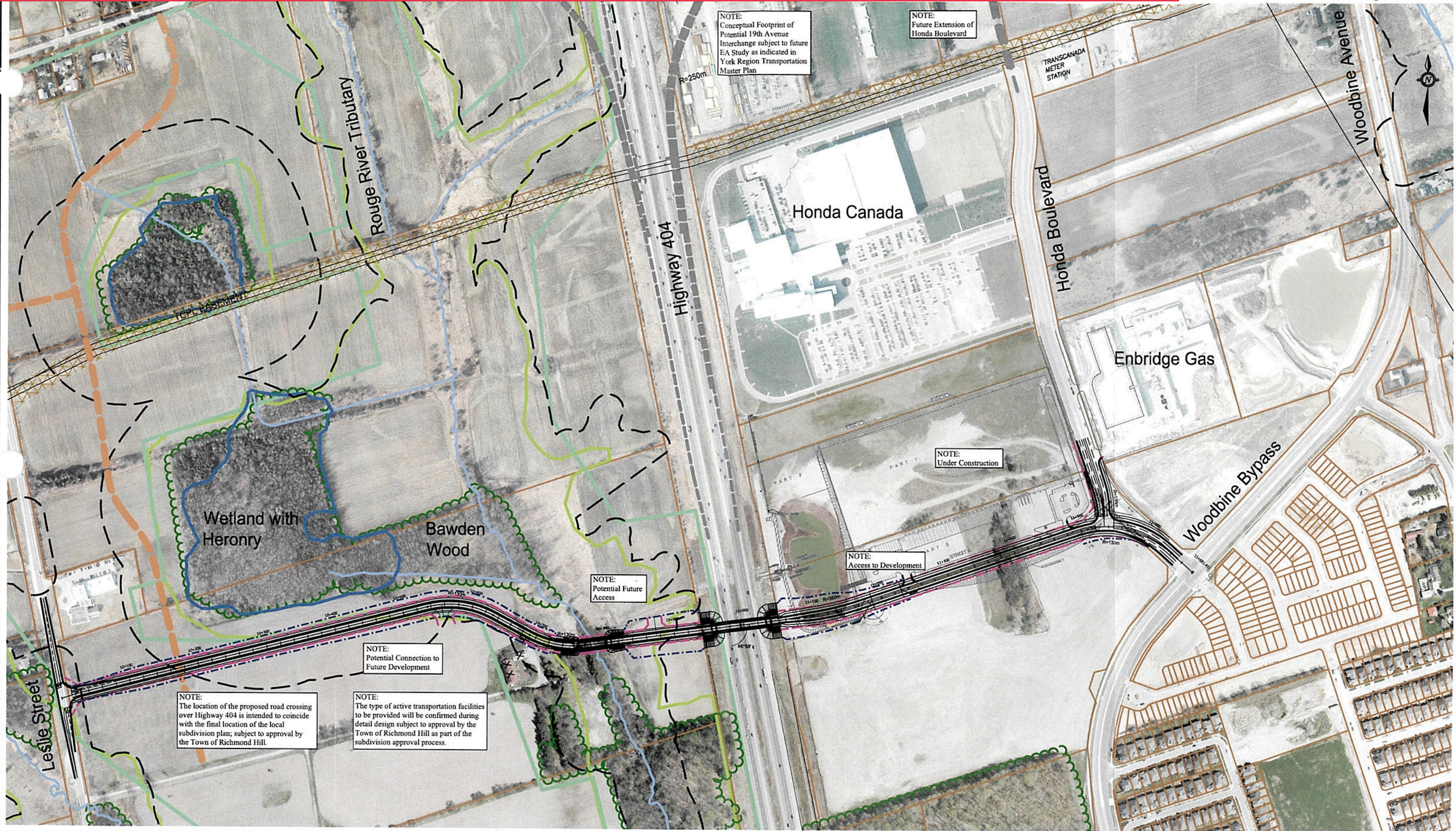
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Figure 7-9: Preferred Alternative Design





<p>Scale</p> <p>1:5000</p> <p>25m0 125m</p>	<p>PRELIMINARY PLAN OF PREFERRED ALTERNATIVE</p>	<p>Legend :</p> <ul style="list-style-type: none"> TRCA REGULATION LIMITS WATERCOURSES FOREST MUNICIPAL BOUNDARY 5m EASEMENT EXISTING PROPERTY LINE PROPOSED RIGHT-OF-WAY PROPOSED GRADING LIMIT 1.5m SIDEWALK 3.0m MULTI-USE PATH 	<p>EXHIBIT</p>
	<p>ROAD CROSSING OF HIGHWAY 404 BETWEEN MAJOR MACKENZIE AND ELGIN MILLS ROAD CLASS ENVIRONMENTAL ASSESSMENT STUDY</p>		<p>8-1</p>





Report to: Development Services Committee

Meeting Date: October 15, 2019

SUBJECT: Highway 404 Mid-block Crossing, North of 16th Avenue and Cachet Woods Court Extension – Project Update and Property Acquisition (Ward 2)

PREPARED BY: Marija Ilic, Manager, Infrastructure and Capital Projects, Ext. 2136

REVIEWED BY: Alain Cachola, Senior Manager, Infrastructure and Capital Projects, Ext. 2711

RECOMMENDATION:

1. That the report titled “Highway 404 Mid-block Crossing, North of 16th Avenue and Cachet Woods Court Extension – Project Update and Property Acquisition (Ward 2)”, be received; and
2. That staff be authorized to issue a purchase order to the Regional Municipality of York (“York Region”) in the amount of \$7,123,121.06 inclusive of HST impact, for Markham’s share of the cost for the property acquired to date; and
3. That the Engineering Department Capital Administration fee in the amount of \$142,462.42, be transferred to revenue account 640-998-8871 (Capital Administration Fee); and,
4. That the purchase order and capital administration fees be funded from Capital Project #19035 (Hwy 404 Midblock Crossing, North of 16th Avenue & Cachet Woods), which currently has an available funding of \$11,984,300.00; and
5. That the remaining funds of \$4,718,716.52 be kept in the account to cover the cost of the remaining properties to be acquired for the project; and
6. That Staff continue to work with York Region to finalize the detailed design, and acquisition of additional lands by York Region, and report back on the possible accelerated schedule of the construction of the section of road and the bridge over Rouge River, between Markland Street and Cachet Woods Court Extension in advance of the Mid-block Crossing over Highway 404; and
7. That the Mayor and Clerk be authorized to execute an agreement with the City of Richmond Hill and York Region for the design of the Highway 404 Mid-block Crossing, North of 16th Avenue and Cachet Woods Court Extension and property acquisition required for the project, provided the form of such agreement is satisfactory to the Director of Engineering and the City Solicitor; and further,
8. 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:

- Pay the Regional Municipality of York (“York Region”) Markham’s share of the cost of the property acquired to date by York Region (\$7,123,121.06) from Capital Project #19035,
- Transfer the Capital Administration fee (\$142,462.42) to the Department’s revenue account 640-998-8871,
- Keep the remaining funds in the account for further property acquisition,
- Work with York Region to complete the detailed design and explore opportunities to accelerate the construction program to bridge the Rouge River. The acceleration of this road section was requested by Development Services Committee in 2015.
- Execute an agreement with York Region and the City of Richmond Hill for the design of the Highway 404 Mid-block Crossing, North of 16th Avenue and Cachet Woods Court Extension and property acquisition required for the project.

BACKGROUND:

In 2012, City of Markham Council endorsed a study prepared for York Region, City of Markham (“Markham”) and City of Richmond Hill (“Richmond Hill”) that confirmed the need for crossings of Highway 404 to support future growth. These new east-west collector roads over Highway 404 are identified in the City’s and Region’s Official Plans and will be owned by respective local municipalities. The roads serve to connect communities and street networks across Highway 404, and allow local trips to be alleviated from Regional east-west arterial roads. These capital projects are funded from development charges.

The first of the crossings (north of Highway 7) was constructed and opened to public in 2018 (Norman Bethune Avenue). York Region completed Environmental Assessment (“EA”) Studies for the remaining Highway 404 mid-block crossings and is currently undertaking detailed design for the crossing north of 16th Avenue.

The EA study for the mid-block crossing north of 16th Avenue was undertaken by York Region in consultation with Markham and Richmond Hill. The EA recommended preferred alignment (Attachment “A”) of the east-west road from Woodbine Avenue in City of Markham to Leslie Street in the City of Richmond Hill, with an overpass at Highway 404. York Region started the road design in 2016 and is currently scheduled to be completed in Q2 2020. Construction of this mid-block crossing is identified in the York Region’s Infrastructure Acceleration Reserve to be expedited to 2022.

OPTIONS/ DISCUSSION:

The EA Study identified property requirements and further refined the areas needed for the project through detailed design. York Region has commenced the acquisition process, and is consulting with the affected property owners. York Region staff consults with Markham staff on the property transactions as Markham is a funding partner.

York Region Policy for Cost Sharing

In accordance with York Region's Policy for funding Collector Road Crossings of 400-Series Highways, York Region, Markham and Richmond Hill will equally share the cost of required property between Vogell Road in Richmond Hill and Cachet Woods Court in Markham ("Equal Shared Portion"). The balance of the property required east of Cachet Woods Court will be funded 100% by Markham ("100% Markham Portion"). Similarly, the property required west of Vogell Road in Richmond Hill will be funded 100% by Richmond Hill. The sketch shown in Attachment "B" illustrates the Equal Share Portion and the 100% Markham Portion.

Markham's share for the EAs and detailed design is further discussed in the "*Hwy 404 Mid-Block Crossing Cost Sharing with York Region (North of 16th Avenue, North of Major Mackenzie Drive and North of Elgin Mills Road) (Ward 2)*", DSC report, October 15, 2019.

Property Acquisition

In 2018, York Region purchased lands owned by the DG Group immediately east of Highway 404 (Attachment "B"). The total area of land that York Region acquired from DG Group was 10.58 acres in area. While only a portion of these lands are required for the road, York Region purchased the entire property to mitigate possible injurious affection costs. York Region, Richmond Hill and Markham will determine the future use and ownership of the surplus lands that are not used for the road right-of-way. Staff will report back on the future use of surplus lands at a later date.

York Region is currently in the process of acquiring additional lands required for the project. Staff will report back in 2020 on the cost sharing of the remaining lands to be acquired for this project.

Staff recommend that Markham issue a Purchase Order to York Region to cover for its share of the acquired lands to date, in accordance with the City of Markham Purchasing By-law.

Construction Timetable

In 2015, the recommended road alignment was presented by York Region to Markham's Council prior to filing of the EA. Council recommended that "staff report back on advancing the design and construction of the section of road and the bridge over the Rouge River, west of Markland Street to Cachet Woods Court".

York Region's current Infrastructure Acceleration Reserve recommends that the project be constructed starting 2022. Due to the ongoing road widening work by the Ministry of Transportation ("MTO") on Highway 404, the Region may not be able to commence construction over Highway 404 until MTO has completed its contract in 2024.

Staff will continue to work with York Region on finalizing the detailed design, and identifying any delays in starting construction. Staff will report back and seek Council's

authority if the construction of the extension of Cachet Woods Court, and the municipal road crossing over Rouge River to Woodbine Avenue is to be advanced.

Tri-Party Agreement

York Region, Richmond Hill and Markham will enter into an agreement to govern the design of the Highway 404 Mid-block Crossing, North of 16th Avenue and Cachet Woods Court Extension and property acquisition required for this project. This agreement will also set out the cost sharing obligations for the property acquisition costs relating to the project.

FINANCIAL CONSIDERATIONS

The following table outlines the property cost, cost share and fees for the acquired lands:

Description	Cost	Cost Share		
		Markham	York	Richmond Hill
Property – Equal Shared Portion	\$ 7,530,928.08	\$ 2,510,309.36	\$ 2,510,309.36	\$ 2,510,309.36
Property -100% Markham Portion	\$ 3,869,205.27	\$ 3,869,205.27	\$ 0.00	\$ 0.00
Total Purchase Price:	\$ 11,400,133.35	\$ 6,379,514.63	\$ 2,510,309.36	\$ 2,510,309.36
Soft Costs**	\$ 1,328,817.78	\$ 743,606.43	\$ 292,605.68	\$ 292,605.68
Sub-Total:	\$ 12,728,951.13	\$ 7,123,121.06	\$ 2,802,915.04	\$ 2,802,915.04
Markham's Fee:	\$ 142,462.42	\$ 142,462.42	\$ 0.00	\$ 0.00
Cost of Current Acquisition:	\$ 12,871,413.55	\$ 7,265,583.48	\$ 2,802,915.04	\$ 2,802,915.04

** Soft costs (11.65%): include the York Region's Fees, land transfer tax, due diligence costs, legal fees, disbursements and HST Impact.

Capital Account #19035 (Hwy 404 Midblock Crossing, N of 16th Ave & Cachet Woods) currently has an available funding of \$11,984,300.00. Staff recommend that a Purchase Order in the amount of \$7,123,121.05 inclusive of York Region's Fees, land transfer tax, due diligence costs, legal fees, disbursements and HST Impact. Staff also recommend that the remaining funds of \$4,718,716.52 be kept in the account to cover the cost of the remaining properties to be acquired for this project

ALIGNMENT WITH STRATEGIC PRIORITIES:

The proposed work for the mid-block crossings are required to continue to accommodate development in City of Markham and southern York Region. Therefore, the recommendations align with the City's Strategic Plan goals of "Safe & Sustainable Community" and "Stewardship of Money & Resources"

BUSINESS UNITS CONSULTED AND AFFECTED:

The Legal Department and Finance Department were consulted and their comments have been addressed in this report.

RECOMMENDED BY:

Brian Lee, P.Eng.
Director of Engineering

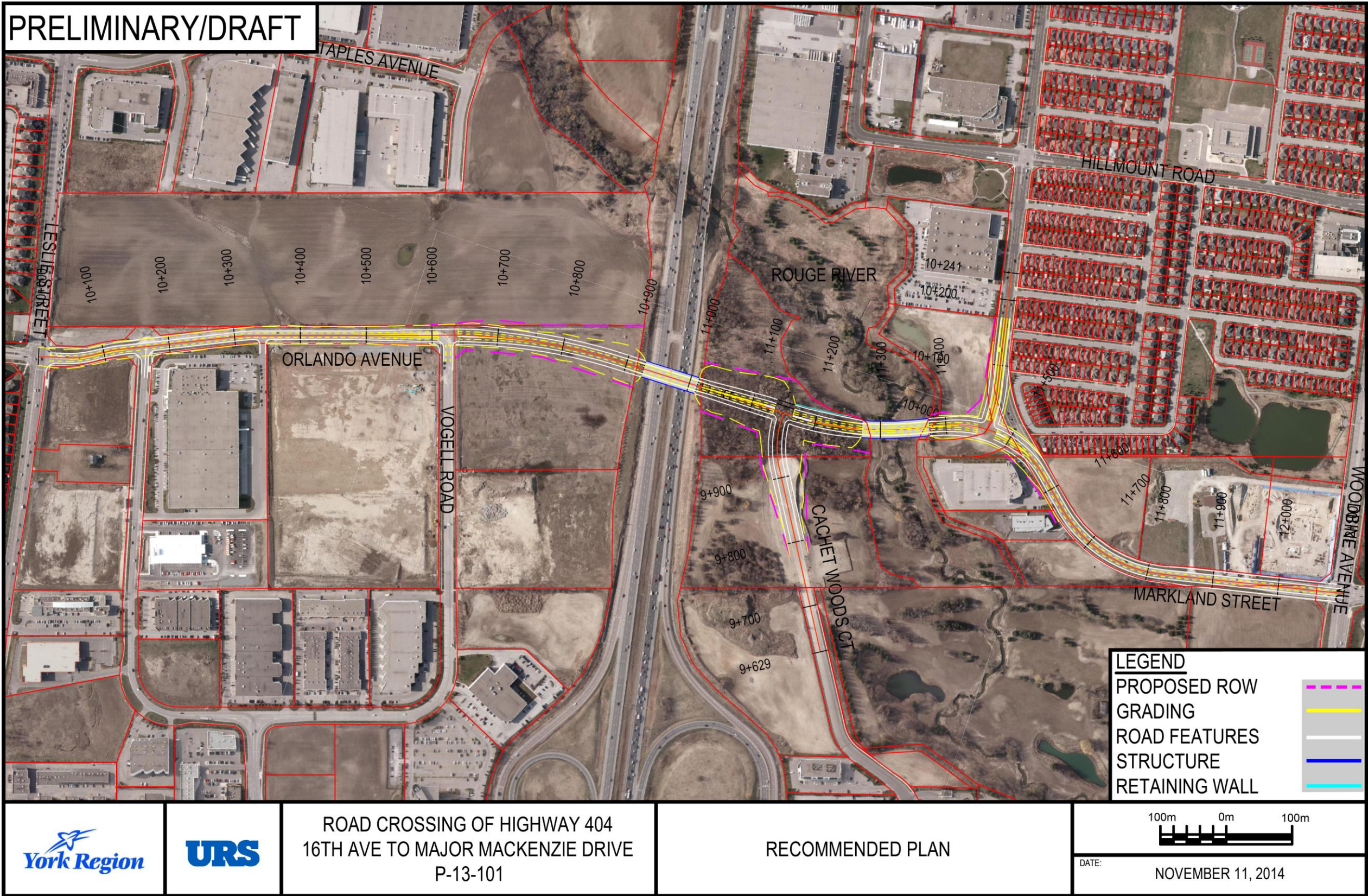
Arvin Prasad, MCIP, RPP
Commissioner, Development Services

ATTACHMENTS:

Attachment “A” – Highway 404 Midblock Crossing, North of 16th Avenue Technical
Preferred Alignment

Attachment “B” – Property Acquired by York Region

Figure 7-9: Preferred Alternative Design



ATTACHMENT B – Property Acquired by York Region

(Excerpt from York Region Mid-block crossing north of 16th Avenue Recommended Plan)



Acquired lands

Note: The assessment of share for the properties are preliminary and will be finalized as part of the Tri-party agreement between all parties (i.e. Markham, Richmond Hill and York Region).



Report to: General Committee

Meeting Date: October 21, 2019

SUBJECT: 2020 Interim Spending Authority Pending Approval of Budget
PREPARED BY: Kishor Soneji, Senior Accountant, ex.t 2681

RECOMMENDATION:

- 1) That the report titled “2020 Interim Spending Authority Pending Approval of Budget”, be received; and,
- 2) That Council approve 50% of the City’s 2019 Operating, Waterworks, Planning & Design, Building Standards and Engineering budgets equal to \$197,546,839 as a pre-budget approval for 2020 operating expenditures; and further,
- 3) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

PURPOSE:

To obtain Council approval for the Treasurer to have authority to make payments necessary to support the ongoing business of the City, prior to the approval of the 2020 Operating, Waterworks, Planning & Design, Building Standards and Engineering budgets.

BACKGROUND:

The 2020 Interim Spending Authority is intended to allow each of the City’s Operating, Waterworks, Planning & Design, Building Standards and Engineering departments to spend up to 50% of the 2019 approved budgets for operating expenditures. This approval will enable the City operations to continue at existing approved service levels until the City’s 2020 departmental budgets for operating expenditures are approved.

The City's 2019 approved budgets for operating expenditures are:

	<u>2019 Approved Budget</u>
Operating	\$ 233,044,724
Waterworks	131,920,556
Planning & Design	11,863,445
Building Standards	9,332,205
Engineering	8,932,747
Total	<u>\$ 395,093,677</u>
50% of the above total	<u>\$ 197,546,839</u>

All expenditures for goods and services will conform to existing by-laws and policies.

OPTIONS/ DISCUSSION:

Not applicable

FINANCIAL CONSIDERATIONS AND TEMPLATE:

Not applicable

HUMAN RESOURCES CONSIDERATIONS

Not applicable

ALIGNMENT WITH STRATEGIC PRIORITIES:

Not applicable

BUSINESS UNITS CONSULTED AND AFFECTED:

Not applicable

RECOMMENDED BY:

Joel Lustig
Treasurer

Trinela Cane
Commissioner, Corporate Services

ATTACHMENTS:

Not applicable



Report to: General Committee

Meeting Date: October 21, 2019

SUBJECT: 2020 Interim Spending Authority Pending Approval of
Unionville and Markham Village Improvement Area Budgets

PREPARED BY: Kishor Soneji, Senior Accountant x2681

RECOMMENDATION:

- 1) That the report titled “2020 Interim Spending Authority Pending Approval of Unionville and Markham Village Business Improvement Area Budgets”, be received; and,
- 2) That Council approve 50% of the 2019 Operating Budget equivalent to the amounts of \$105,500 for the Unionville BIA (UBIA) and \$165,709 for the Markham Village BIA (MBIA) as pre-budget approval for 2020 operating expenditures; and further,
- 3) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

PURPOSE:

To obtain Council approval for the UBIA and MBIA to have the authority to make payments necessary to support their ongoing businesses prior to the approval of their respective 2017 operating budgets.

BACKGROUND:

The 2020 Interim Spending Authority is intended to allow the UBIA and MBIA to spend up to 50% of the 2019 approved budget for operating expenditures. This approval will enable BIA operations to continue at existing levels until the 2020 Budgets for operating expenditures are approved.

The BIAs’ 2019 approved operating budgets are \$210,999 for the UBIA and \$331,417 for the MBIA. Therefore, the interim spending equivalent to 50% of the 2019 operating budget will be \$105,500 and \$165,709 respectively.

OPTIONS/ DISCUSSION:

Not applicable

FINANCIAL CONSIDERATIONS:

Not applicable

HUMAN RESOURCES CONSIDERATIONS:

Not applicable

ALIGNMENT WITH STRATEGIC PRIORITIES:

Not applicable

BUSINESS UNITS CONSULTED AND AFFECTED:

Not applicable

RECOMMENDED BY:

Joel Lustig
Treasurer

Trinela Cane
Commissioner, Corporate Services

ATTACHMENTS:

Not applicable



Report to: General Committee

Meeting Date: October 21, 2019

SUBJECT: 2020 Temporary Borrowing By-law
PREPARED BY: Kishor Soneji, Senior Accountant, ext. 2681

RECOMMENDATION:

1. That the report titled “2020 Temporary Borrowing By-law” be received; and,
2. That a by-law be brought forward for Council approval to authorize the temporary borrowing, if required, of amounts not to exceed \$197,546,839 from January 1, 2020 to September 30, 2020 and \$98,773,419 from October 1, 2020 to December 31, 2020 to meet the expenditures of the municipality until taxes are collected and other revenues are received; and,
3. That the Treasurer report to Council in advance of borrowing, if temporary borrowing is required; and further,
4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

PURPOSE:

To obtain Council approval to allow the City of Markham to temporarily borrow funds, if required to do so.

BACKGROUND:

Section 407(1) of the *Municipal Act, 2001* states:

“At any time during a fiscal year, a municipality may authorize temporary borrowing until the taxes are collected and other revenues are received, of the amounts that the municipality considers necessary to meet the current expenses of the municipality for the year...”

The City of Markham (the City) is known for its financial performance, fiscal responsibility and operational excellence. With sound cash management practices and policies in place, the City’s strong financial position has not necessitated bank financing for operating purposes in the past. However, a temporary borrowing by-law is recommended for unforeseen circumstances.

On an annual basis, the City’s banker, TD Canada Trust, has requested a copy of the by-law in order to be aware of the limits, should a necessity to borrow arise.

Subsection 407(2) of the *Municipal Act, 2001* governs the upper limits on the amounts the City can borrow, as follows:

(a) From January 1 to September 30 in the year, 50 per cent of the total estimated revenues of the municipality, as set out in the budget adopted for the year; and

(b) From October 1 to December 31 in the year, 25 per cent of the total estimated revenues of the municipality as set out in the budget adopted for the year.

Section 407(3) of the *Municipal Act, 2001* provides that until the budget is adopted in a year, the limits upon borrowing under subsection (2) shall temporarily be calculated using the estimated revenues of the municipality set out in the budget adopted for the previous year.

OPTIONS/ DISCUSSION:

Not applicable.

FINANCIAL CONSIDERATIONS

The City would be required to pay interest on any short-term borrowing. The City does not budget for interest expense, as borrowing has not been required in the past.

The Treasurer will report to Council prior to borrowing, if short-term borrowing is required.

RECOMMENDED BY:

Joel Lustig
Treasurer

Trinela Cane
Commissioner, Corporate Services

ATTACHMENT:

Appendix A, "2020 Temporary Borrowing Bylaw"

APPENDIX A: 2020 Temporary Borrowing Bylaw

By-law to authorize temporary borrowing to meet the expenditures of the City of Markham until taxes are collected and other revenues received.

A by-law to authorize the temporary borrowing of an amount not to exceed \$197,546,839 from January 1 to September 30, 2020 and \$98,773,419 from October 1 to December 31, 2020 to meet the current expenditures of the Corporation for the year, until taxes are collected and other revenues received.

WHEREAS Section 407 (1) of The Municipal Act authorizes that Council may borrow from time to time such sums as Council considers necessary to meet, until the taxes are collected and other revenues received, the current expenditures of the Corporation for the year; and

WHEREAS Section 407 (2) of The Municipal Act states the amount to be borrowed shall not exceed from January 1st to September 30th of the year, 50 per cent of the total estimated revenues of the Corporation, and from October 1st to December 31st, 25 per cent of the total estimated revenues for the Corporation; and

WHEREAS Section 407 (3) of The Municipal Act states that until the budget is adopted in a year, the limits upon borrowing shall temporarily be calculated using the estimated revenues of the municipality set out in the budget adopted for the previous year; and

WHEREAS the total revenues of the Corporation as set forth for the year 2019 are \$395,093,677 which was adopted by Council at the Council meeting on March 19, 2019.

NOW THEREFORE THE CORPORATION OF THE CITY OF MARKHAM HEREBY ENACTS AS FOLLOWS:

1. The Treasurer is hereby authorized on behalf of the Municipality to borrow from time to time by way of promissory note from the Municipality's banker a sum or sums not exceeding from January 1 to September 30 of the year \$197,546,839 and from October 1 to December 31 \$98,773,419 to meet, until the taxes and other revenues are received, the current expenditures of the Municipality for the year, including the amount required for the purposes mentioned in Subsection 1 of Section 407 of The Municipal Act and to give on behalf of the Municipality to the Bank a promissory note or notes sealed with the Corporate Seal and signed by the Treasurer for the monies so borrowed, with interest, which may be paid in advance or otherwise.
2. All sums borrowed pursuant to the authority of this by-law from the said bank for any or all purposes mentioned in the said Section 407 shall with interest thereon, be a charge upon the whole of the revenues of the Municipality for the current year.

READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS

_____ DAY OF _____ 2019.

KIMBERLEY KITTERRINGHAM
CITY CLERK

FRANK SCARPITTI, MAYOR



Report to: General Committee

Meeting Date: October 22, 2019

SUBJECT: Contract Extension # 110-R-15 Auditor General Services
PREPARED BY: Alex Moore, Senior Manager, Procurement and Accounts Payable

RECOMMENDATION:

- 1) That the report “Contract Extension # 110-R-15 Auditor General Services” be received; and,
- 2) That the Contract for Auditor General Services be extended for an additional five (5) years (January 1, 2020 to December 31, 2024) with MNP LLP for a maximum annual amount of \$152,640 (\$150,000 + \$2,640) inclusive of HST;
 - \$152,640 – Year 1
 - \$152,640 – Year 2
 - \$152,640 – Year 3
 - \$152,640 – Year 4
 - \$152,640 – Year 5
 - \$763,200 – Total
- 3) That the annual amount of \$152,640.00 be funded from the Operating Account #110-110-5699 subject to Council approval of the annual budget; and,
- 4) That the tender process be waived in accordance with Purchasing By-Law 2017-8 Part II, Section 11.1 (c) which states “when the extension of an existing Contract would prove more cost effective or beneficial”; And (h) “where it is in the best interests of the City to acquire Consulting Services from a supplier who has a proven track record with the City in terms of pricing, quality and service”; and,
- 5) That the Chief Administrative Officer be authorized to execute an agreement with MNP LLP in a form satisfactory to the City Solicitor; and further,
- 6) 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 extend the contract for Auditor General (AG) Services with MNP LLP (MNP) for an additional five years at the same annual fees as per the previous contract.

BACKGROUND:

The AG role assists Council in holding itself and its administrators accountable for the quality of stewardship over public funds and for the achievement of value for money in operations. The AG office is an independent, objective assurance activity designed to add value and improve municipal operations. This audit process assists the municipality to accomplish its objectives by bringing a systematic, disciplined approach to evaluate and

improve the risk management, control and governance process by carrying out financial control audits, compliance audits, and performance audits focused on the effectiveness and efficiency of processes, programs, and departments.

In October 2007, Council approved the appointment of an individual, Ingrid Cutter, as the City's first Auditor General. After the Auditor General left the City in 2010, the role remained vacant for five years (from September 2010 to November 2015).

In April 2015, a Staff presentation was made to Council, which included an overview of the Auditor General role in municipalities and the related legislative framework, as well as AG models in other municipalities. Three options and models for an AG role were presented to Council:

- Option 1 - In-House Model (*Staff did not recommend this option*)
The City would hire an in-house AG on a full-time contract basis to perform audits, based on the audit plan. This was the model in Markham from 2007-2010.
- Option 2 – Hybrid / Co-Sourced Model (*Staff did not recommend this option*)
The in-house AG would contract with an outside Service Provider, as required to undertake more specialized audits based on the audit plan.
- Option 3 – Outsourced Model (*Staff recommendation*)
An outside Service Provider would perform the audits providing end-to-end services based on the audit plan.

Council endorsed Option 3, the outsourced model, because it enhanced independence of the role, provided access to a broader range of expertise to support audits, and City support Staff were not required.

In November 2015, Council approved the appointment of MNP to the position of the AG for a four-year term. Geoff Rodrigues (Partner, National Leader of Internal Audit Services) was named Auditor General.

In 2016, MNP commenced its role at the City by conducting a risk assessment of the full “audit universe” including input from Council members and senior City Staff. Based on the results of the risk assessment the four-year audit plan was developed which included the following audit priorities:

- Identification and review of the effectiveness of internal controls; and
- Evaluation of the adequacy, efficiency and effectiveness of governance and risk management.

The audit plan was also developed based on the following considerations:

- Strategic relevance to the organization
- Areas which have been audited in the past three years
- Areas where there have been a history of errors / issues

- Timing of audits, including addressing issues from prior audits
- The need for recurring audits to ensure continued compliance in certain areas
- Areas, functions, or processes where there had been significant change in the past year, or where change was expected within a year

The Auditor General committed to complete 10 audits over the four-year term. The completion and status of the deliverables under the 2016-2019 agreement are as follows:

#	Deliverable /Audit Name	Audit Status	Follow-up Status
1	Property Tax & Water Billing	Completed	Completed
2	Cash Handling	Completed	Completed
3	Vendor Management	Completed	Completed
4	Cyber Security	Completed	Planned for 2019
5	HRIS Implementation	Completed	Planned for 2019
6	Development Charges	Completed	Planned for 2020
7	Payroll	Completed	Not required
8	Asset Management	Completed	Planned for 2020
9	Information Management	In progress	Planned for 2021
10	Building and Development*	Cancelled	N/A

*This audit has been cancelled as it has been replaced by a review of the development planning and review process audit funded through the Ontario Government Audit and Accountability Fund. This audit is expected to be completed in late Fall 2019.

Each audit noted above followed a high-level work plan from MNP, which utilized the following methodology:

Project Planning

- Define objectives and scope;
- Confirm project duration and schedule;
- Assign team members and develop team structure;
- Describe deliverables; and
- Create the Audit Planning Memo and distribute to stakeholders.

Project Execution

- Obtain existing system implementation and data migration documentation;
- Conduct interviews / discussions;
- Develop audit work plan and audit procedures;
- Understand current state; and
- Evaluate current state by performing tests and assessing processes and controls in place.

Project Execution

- Identify improvement opportunities;
- Prepare draft report with findings and recommendations;
- Validate and present recommendations; and
- Issue final report, incorporating management responses.

Over the contract term, MNP has executed these deliverables and audits according to the 2016-2019 AG Services Agreement and the four-year Audit Plan, meeting the City's goals, objectives and timelines, within budget.

Through the AG's audits and related recommendations, the City has been able to benefit from MNP's subject matter expertise to enhance internal controls. MNP's identification of opportunities for increased efficiencies, improved documentation controls and process improvements, promoted continuous improvement across a number of business areas as a direct results of the audits.

OPTIONS/ DISCUSSION:

The new contract for AG services will commence January 2020, and will require the completion of the following deliverables:

1. Refresh of the City's "audit universe" by performing a risk assessment exercise (by facilitating risk discussions with Council, the Executive Leadership Team and Senior Management);
2. Preparation of a five-year risk based audit plan;
3. Leading the execution of the approved audit plan by conducting two to three audits per year (in areas such as financial control compliance and operations), in compliance with audit standards, for a total of 12-15 audits over the term of the contract;
4. Follow-up audits of management's implementation of action plans and remediation of audit findings;
5. Reporting on all audit activities to the General Committee of Council; and
6. Completion of follow-up audits stemming from the previous contract term.

The new five-year audit plan will be prepared based on the results of a refreshed audit risk assessment which will consider the City's strategic priorities, areas with a history of issues, audits previously performed and new or emerging areas of risk. Further, the audit plan will allow flexibility to accommodate special requests from the General Committee of Council.

The approved audit plan will form the basis for conducting individual audit engagements and will be revisited annually to address new areas of concern, and the status of the audit plan will be reported to the General Committee on a regular basis.

RATIONALE FOR CONTRACT EXTENSION

MNP audits are individually tailored and involve a comprehensive review and assessment of the City's internal controls, business practices and procedures.

MNP brings the following expertise, efficiencies and value to the City:

- **Quality of Service:** The AG (Geoff Rodrigues) and audit team have a good understanding of the role of the AG and in depth knowledge about the City and its operations. The firm provided an excellent approach to the development of the four-year audit plan. Their project scheduling and plan for resource utilization was well executed, allowing them to fulfill their obligation, on time, on budget with value added recommendations. Further, all findings and recommendations were internally validated by an MNP Quality Assurance partner.
- **Experience and Subject Matter Experts:** The AG and audit team have extensive audit experience and knowledge of the City, as well as the broader public sector and can quickly apply this information to the City. In addition to its core engagement team, MNP leveraged additional subject matter experts, as needed who provided timely additional value to the audit work. The MNP audit team also has a demonstrated track record in delivering audit services to the City, other municipalities and the broader public sector.

Given the experience of MNP's core audit team and subject matter experts, Staff believe MNP is well positioned to understand the issues and challenges faced by the City. Staff are confident that MNP will continue to deliver quality audit services.

- **Cost Savings and Efficiencies:** Given MNP's extensive audit experience with the City over the past four years, MNP has developed a thorough knowledge of the City's unique environment. Due to their knowledge gained through the 2016-2019 audits of the City's internal controls, operations, business practices and procedures, MNP will only be required to undertake an audit risk assessment "refresh" in developing the new five-year audit plan. In addition, the City will have a seamless transition and interchangeability of audit services to complete the follow-up work required for current audits and to commence the work required for the 2020-2024 audits, as all members of their core MNP audit team who previously worked on audits in connection with the 2016-2019 contract will be retained.

Geoff Rodrigues, who has served as the City's AG since 2016, will continue in the same position and will oversee each audit and work closely with City Staff and Council. MNP is in a good position to continue to help the City maximize opportunities for improvement, reduce risk exposure and optimize efficiencies.

By extending the contract with MNP, the City will eliminate the need for a complete audit risk assessment and MNP will be able to initiate the new audit plan more quickly. The experience and knowledge gained by MNP during the 2016-2019 contract can be applied and transferred to the 2020-2024 contract, resulting in cost savings and efficiencies, and minimizing duplication of efforts/costs associated with engaging a new consultant. In addition, the cost, and Staff time associated with a full RFP process is avoided.

-
- **Additional Value-Add:** MNP has proactively invited City Staff to attend or has conducted seminars for Staff on pertinent matters such as cyber security and fraud awareness, free of cost. As part of the new contract, MNP will continue to provide advice and guidance on current issues and best practices.

Staff are of the opinion that MNP's performance supports the extension due to their in-depth knowledge and expertise, quality of audit work and their commitment to maintain existing fees and level of service.

NEXT STEPS

Following approval from Council, MNP will develop an audit plan through consultation with Council and Senior Management, to include the following:

- Refresh of the City's Audit Universe
- Preparation of a five-year risk based audit plan for Council approval
- Execution of the approved audit plan
- Performance of follow up audits of management's implementation of action plans and remediation of audit findings
- Report on all audit activities to General Committee

FINANCIAL CONSIDERATIONS

The contract award will be based on a total cost of \$763,200 inclusive of HST for the five-year term. The estimated annual cost is consistent with the current contract at \$152,640 (\$150,000 + \$2,640) inclusive of HST;

- \$152,640 – Year 1
- \$152,640 – Year 2
- \$152,640 – Year 3
- \$152,640 – Year 4
- \$152,640 – Year 5
- \$763,200 – Total

The annual amount of \$152,640.00 will be funded from the Operating Account #110-110-5699 subject to Council approval of the annual budget.

LEGAL CONSIDERATIONS

The City is subject to the following trade agreements, which apply to public sector procurement above a certain dollar threshold: the Canada-European Union Comprehensive Economic and Trade Agreement (CETA), effective September 21, 2017; and the Canadian Free Trade Agreement (CFTA), effective July 1, 2017.

The recommended contract extension to MNP complies with the CETA and CFTA trade agreements.

HUMAN RESOURCES CONSIDERATIONS

Not applicable

ALIGNMENT WITH STRATEGIC PRIORITIES:

Not applicable

BUSINESS UNITS CONSULTED AND AFFECTED:

Finance Staff was involved in the process and concurs with the recommendation.

RECOMMENDED BY:

Joel Lustig
Treasurer

Trinela Cane
Commissioner Corporate Services



Report to: General Committee

Meeting Date: October 22, 2019

SUBJECT: Joint and Several Liability and Insurance Reform for Municipalities
PREPARED BY: Claudia Storto, City Solicitor & Director of Human Resources

RECOMMENDATION:

1. That the report entitled “Joint and Several Liability and Insurance Reform for Municipalities” be received; and,
2. That Council support the Association of Municipalities of Ontario’s (AMO) position that the joint and several liability principle requires reform, along with the recommendations to the Attorney General of Ontario contained within the AMO report entitled “Towards a Reasonable Balance: Addressing Growing Municipal Liability and Insurance Costs” as set out in Attachment 1 to this report; and,
3. That this resolution be forwarded to the Attorney General of Ontario and the Association of Municipalities of Ontario; and further,
4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

EXECUTIVE SUMMARY:

The Association of Municipalities Ontario (“AMO”) submitted a position paper entitled “Towards a Reasonable Balance: Addressing growing municipal liability and insurance costs” to the Attorney General of Ontario on October 1, 2019, which is attached as Attachment 1 to this report. This paper outlines the challenges municipalities face as a result of the joint and several liability rule set out in the *Negligence Act*, R.S.O. 1990, c. N.1, related insurance cost implications, and the influence “liability chill” has on the delivery of public services. AMO has requested that municipalities indicate their support for its position and recommendations seeking a review of the principle of joint and several liability and the impact on insurance costs by submitting Council resolutions to the Attorney General of Ontario, which has indicated that submissions will be accepted until November 1, 2019.

PURPOSE:

The purpose of this report is to provide information regarding the challenges municipalities face as a result of the joint and several liability rule and to request that Council support the position and recommendations identified by AMO in response to the Province’s commitment to review the joint and several liability rule.

BACKGROUND:

The *Negligence Act* sets out that “[w]here damages have been caused or contributed to by the fault or neglect of two or more persons, the court shall determine the degree in which each of such persons is at fault or negligent, and, where two or more persons are found at fault or negligent, they are jointly and severally liable to the person suffering loss or damage...”. While fault may be apportioned among the parties to litigation, a defendant who is only 1% responsible for damages may be required to satisfy the entire judgment, regardless of the size of the judgment or apportionment of responsibility. As a result, municipalities are targets of litigation due, in part, to a perception that they have “deep pockets” to satisfy judgments that other defendants do not. This results in scenarios where a municipality may only be found to be 1% responsible for damages and subsequently held responsible for all of the damages.

This has impacted municipalities by increasing claims against them as well as resulting in increases to insurance premiums and potentially, risking the ability to obtain insurance coverage. It has also resulted in deterring municipalities from providing certain public services that may be identified as being high risk or more likely to attract litigation. Liability concerns and risk management practices have increased over the years, impacting municipalities from a financial, operational and policy perspective. Ultimately, this has a detrimental impact on property taxpayers.

OPTIONS/DISCUSSION:

AMO’s position paper explains the impact of joint and several liability on Ontario municipalities through examples of recent municipal claim outcomes across Ontario and examples of how municipal insurance premiums have increased over the last few years. The paper also refers to the motion introduced by Randy Pettapiece, MPP for Perth-Wellington calling for a reform of joint and several liability in 2014 which was supported by over 200 municipalities, including the City of Markham. The paper further outlines various liability frameworks that could replace the current joint and several liability principle.

AMO recommends seven measures to address the joint and several liability issues:

1. The provincial government adopt a model of full proportionate liability to replace joint and several liability.
2. Implement enhancements to the existing limitations period including the continued applicability of the existing 10-day rule on slip and fall cases given recent judicial interpretations, and whether a 1-year limitation period may be beneficial.
3. Implement a cap for economic loss awards.
4. Increase the catastrophic impairment default benefit limit to \$2 million and increase the third-party liability coverage to \$2 million in government regulated automobile insurance plans.

-
5. Assess and implement additional measures which would support lower premiums or alternatives to the provision of insurance services by other entities such as non-profit insurance reciprocals.
 6. Compel the insurance industry to supply all necessary financial evidence including premiums, claims, and deductible limit changes which support its, and municipal arguments as to the fiscal impact of joint and several liability.
 7. Establish a provincial and municipal working group to consider the above and put forward recommendations to the Attorney General.

Staff believe these recommendations will be beneficial in reducing the litigation and insurance burden on property taxpayers and recommend that Council support AMO's position paper and the above recommendations. It is further recommended that Council's resolution be forwarded to the Attorney General of Ontario and AMO to confirm its' support.

FINANCIAL CONSIDERATIONS:

Not applicable

HUMAN RESOURCES CONSIDERATIONS:

Not applicable

ALIGNMENT WITH STRATEGIC PRIORITIES:

Stewardship of money and resources

BUSINESS UNITS CONSULTED AND AFFECTED:

Financial Services

RECOMMENDED BY:

Claudia Storto
City Solicitor & Director of Human Resources

Andy Taylor
Chief Administrative Officer

ATTACHMENTS:

1. AMO Submission to the Attorney General of Ontario "Towards a Reasonable Balance: Addressing growing municipal liability and insurance costs", dated October 1, 2019



Towards a Reasonable Balance:

Addressing growing municipal liability and insurance costs

Submission to the Attorney General of Ontario

October 1, 2019



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Sent via email to: doug.downeyco@pc.ola.org
magpolicy@ontario.ca

October 1, 2019

The Honourable Doug Downey
Attorney General of Ontario
McMurtry-Scott Building, 11th Floor
720 Bay Street
Toronto, Ontario
M7A 2S9

Dear Attorney General Downey,

Municipal governments accept the responsibility to pay their fair share of a loss. Always. Making it right and paying a fair share are the cornerstones of our legal system. Citizens expect nothing less of their local governments.

But what is a challenge for municipalities and property taxpayers alike, is being asked to assume someone else's responsibility for someone else's mistake. Municipal governments should not be the insurer of last resort. For municipalities in Ontario, however, the principle of joint and several liability ensures that they are just that.

Joint and several liability means higher insurance costs. It diverts property tax dollars from delivering public services. It has transformed municipalities into litigation targets while others escape responsibility. It forces municipal government to settle out-of-court for excessive amounts when responsibility is as low as 1%.

There must be a better way. There must be a better way to help ensure those who suffer losses are made whole again without asking municipalities to bear that burden alone. There must be a better way to be fair, reasonable, and responsible.

AMO welcomes the government's commitment to review joint and several liability. It is a complex issue that has many dimensions. Issues of fairness, legal principles, "liability chill", insurance failures and high insurance costs are all intertwined. Many other jurisdictions have offered additional protection for municipalities and AMO calls on the Ontario government to do the same.

What follows is a starting point for that discussion. Our paper reasserts key issues from AMO's 2010 paper, AMO's 2011 insurance cost survey, provides more recent examples, and details some possible solutions of which there are many options.

Municipalities are in the business of delivering public services. Municipal governments exist to connect people and to advance the development of a community. It is time to find a reasonable balance to prevent the further scaling back of public services owing to joint and several liability, "liability chill", or excessive insurance costs.



**Towards a Reasonable Balance:
Addressing growing municipal liability and insurance costs**

Together with the provincial government, I am confident we can find a better way.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. McGarvey', is written over a horizontal line.

Jamie McGarvey
AMO President



Executive Summary

AMO's advocacy efforts on joint and several liability in no way intends for aggrieved parties to be denied justice or damages through the courts. Rather, municipal governments seek to highlight the inequity of how much "deep pocket" defendants like municipalities are forced to pay, for both in and out of court settlements.

It is entirely unfair to ask property taxpayers to carry the lion's share of a damage award when a municipality is found at minimal fault or to assume responsibility for someone else's mistake.

Municipal governments cannot afford to be the insurer of last resort. The principle of joint and several liability is costing municipalities and taxpayers dearly, in the form of rising insurance premiums, service reductions and fewer choices. The *Negligence Act* was never intended to place the burden of insurer of last resort on municipalities.

As public organizations with taxation power and "deep pockets," municipalities have become focal points for litigation when other defendants do not have the means to pay. At the same time, catastrophic claim awards in Ontario have increased considerably. In part, joint and several liability is fueling exorbitant increases in municipal insurance premiums.

The heavy insurance burden and legal environment is unsustainable for Ontario's communities. Despite enormous improvements to safety, including new standards for playgrounds, pool safety, and better risk management practices, municipal insurance premiums and liability claims continue to increase. All municipalities have risk management policies to one degree or another and most large municipalities now employ risk managers precisely to increase health and safety and limit liability exposure in the design of facilities, programs, and insurance coverage. Liability is a top of mind consideration for all municipal councils.

Joint and several liability is problematic not only because of the disproportioned burden on municipalities that are awarded by courts. It is also the immeasurable impact of propelling municipalities to settle out of court to avoid protracted and expensive litigation for amounts that may be excessive, or certainly represent a greater percentage than their degree of fault.

Various forms of proportionate liability have now been enacted by all of Ontario's competing Great Lakes states. In total, 38 other states south of the border have adopted proportionate liability in specific circumstances to the benefit of municipalities. Many common law jurisdictions around the world have adopted legal reforms to limit the exposure and restore balance. With other Commonwealth jurisdictions and the majority of state governments in the United States having modified the rule of joint and several liability in favour of some form of proportionate liability, it is time for Ontario to consider various options.

There is precedence in Ontario for joint and several liability reform. The car leasing lobby highlighted a particularly expensive court award made in November of 2004 against a car leasing company by the victim of a drunk driver. The August 1997 accident occurred when the car skidded off a county road near Peterborough, Ontario. It exposed the inequity of joint and several liability for car leasing companies. The leasing companies argued to the government that the settlement had put them at a competitive disadvantage to lenders. They also warned that such liability conditions would likely drive some leasing and rental companies to reduce their business in Ontario. As a result, Bill 18 amended the *Compulsory Automobile Insurance Act*, the *Highway Traffic*



Act and the Ontario *Insurance Act* to make renters and lessees vicariously liable for the negligence of automobile drivers and capped the maximum liability of owners of rental and leased cars at \$1 million. While Bill 18 has eliminated the owners of leased and rented cars as “deep pocket” defendants, no such restrictions have been enacted to assist municipalities.

A 2011 survey conducted by AMO reveals that since 2007, liability premiums have increased by 22.2% and are among the fastest growing municipal costs. Total 2011 Ontario municipal insurance costs were \$155.2 million. Liability premiums made up the majority of these expenses at \$85.5 million. Property taxpayers are paying this price.

These trends are continuing. In August of 2019, it was reported the Town of Bradford West Gwillimbury faces a 59% insurance cost increase for 2019. This is just one example. AMO encourages the municipal insurance industry to provide the government with more recent data and trends to support the industry’s own arguments regarding the impact joint and several has on premiums.

Insurance costs disproportionately affect small municipalities. For 2011, the per capita insurance costs for communities with populations under 10,000 were \$37.56. By comparison, per capita costs in large communities with populations over 75,000 were \$7.71. Property taxpayers in one northern community are spending more on insurance than their library. In one southern county, for every \$2 spent on snowplowing roads, another \$1 is spent on insurance.

In 2016, the Ontario Municipal Insurance Exchange (OMEX), a not-for-profit insurer, announced that it was suspending reciprocal underwriting operations. The organization cited, a “low pricing environment, combined with the impact of joint and several liability on municipal claim settlements” as reasons for the decision. Fewer choices fuels premium increases.

Learning from other jurisdictions is important for Ontario. The Province of Saskatchewan has implemented liability reforms to support its municipalities. As a municipal lawyer at the time, Neil Robertson, QC was instrumental in laying out the arguments in support of these changes. Now a Justice of the Court of Queen’s Bench for Saskatchewan, AMO was pleased to have Neil Robertson prepare a paper and address AMO conference delegates in 2013. Much of the Saskatchewan municipal experience (which led to reforms) is applicable to the Ontario and the Canadian municipal context. Summarised below and throughout this paper are some of Robertson’s key findings.

Robertson found that, regardless of the cause, over the years municipalities in Canada have experienced an accelerating rate of litigation and an increase in amounts of damage awards. He noted these developments challenge municipalities and raise financial, operational and policy issues in the provision of public services.

Robertson describes the current Canadian legal climate as having placed municipalities in the role of involuntary insurer. Courts have assigned municipal liability where liability was traditionally denied and apportioned fault to municipal defendants out of proportion to municipal involvement in the actual wrong.

This increased exposure to liability has had serious ramifications for municipalities, both as a deterrent to providing public services which may give rise to claims and in raising the cost and reducing the availability of insurance. The cost of claims has caused insurers to reconsider not only



what to charge for premiums, but whether to continue offering insurance coverage to municipal clients.

Robertson also makes the key point that it is reasonable for municipal leaders to seek appropriate statutory protections. He wrote:

“Since municipalities exist to improve the quality of life for their citizens, the possibility of causing harm to those same citizens is contrary to its fundamental mission. Careful management and wise stewardship of public resources by municipal leaders will reduce the likelihood of such harm, including adherence to good risk management practices in municipal operations. But wise stewardship also involves avoiding the risk of unwarranted costs arising from inevitable claims.”

And, of course, a key consideration is the reality that insurance premiums, self-insurance costs, and legal fees divert municipal funds from other essential municipal services and responsibilities.

It is in this context that AMO appreciated the commitments made by the Premier and the Attorney General to review the principle of joint and several liability, the impact it has on insurance costs, and the influence “liability chill” has on the delivery of public services. Now is the time to deliver provincial public policy solutions which address these issues.

Recommendations

AMO recommends the following measures to address these issues:

1. The provincial government adopt a model of full proportionate liability to replace joint and several liability.
2. Implement enhancements to the existing limitations period including the continued applicability of the existing 10-day rule on slip and fall cases given recent judicial interpretations, and whether a 1-year limitation period may be beneficial.
3. Implement a cap for economic loss awards.
4. Increase the catastrophic impairment default benefit limit to \$2 million and increase the third-party liability coverage to \$2 million in government regulated automobile insurance plans.
5. Assess and implement additional measures which would support lower premiums or alternatives to the provision of insurance services by other entities such as non-profit insurance reciprocals.
6. Compel the insurance industry to supply all necessary financial evidence including premiums, claims, and deductible limit changes which support its, and municipal arguments as to the fiscal impact of joint and several liability.
7. Establish a provincial and municipal working group to consider the above and put forward recommendations to the Attorney General.



Insurance Cost Examples

The government has requested detailed information from municipalities regarding their insurance costs, coverage, deductibles, claims history, and out-of-court settlements. Municipalities have been busy responding to a long list of provincial consultations on a wide range of topics. Some of the information being sought is more easily supplied by the insurance industry. AMO's 2011 survey of insurance costs produced a sample size of 122 municipalities and assessed insurance cost increases over a five-year period. The survey revealed an average premium increase which exceeded 20% over that period.

All of the same forces remain at play in 2019 just as they were in 2011. Below are some key examples.

Ear Falls - The Township of Ear Falls reports that its insurance premiums have increased 30% over five years to \$81,686. With a population of only 995 residents (2016), this represents a per capita cost of \$82.09. This amount is a significant increase from AMO's 2011 Insurance Survey result. At that time, the average per capita insurance cost for a community with a population under 10,000 was \$37.56. While the Township has not been the subject of a liability claim, a claim in a community of this size could have significant and long-lasting financial and service implications. The Township has also had to impose stricter insurance requirements on groups that rent municipal facilities. This has had a negative impact on the clubs and volunteers' groups and as a consequence, many have cut back on the service these groups provide to the community.

Central Huron – For many years the municipality of Central Huron had a deductible of \$5,000. In 2014, the deductible was increased to \$15,000 to help reduce insurance costs. The municipality also increased its liability coverage in 2014 and added cyber security coverage in 2018. The combined impact of these changes represents a premium cost of \$224,774 in 2019, up from \$141,331 in 2010. Per capita costs for insurance alone are now \$29.67.

Huntsville – Since 2010, the Town of Huntsville reports an insurance premium increase of 67%. In 2019 this represented about 3.75% of the town's property tax levy. At the same time, Huntsville's deductible has increased from \$10,000 to \$25,000. The town also reports a reluctance to hold its own events for fear of any claims which may affect its main policy. Additional coverage is purchased for these events and these costs are not included above.

Ottawa - In August 2018, the City began working with its insurance broker, Aon Risk Solutions ("Aon"), to prepare for the anticipated renewal of the Integrated Insurance Program in April 2019. As the cost of the City's insurance premiums had risen by approximately 25% between 2017 and 2018, this early work was intended to ensure that any further increase could be properly accounted for through the 2019 budget process. Early indications of a possible further 10% premium increase prompted the City and Aon in late 2018 to explore options for a revised Program, and to approach alternative markets for the supply of insurance.

On January 11, 2019, an OC Transpo bus collided with a section of the Westboro Station transit shelter, resulting in three fatalities and numerous serious injuries. This was the second major incident involving the City's bus fleet, following approximately five years after the OC Transpo – VIA train collision in September 2013.



The January 2019 incident prompted insurance providers to re-evaluate their willingness to participate in the City Program. Despite Aon's work to secure an alternative provider, only Frank Cowan Company ("Cowan"), the City's existing insurer, was prepared to offer the City an Integrated Insurance Program. Cowan's offer to renew the City's Program was conditional on revised terms and limits and at a significant premium increase of approximately 84%, or nearly \$2.1 million per year. According to Cowan, these changes and increases were attributable to seven principle factors, including Joint and Several Liability:

1. Escalating Costs of Natural Global Disasters;
2. Joint and Several Liability;
3. Claims Trends (in the municipal sector);
4. Increasing Damage Awards;
5. Class Action Lawsuits;
6. New and/or Adverse Claims Development; and,
7. Transit Exposure.

Cowan also indicated that the primary policy limits for the 2019-2020 renewal would be lowered from \$25 million to \$10 million per occurrence, thereby raising the likelihood of increased costs for the City's excess liability policies.

Joint and Several in Action - Recent Examples

The following examples highlight joint and several in action. The following examples have occurred in recent years.

GTA Municipality – A homeowner rented out three separate apartments in a home despite being zoned as a single-family dwelling. After a complaint was received, bylaw inspectors and Fire Prevention Officers visited the property. The landlord was cautioned to undertake renovations to restore the building into a single-family dwelling. After several months of non-compliance, charges under the fire code were laid. The owner was convicted and fined. A subsequent visit by Fire Prevention Officers noted that the required renovations had not taken place. Tragically, a fire occurred which resulted in three fatalities. Despite having undertaken corrective action against the homeowner, joint and several liability loomed large. It compelled the municipality to make a payment of \$504,000 given the 1% rule.

City of Ottawa - A serious motor vehicle accident occurred between one of the City's buses and an SUV. The collision occurred at an intersection when the inebriated driver of the SUV failed to stop at a red light and was struck by the City bus. This collision resulted in the deaths of the SUV driver and two other occupants, and also seriously injured the primary Plaintiff, the third passenger in the SUV. The secondary action was brought by the family of one of the deceased passengers.

The Court ultimately concluded that the City was 20% liable for the collision, while the SUV driver was 80% at fault. Despite the 80/20 allocation of fault, the City was required to pay all of the approximately \$2.1 million in damages awarded in the primary case and the \$200,000 awarded in the secondary case, bringing the amount paid by the City to a total that was not proportionate to its actual liability. This was due to the application of the principle of joint and several liability, as well as the interplay between the various automobile insurance policies held by the SUV owner and



passengers, which is further explained below. Although the City appealed this case, the Ontario Court of Appeal agreed with the findings of the trial judge and dismissed it.

This case was notable for the implications of various factors on the insurance policies held by the respective parties. While most automobile insurance policies in Ontario provide for \$1 million in third party liability coverage, the insurance for the SUV was reduced to the statutory minimum of \$200,000 by virtue of the fact that the driver at the time of the collision had a blood alcohol level nearly three times the legal limit for a fully licensed driver. This was contrary to the requirements of his G2 license, which prohibit driving after the consumption of any alcohol. Further, while the Plaintiff passengers' own respective insurance provided \$1 million in coverage for underinsured motorists (as the SUV driver was at the time), this type of coverage is triggered only where no other party is in any way liable for the accident. As a result, the primary Plaintiff could only effectively recover the full \$2.1 million in damages if the Court attributed even a small measure of fault to another party with sufficient resources to pay the claim.

In determining that the City was at least partially responsible for the collision, the Court held that the speed of the bus – which according to GPS recordings was approximately 6.5 km/h over the posted limit of 60 kilometres an hour – and momentary inattention were contributing factors to the collision.

To shorten the length of the trial by approximately one week and accordingly reduce the legal costs involved, the parties had earlier reached an agreement on damages and that the findings regarding the primary Plaintiff would apply equally to the other. The amount of the agreement-upon damages took into account any contributory negligence on the part of the respective Plaintiffs, attributable to such things as not wearing a seat belt.

City of Ottawa, 2nd example – A Plaintiff was catastrophically injured when, after disembarking a City bus, he was struck by a third-party motor vehicle. The Plaintiff's injuries included a brain injury while his impairments included incomplete quadriplegia.

As a result of his accident, the Plaintiff brought a claim for damages for an amount in excess of \$7 million against the City and against the owner and driver of the third-party vehicle that struck him. Against the City, the Plaintiff alleged that the roadway was not properly designed and that the bus stop was placed at an unsafe location as it required passengers to cross the road mid-block and not at a controlled intersection.

Following the completion of examinations for discovery, the Plaintiff's claim against the Co-Defendant (the driver of the vehicle which struck the plaintiff) was resolved for \$1,120,000 comprising \$970,000 for damages and \$120,000 for costs. The Co-Defendant's policy limit was \$1 million. The claim against the City was in effect, a "1% rule" case where the City had been added to the case largely because the Co-Defendant's insurance was capped at \$1 million, which was well below the value of the Plaintiff's claim.

On the issue of liability, the pre-trial judge was of the view that the City was exposed to a finding of some liability against it on the theory that, because of the proximity of the bus stop to a home for adults with mental health issues, the City knew or should have known that bus passengers with cognitive and/or physical disabilities would be crossing mid-block at an unmarked crossing. This, according to the judge, could have resulted in a finding being made at trial that the City should



either have removed the bus stop or alternatively, should have installed a pedestrian crossing at this location.

The judge assessed the Plaintiff's damages at \$7,241,000 exclusive of costs and disbursements which he then reduced to \$4,602,930 exclusive of costs and disbursements after applying a reduction of 27.5% for contributory negligence and subtracting the \$970,000 payment made by the Co-Defendant's insurer.

Settlement discussions took place and the judge recommended that the matter be resolved for \$3,825,000 plus costs of \$554,750 plus HST plus disbursements.

Joint and Several Liability in Action - Other notable cases

Deering v Scugog - A 19-year-old driver was driving at night in a hurry to make the start time of a movie. She was travelling on a Class 4 rural road that had no centerline markings. The Ontario Traffic Manual does not require this type of road to have such a marking. The driver thought that a vehicle travelling in the opposite direction was headed directly at her. She swerved, over-corrected and ended up in a rock culvert. The Court found the Township of Scugog 66.7% liable. The at-fault driver only carried a \$1M auto insurance policy.

Ferguson v County of Brant - An inexperienced 17-year-old male driver was speeding on a road when he failed to navigate a curve which resulted in him crossing the lane into oncoming traffic, leaving the roadway, and striking a tree. The municipality was found to have posted a winding road sign rather than a sharp curve sign. The municipality was found 55% liable.

Safranyos et al v City of Hamilton - The plaintiff was leaving a drive-in movie theatre with four children in her vehicle at approximately 1 AM. She approached a stop sign with the intention of turning right onto a highway. Although she saw oncoming headlights she entered the intersection where she was struck by a vehicle driven 15 km/h over the posted speed limit by a man who had just left a party and was determined by toxicologists to be impaired. The children in the plaintiff's vehicle suffered significant injuries. The City was determined to be 25% liable because a stop line had not been painted on the road at the intersection.

Mortimer v Cameron - Two men were engaged in horseplay on a stairway and one of them fell backward through an open door at the bottom of a landing. The other man attempted to break the first man's fall and together they fell into an exterior wall that gave way. Both men fell 10 feet onto the ground below, one of whom was left quadriplegic. The trial judge determined both men were negligent, but that their conduct did not correspond to the extent of the plaintiff's injuries. No liability was attached to either man. The building owner was determined to be 20% and the City of London was found to be 80% liable. The Court awarded the plaintiff \$5 M in damages. On appeal, the City's liability was reduced to 40% and building owner was determined to be 60% liable. The City still ended up paying 80% of the overall claim.

2011 Review of Joint and Several Liability – Law Commission of Ontario

In February 2011 the Law Commission of Ontario released a report entitled, *"Joint and Several Liability Under the Ontario Business Corporations Act"*. This review examined the application of



joint and several liability to corporate law and more specifically the relationship between the corporation and its directors, officers, shareholders and stakeholders.

Prior to the report's release, AMO made a submission to the Law Commission of Ontario to seek to expand its review to include municipal implications. The Law Commission did not proceed with a broader review at that time, but the context of its narrower scope remains applicable to municipalities. In fact, many of the same arguments which support reform in the realm of the *Business Corporations Act*, are the same arguments which apply to municipal governments.

Of note, the Law Commission's¹ report highlighted the following in favour of reforms:

Fairness: "it is argued that it is unfair for a defendant, whose degree of fault is minor when compared to that of other defendants, to have to fully compensate a plaintiff should the other defendants be insolvent or unavailable."

Deep Pocket Syndrome: "Joint and several liability encourages plaintiffs to unfairly target defendants who are known or perceived to be insured or solvent."

Rising Costs of Litigation, Insurance, and Damage Awards: "Opponents of the joint and several liability regime are concerned about the rising costs of litigation, insurance, and damage awards."

Provision of Services: "The Association of Municipalities of Ontario identifies another negative externality of joint and several liability: municipalities are having to delay or otherwise cut back services to limit exposure to liability."

The Law Commission found that the principle of joint and several liability should remain in place although it did not explicitly review the municipal situation.

2014 Resolution by the Ontario Legislature and Review by the Attorney General

Over 200 municipalities supported a motion introduced by Randy Pettapiece, MPP for Perth-Wellington which called for the implementation a comprehensive, long-term solution in 2014. That year, MPPs from all parties supported the Pettapiece motion calling for a reform joint and several liability.

Later that year the Ministry of the Attorney General consulted on three options of possible reform:

1. The Saskatchewan Model of Modified Proportionate Liability

Saskatchewan has adopted a modified version of proportionate liability that applies in cases where a plaintiff is contributorily negligent. Under the Saskatchewan rule, where a plaintiff is contributorily negligent and there is an unfunded liability, the cost of the unfunded liability is split among the remaining defendants and the plaintiff in proportion to their fault.

¹ Law Commission of Ontario. "Joint and Several Liability Under the Ontario *Business Corporations Act*." Final Report, February 2011 Pages 22-25.



2. Peripheral Wrongdoer Rule for Road Authorities

Under this rule, a municipality would never be liable for more than two times its proportion of damages, even if it results in the plaintiff being unable to recover full damages.

3. A combination of both of the above

Ultimately, the government decided not to pursue any of the incremental policy options ostensibly because of uncertainty that insurance cost reductions would result. This was a disappointing result for municipalities.

While these reviews did not produce results in Ontario, many other common law jurisdictions have enacted protections for municipalities. What follows are some of the options for a different legal framework.

Options for Reform – The Legal Framework

To gain a full appreciation of the various liability frameworks that could be considered, for comparison, below is a description of the current joint and several liability framework here in Ontario. This description will help to reader to understand the further options which follow.

This description and the alternatives that follow are taken from the Law Commission of Ontario's February 2011 Report entitled, *"Joint and Several Liability Under the Ontario Business Corporations Act"* as referenced above.²

Understanding the Status Quo and Comparing it to the Alternatives

Where three different defendants are found to have caused a plaintiff's loss, the plaintiff is entitled to seek full payment (100%) from any one of the defendants. The defendant who fully satisfies the judgment has a right of contribution from the other liable parties based on the extent of their responsibility for the plaintiff's loss.

For example, a court may find defendants 1 (D1), 2 (D2) and 3 (D3) responsible for 70%, 20%, and 10% of the plaintiff's \$100,000 loss, respectively. The plaintiff may seek to recover 100% of the loss from D2, who may then seek contribution from D1 and D3 for their 70% and 10% shares of the loss. If D1 and/or D3 is unable to compensate D2 for the amount each owes for whatever reason, such as insolvency or unavailability, D2 will bear the full \$100,000 loss. The plaintiff will be fully compensated for \$100,000, and it is the responsibility of the defendants to apportion the loss fairly between them.

The descriptions that follow are abridged from pages 9-11 of the Law Commission of Ontario's report. These are some of the key alternatives to the status quo.

² Ibid. Page 7.



1. Proportionate Liability

a) Full Proportionate Liability

A system of full proportionate liability limits the liability of each co-defendant to the proportion of the loss for which he or she was found to be responsible. Per the above example, (in which Defendant 1 (D1) is responsible for 70% of loss, Defendant 2 (D2) for 20% and Defendant 3 (D3) for 10%), under this system, D2 will only be responsible for \$20,000 of the \$100,000 total judgement: equal to 20% of their share of the liability. Likewise, D1 and D3 will be responsible for \$70,000 and \$10,000. If D1 and D3 are unable to pay, the plaintiff will only recover \$20,000 from D2.

b) Proportionate Liability where Plaintiff is Contributorily Negligent

This option retains joint and several liability when a blameless plaintiff is involved. This option would cancel or adjust the rule where the plaintiff contributed to their loss. As in the first example, suppose the plaintiff (P) contributed to 20% of their \$100,000 loss. D1, D2 and D3 were responsible for 50%, 20% and 10% of the \$100,000. If D1 and D3 are unavailable, P and D2 will each be responsible for their \$20,000 shares. The plaintiff will remain responsible for the \$60,000 shortfall as a result of the absent co-defendants' non-payment (D1 and D3).

c) Proportionate Liability where Plaintiff is Contributorily Negligent with a Proportionate Reallocation of an Insolvent, Financially Limited or Unavailable Defendant's Share

In this option of proportionate liability, the plaintiff and remaining co-defendants share the risk of a defendant's non-payment. The plaintiff (P) and co-defendants are responsible for any shortfall in proportion to their respective degrees of fault.

Using the above example of the \$100,000 total judgement, with a shortfall payment of \$50,000 from D1 and a shortfall payment \$10,000 from D3, P and D2 must pay for the missing \$60,000. P and D2 have equally-apportioned liability, which causes them to be responsible for half of each shortfall - \$25,000 and \$5,000 from each non-paying defendant. The burden is shared between the plaintiff (if determined to be responsible) and the remaining defendants.

d) Proportionate Liability with a Peripheral Wrongdoer

Under this option, a defendant will be proportionately liable only if their share of the liability falls below a specified percentage, meaning that liability would be joint and several. Using the above example, if the threshold amount of liability is set at 25%, D2 and D3 would only be responsible for 20% and 10%, regardless of whether they are the only available or named defendants. However, D1 may be liable for 100% if it is the only available or named defendant. This system tends to favour defendants responsible for a small portion of the loss, but the determination of the threshold amount between joint and several liability and proportionate liability is arbitrary.

e) Proportionate Liability with a Reallocation of Some or All of an Insolvent or Unavailable Defendant's Share

This option reallocates the liability of a non-paying defendant among the remaining defendants in proportion to their respective degrees of fault. The plaintiff's contributory negligence does not



impact the application of this reallocation. Joint and several liability would continue to apply in cases of fraud or where laws were knowingly violated.

f) Court Discretion

Similar to the fraud exception in the option above, this option includes giving the courts discretion to apply different forms of liability depending on the case.

For example, if a particular co-defendant's share of the fault was relatively minor the court would have discretion to limit that defendant's liability to an appropriate portion.

2. Legislative Cap on Liability

Liability concerns could be addressed by introducing a cap on the amount of damages available for claims for economic loss.

3. Hybrid

A number of jurisdictions provide a hybrid system of proportionate liability and caps on damages. Co-defendants are liable for their portion of the damages, but the maximum total amount payable by each co-defendant is capped to a certain limit.

The Saskatchewan Experience

As referenced earlier in this paper, the Province of Saskatchewan responded with a variety of legislative actions to assist municipalities in the early 2000s. Some of those key developments are listed below which are abridged from *"A Question of Balance: Legislative Responses to Judicial Expansion of Municipal Liability – the Saskatchewan Experience."* The paper was written by Neil Robertson, QC and was presented to the annual conference of the Association of Municipalities of Ontario in 2013. Two key reforms are noted below.

1. Reforming joint and several liability by introducing modified proportionate liability: "The Contributory Negligence Act" amendments

The *Contributory Negligence Act* retained joint and several liability, but made adjustments in cases where one or more of the defendants is unable to pay its share of the total amount (judgement). Each of the parties at fault, including the plaintiff if contributorily negligent, will still have to pay a share of the judgement based on their degree of fault. However, if one of the defendants is unable to pay, the other defendants who are able to pay are required to pay only their original share and an additional equivalent share of the defaulting party's share.

The change in law allows municipalities to reach out-of-court settlements, based on an estimate of their degree of fault. This allows municipalities to avoid the cost of protracted litigation.

Neil Robertson provided the following example to illustrate how this works in practise:

"...If the owner of a house sues the builder for negligent construction and the municipality, as building authority, for negligent inspection, and all three are found equally at fault, they would each be apportioned 1/3 or 33.3%. Assume the damages are \$100,000. If the builder has no funds, then the municipality would pay only its share (\$33,333) and a 1/3 share of the builder's defaulting share



(1/3 of \$33,333 or \$11,111) for a total of \$44,444 (\$33,333 + \$11,111), instead of the \$66,666 (\$33,333 + \$33,333) it would pay under pure joint and several liability.”

This model will be familiar to municipal leaders in Ontario. In 2014, Ontario’s Attorney General presented this option (called the Saskatchewan Model of Modified Proportionate Liability) for consideration. At the time, over 200 municipal councils supported the adoption of this option along with the “Peripheral Wrongdoer Rule for Road Authorities” which would have seen a municipality never be liable for more than two times its proportion of damages, even if it results in the plaintiff being unable to recover full damages. These two measures, if enacted, would have represented a significant incremental step to address the impact of joint and several to Ontario municipalities.

2. Providing for uniform limitation periods while maintaining a separate limitation period for municipalities: “The Limitations Act”

This act established uniform limitation periods replacing many of the pre-existing limitation periods that had different time periods. The Municipal Acts in Saskatchewan provide a uniform one-year limitation period “from time when the damages were sustained” in absolute terms without a discovery principle which can prolong this period. This helps municipalities to resist “legacy” claims from many years beforehand. This act exempts municipalities from the uniform two-year discoverability limitation period.

Limitation periods set deadlines after which claims cannot be brought as lawsuits in the courts. The legislation intends to balance the opportunity for potential claimants to identify their claims and, if possible, negotiate a settlement out of court before starting legal action with the need for potential defendants to “close the books” on claims from the past.

The reasoning behind these limitations is that public authorities, including municipalities, should not to be punished by the passage of time. Timely notice will promote the timely investigation and disposition of claims in the public interest. After the expiry of a limitation period, municipalities can consider themselves free of the threat of legal action, and continue with financial planning without hurting “the public taxpayer purse”. Municipalities are mandated to balance their budgets and must be able to plan accordingly. Thus, legacy claims can have a very adverse affect on municipal operations.

Here in Ontario, there is a uniform limitations period of two years. Municipalities also benefit from a 10-day notice period which is required for slip and fall cases. More recently, the applicability of this limitation deadline has become variable and subject to judicial discretion. Robertson’s paper notes that in Saskatchewan, courts have accepted the one-year limitations period. A further examination of limitations in Ontario may yield additional benefits and could include the one-year example in Saskatchewan and/or the applicability of the 10-day notice period for slip and fall cases.

Other Saskatchewan reforms

Saskatchewan has also implemented other reforms which include greater protections for building inspections, good faith immunity, duty of repair, no fault insurance, permitting class actions, and limiting nuisance actions. Some of these reforms are specific to Saskatchewan and some of these currently apply in Ontario.



Insurance Related Reforms

Government Regulated Insurance Limits

The April 2019 provincial budget included a commitment to increase the catastrophic impairment default benefit limit to \$2 million. Public consultations were led by the Ministry of Finance in September 2019. AMO wrote to the Ministry in support of increasing the limit to \$2 million to ensure more adequate support those who suffer catastrophic impairment.

In 2016, the government lowered this limit as well as third-party liability coverage to \$200,000 from \$1 million. This minimum should also be increased to \$2 million to reflect current actual costs. This significant deficiency needs to be addressed.

Insurance Industry Changes

In 1989 the Ontario Municipal Insurance Exchange (OMEX) was established as a non-profit reciprocal insurance provider for Ontario's municipalities. It ceased operations in 2016 citing, "[a] low pricing environment, combined with the impact of joint & several liability on municipal claim settlements has made it difficult to offer sustainable pricing while still addressing the municipalities' concern about retro assessments."³ (Retro assessments meant paying additional premiums for retroactive coverage for "long-tail claims" which made municipal budgeting more challenging.)

The demise of OMEX has changed the municipal insurance landscape in Ontario. That joint and several liability is one of the key reasons listed for the collapse of a key municipal insurer should be a cause for significant concern. Fewer choices fuels cost. While there are other successful municipal insurance pools in Ontario, the bulk of the insurance market is dominated by for-profit insurance companies.

Reciprocal non-profit insurers are well represented in other areas across Canada. Municipalities in Saskatchewan, Alberta, British Columbia are all insured by non-profit reciprocals.

The questions for policy makers in Ontario:

Are there any provincial requirements or regulations which could better support the non-profit reciprocal municipal insurance market?

What actions could be taken to better protect municipalities in Ontario in sourcing their insurance needs?

How can we drive down insurance costs to better serve the needs of municipal property taxpayers?

³ Canadian Underwriter, August 11, 2016 <https://www.canadianunderwriter.ca/insurance/ontario-municipal-insurance-exchange-suspends-underwriting-operations-1004098148/>



Conclusion

This AMO paper has endeavoured to refresh municipal arguments on the need to find a balance to the issues and challenges presented by joint and several liability. It has endeavoured to illustrate that options exist and offer the reassurance that they can be successfully implemented as other jurisdictions have done.

Finding solutions that work will require provincial and municipal commitment. Working together, we can find a better way that is fair, reasonable, and responsible. It is time to find a reasonable balance.



Report to: General Committee

Meeting Date: October 22, 2019

SUBJECT: 2020 Council and Standing Committee Meeting Calendar
PREPARED BY: Martha Pettit, Deputy Clerk

RECOMMENDATION:

1. That the 2020 Council and Standing Committee Meeting Calendar for January-December as outlined in Appendix “C” and allowing for all Council Meetings to be conducted starting at 1:00 PM to 6:00 PM with the option to host an evening Council meeting if so required, be adopted; and,
2. That staff be authorized and directed to do all things necessary to give effect to this resolution.

PURPOSE:

To adopt the City of Markham's Council and Standing Committee meeting calendar for January to December 2020.

BACKGROUND:

Each year, the Legislative Services and Corporate Communications and Community Engagement Department prepares a Council and Standing Committee meeting calendar for the following calendar year which outlines the date and time of each Council and Standing Committee meeting.

On December 12, 2018, Council approved the 2019 meeting calendar, which provided for conducting every other Council meeting during the day starting at 1:00 PM. The alternate Council meetings were conducted in the evening starting at 6:00 PM.

Public in-person attendance statistics that were tracked for 2019 show that very few individuals attend (in-person) a Markham City Council meeting either during the daytime or at the evening sessions, unless there is an item of significant interest to the public on the agenda (see Appendix “A”). Further, because all Standing Committee and Council meetings are audio and video streamed live, listeners do not need to attend (in-person) to hear the proceedings. A recent upgrade to the City’s A/V system allows staff to publish (to the City’s website) an audio/video recording of the actual meeting once the minutes are finalized. This new feature allows individuals to “re-watch” the proceedings at a time that is most convenient for them.

To-date, the Legislative Services and Corporate Communications and Community Engagement Department has received positive feedback regarding the implementation of daytime meetings from the public, Members of Council and staff. A review of comparable municipalities reveals that several large urban municipalities such as

Vaughan, Richmond Hill (for part of the year), Brampton, London, Mississauga, Toronto and Region of York conduct Council meetings during the day (see Appendix “B”).

OPTIONS/ DISCUSSION:

Seventeen Council meetings are proposed in the 2020 Meeting Calendar (see Appendix “C”). Outlined below are the four options for Council meeting start times proposed by staff for Council’s consideration.

Option 1 – All Daytime Council Meetings (Evening Meetings by Exception)

In this Option, all 2020 Council meetings will take place from 1:00 PM to 6:00 PM with the ability to hold an evening meeting as required. The benefits of this Option include:

- Members of Council are “fresh” and not deliberating on important items after a long day of meetings, etc.
- Members of Council have the evenings free for constituent meetings, events, etc.
- Members of the public have the option to submit written submissions.
- Members of the public can listen in or watch live or at a time of their choosing.

Today’s workforce has changed and 9 to 5 is no longer considered the norm.

- Staff is readily available to provide further insight, clarification and respond to questions from Council and the public as required.

This is staff’s preferred Option.

Option 2 – Evening Council Meetings Once per Quarter (Additional Evening Meetings Held by Exception)

In this Option, one evening Council meeting is held per quarter with an option to hold additional evening meetings as necessary. This would result in four evening Council meetings per calendar year - to be held on the following dates in 2020:

	Proposed Date	Meeting Start Time
First Quarter	Mar 31	6:00 PM
Second Quarter	Jun 9	6:00 PM
Third Quarter	Sept 29	6:00 PM
Fourth Quarter	Nov 24	6:00 PM

****Council meetings not falling on the above dates would start at 1:00 PM.**

The benefits of this Option include:

- Offering a variation in Council meeting start times provides alternatives/options for deputants desiring to attend in-person.
- Evening meetings are already built into the annual Council and Committee Meeting schedule.
- Agendas can be planned to ensure that items of significant public interest will be held during an evening meeting.
- Members of Council have the daytime free for constituent meetings, events, etc.

Option 3 – Evening Council Meetings Every Other Month (Additional Evening Meetings Held by Exception)

In this Option, an evening Council meeting will take place every other month (with an option to hold additional evening meetings as necessary). This would result in five evening Council meetings per calendar year to be held on the following dates in 2020:

Proposed Date	Meeting Start Time
Jan 28	6:00 PM
Mar 31	6:00 PM
May 12	6:00 PM
Sept 29	6:00 PM
Nov 24	6:00 PM

**Council meetings not falling on the above dates would start at 1:00 PM.

The benefits of this Option include:

- Offering a variation in Council meeting start times offers alternatives/options for deputants desiring to attend in-person.
- Evening meetings are already built into the annual Council and Committee Meeting schedule.
- Agendas can be planned to ensure that items of significant public interest will be held during an evening meeting.
- Members of Council have the daytime free for constituent meetings, events, etc.

Option 4* – Alternate Every Other Council Meeting between Daytime and Nighttime Starts (*Status Quo – same process used in 2019)

In this Option, Council meeting start times alternate between a daytime start time and an evening start time – this system was in effect for 2019. This would result in eight evening Council meetings per calendar year to be held on the following dates in 2020:

Proposed Date	Meeting Start Time
Jan 28	6:00 PM
Feb 25	6:00 PM
Mar 31	6:00 PM
May 12	6:00 PM
Jun 9	6:00 PM
Sept 29	6:00 PM
Oct 27	6:00 PM
Nov 24	6:00 PM

**Council meetings not falling on the above dates would start at 1:00 PM.

The benefits of this Option include:

- Offering a variation in Council meeting start times offers alternatives/options for deputants desiring to attend in-person.
- Evening meetings are already built into the annual Council and Committee Meeting schedule.
- Agendas can be planned to ensure that items of significant public interest will be held during an evening meeting.
- Members of Council have the daytime free for constituent meetings, events, etc.

Staff recommend Option 1 - All Daytime Council Meetings (Evening Meetings by Exception). In this Option, all Council meetings in 2020 would have a start time of 1:00 PM, with the ability to conduct evening meetings as required. This practice is in keeping with other large urban municipalities and, based on 2019 meeting attendance statistics, will have little to no impact on in-person meeting attendance by the public. It also has the benefit of allowing for greater participation by City staff in Council meetings should they be required to respond to questions by Members of Council.

FINANCIAL CONSIDERATIONS

Not applicable

HUMAN RESOURCES CONSIDERATIONS

Not applicable

ALIGNMENT WITH STRATEGIC PRIORITIES

Not applicable

BUSINESS UNITS CONSULTED AND AFFECTED

Not applicable

RECOMMENDED BY

Kimberley Kitteringham
Director, Legislative Services
& Communications

Trinela Cane
Commissioner, Corporate Services

ATTACHMENTS:

Appendix "A" – 2019 In-Person Attendance Statistics for Council Meetings

Appendix "B" – Table of Comparable Municipalities - Council Meeting Times

Appendix "C" - Proposed 2020 Meeting Calendar for Council and Standing Committee meetings

Appendix “A”
2020 Council and Standing Committee Meeting Calendar

2019 In-Person Attendance Statistics for Council Meetings

Date of Meeting	Start Time of Meeting	# of Public Attendees	Comments
Jan 29/19	6:00 PM	16	Santa Claus Parade Awards – 12 winning groups, counted each as 1; + 4 other individual awards
Feb 12/19	1:00 PM	0	
Feb 26/ 19	1:00 PM	0	
Mar 19/19	1:00 PM	8	
Apr 2/19	6:00 PM	4	
Apr 16/19	1:00 PM	1	
Apr 30/19	6:00 PM	20	Gemterra deputants (13)
May 14/19	1:00 PM	6	6 deputants (4 related to Licensing Committee recommendation)
May 28/19	6:00 PM	0	
Jun 12/19	2:30 PM	3	BILD lunch from 11:30 – 2:00 pm; some Members of Council in attendance may not be back by 1:00 pm
Jun 25/19	6:00 PM	6	
Jul 26/19	11:00 AM	0	Special Council meeting - Update on Bill 108
Sep 10/19	1:00 PM	7	
Sep 24/19	6:00 PM	4	

Appendix “B”

2020 Council and Standing Committee Meeting Calendar

Council Meeting Times of Other Municipalities

<u>Municipality</u>		<u>Date</u>	<u>Time</u>	<u>Frequency</u>
Richmond Hill	Council Meeting Q1	Mondays	7:30 - 9:30 PM	bi-weekly
	Council Meeting Q2	Tuesdays	1:00 - 4:00 PM	bi-weekly
	Council Meeting Q4	Wednesdays	9:30 AM - 12:00 PM	once a month
Vaughan	Council	Tues / Wed	1:00 PM	twice a month
Brampton	Council	Wednesdays	9:30 AM	bi-weekly
Burlington	Council	Mondays	5:30 PM	once a month
Hamilton	Council	Wednesdays	5:00 PM	bi-weekly
London	Council	Tuesdays	4:00 PM	bi-weekly
Milton	Council	Mondays	7:00 PM	twice a month
Mississauga	Council	Wednesdays	9:30 AM	bi-weekly
Oshawa	Council	Mondays	6:30 PM	once a month
Pickering	Council	Mondays	7:00 PM	once a month
Toronto	Council	Tues-Wed, sometimes Wed-Thurs	9:30 AM	monthly
York Region	Regional Council	Thursdays	9:00 AM	once a month



2020 COUNCIL & COMMITTEE MEETINGS

January 2020

Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1 New Year's Day	2	3	4
5 Birthday of Guru Gobindh Singh (Sikh)	6	7 Christmas Day (Orthodox)	8	9	10	11
12	13	14	15	16	17	18
19	20 General Committee 9:30 am - 3:00 pm	21 7:00 pm Planning Public Meeting	22	23	24	25 Chinese New Year
26	27 Development Serv. Ctte 9:30 am - 3:00 pm	28 1:00 pm – 6:00 pm Council	29	30	31	



2020 COUNCIL & COMMITTEE MEETINGS

February 2020

Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2	3 General Committee 9:30 am - 3:00 pm	4 7:00 pm Planning Public Meeting	5	6	7	8
9	10 Development Serv. Ctte 9:30 am - 3:00 pm	11 1:00 pm – 6:00 pm Council	12	13	14	15 Nirvana Day (Buddhist)
16	17 Family Day	18 General Committee 9:30 am - 3:00 pm 7:00 pm Planning Public Meeting	19	20	21	22
23	24 Development Serv. Ctte 9:30 am - 3:00 pm	25 1:00 pm – 6:00 pm Council	26	27	28	29



2020 COUNCIL & COMMITTEE MEETINGS

March 2020

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2 General Committee 9:30 am - 3:00 pm	3 7:00 pm Planning Public Meeting	4	5	6	7
8	9 Development Serv. Ctte 9:30 am - 3:00 pm	10 1:00 pm – 6:00 pm Council	11	12	13	14
15	16 March Break	17 March Break	18 March Break	19 March Break	20 March Break	21 March Break
22	23 General Committee 9:30 am - 3:00 pm	24 7:00 pm Planning Public Meeting	25	26	27	28
29	30 Development Serv. Ctte 9:30 am - 3:00 pm	31 1:00 pm – 6:00 pm Council				



2020 COUNCIL & COMMITTEE MEETINGS

April 2020

Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2	3	4
5	6 General Committee 9:30 am - 3:00 pm	7 7:00 pm Planning Public Meeting	8 Passover Begins At Sunset (Jewish)	9 Passover	10 Good Friday Passover	11
12	13 Easter Monday	14 Khalsa Day - Vaisakhi (Sikh)	15 Passover	16 Passover	17 Holy Friday (Orthodox)	18
19 Easter (Orthodox)	20 Development Serv. Ctte 9:30 am - 3:00 pm	21 1:00 pm – 6:00 pm Council	22	23 Ramadan Begins at Sunset (Muslim)	24 Ramadan	25
26	27	28	29	30 Buddha Day (Buddhist)		



2020 COUNCIL & COMMITTEE MEETINGS

May 2020

Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
3	4 General Committee 9:30 am - 3:00 pm	5 7:00 pm Planning Public Meeting	6	7	8	9
10	11 Development Serv. Ctte 9:30 am - 3:00 pm	12 1:00 pm – 6:00 pm Council	13	14	15	16
17	18 Victoria Day	19 General Committee 9:30 am - 3:00 pm 7:00 pm Planning Public Meeting	20	21	22	23 Eid-Al-Fitr Begins at Sunset (Muslim)
24 Eid-Al-Fitr	25 Development Serv. Ctte 9:30 am - 3:00 pm	26 1:00 pm – 6:00 pm Council	27	28 Shavuot Begins at Sunset (Jewish)	29 Shavuot	30 Shavuot
31						



2020 COUNCIL & COMMITTEE MEETINGS

June 2020

Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1 General Committee 9:30 am - 3:00 pm	2 7:00 pm Planning Public Meeting	3	4 FCM Conference	5 FCM Conference	6 FCM Conference
7 FCM Conference	8 Development Serv. Ctte 9:30 am - 3:00 pm	9 1:00 pm – 6:00 pm Council	10	11	12	13
14	15 General Committee 9:30 am - 3:00 pm	16 7:00 pm Planning Public Meeting	17	18	19	20
21	22 Development Serv. Ctte 9:30 am - 3:00 pm	23 1:00 pm – 6:00 pm Council	24	25	26	27
28	29	30				



2020 COUNCIL & COMMITTEE MEETINGS

July 2020

Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1 Canada Day	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30 Eid-Al-Adha Begins at Sunset (Muslim)	31 Eid-Al-Adha	



2020 COUNCIL & COMMITTEE MEETINGS

August 2020

Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2	3 Civic Holiday	4	5	6	7	8
9	10	11	12	13	14	15
16 AMO Conference	17 AMO Conference	18 AMO Conference	19 AMO Conference	20	21	22 Ganesh Chaturthi (Hindu)
23	24	25	26	27	28	29
30	31					



2020 COUNCIL & COMMITTEE MEETINGS

September 2020						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2	3	4	5
6	7 Labour Day	8 General Committee 9:30 am - 3:00 pm 7:00 pm Planning Public Meeting	9	10	11	12
13	14 Development Serv. Ctte 9:30 am - 3:00 pm	15 1:00 pm – 6:00 pm Council	16	17	18 Rosh Hashanah Begins at Sunset (Jewish)	19 Rosh Hashanah
20 Rosh Hashanah	21 General Committee 9:30 am - 3:00 pm	22 7:00 pm Planning Public Meeting	23	24	25	26
27 Yom Kippur Begins at Sunset (Jewish)	28 Yom Kippur	29 Development Serv. Ctte 9:30 am - 3:00 pm	30 1:00 pm – 6:00 pm Council			



2020 COUNCIL & COMMITTEE MEETINGS

October 2020						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2 Sukkot Begins at Sunset (Jewish)	3 Sukkot
4 Sukkot	5 General Committee 9:30 am - 3:00 pm	6 7:00 pm Planning Public Meeting	7	8	9	10
11	12 Thanksgiving	13 Development Serv. Ctte 9:30 am - 3:00 pm	14 1:00 pm – 6:00 pm Council	15	16	17
18	19 General Committee 9:30 am - 3:00 pm	20 7:00 pm Planning Public Meeting	21	22	23	24
25	26 Development Serv. Ctte 9:30 am - 3:00 pm	27 1:00 pm – 6:00 pm Council	28	29	30	31



2020 COUNCIL & COMMITTEE MEETINGS

November 2020						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2 General Committee 9:30 am - 3:00 pm	3 7:00 pm Planning Public Meeting	4	5	6	7
8	9 Development Serv. Ctte 9:30 am - 3:00 pm	10 1:00 pm – 6:00 pm Council	11 Remembrance Day	12	13	14 Diwali (Hindu)
15	16 General Committee 9:30 am - 3:00 pm	17 7:00 pm Planning Public Meeting	18	19	20	21
22	23 Development Serv. Ctte 9:30 am - 3:00 pm	24 1:00 pm – 6:00 pm Council	25	26	27	28
29	30 Birthday Of Guru Nanak Dev Sahib (Sikh)					



2020 COUNCIL & COMMITTEE MEETINGS

December 2020						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1 7:00 pm Planning Public Meeting	2	3	4	5
6	7 General Committee 9:30 am - 3:00 pm	8 Development Serv. Ctte 9:30 am - 3:00 pm Bodhi Day (Buddhist)	9 1:00 pm – 6:00 pm Council	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25 Christmas	26 Boxing Day
27	28	29	30	31		



2020 COUNCIL & COMMITTEE MEETINGS

January 2020

Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1 New Year's Day	2	3	4
5 Birthday of Guru Gobindh Singh (Sikh)	6	7 Christmas Day (Orthodox)	8	9	10	11
12	13	14	15	16	17	18
19	20 General Committee 9:30 am - 3:00 pm	21 7:00 pm Planning Public Meeting	22	23	24	25 Chinese New Year
26	27 Development Serv. Ctte 9:30 am - 3:00 pm	28 6:00 pm – 10:00 pm Council	29	30	31	



2020 COUNCIL & COMMITTEE MEETINGS

February 2020						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2	3 General Committee 9:30 am - 3:00 pm	4 7:00 pm Planning Public Meeting	5	6	7	8
9	10 Development Serv. Ctte 9:30 am - 3:00 pm	11 1:00 pm – 6:00 pm Council	12	13	14	15 Nirvana Day (Buddhist)
16	17 Family Day	18 General Committee 9:30 am - 3:00 pm 7:00 pm Planning Public Meeting	19	20	21	22
23	24 Development Serv. Ctte 9:30 am - 3:00 pm	25 6:00 pm – 10:00 pm Council	26	27	28	29



2020 COUNCIL & COMMITTEE MEETINGS

March 2020

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2 General Committee 9:30 am - 3:00 pm	3 7:00 pm Planning Public Meeting	4	5	6	7
8	9 Development Serv. Ctte 9:30 am - 3:00 pm	10 1:00 pm – 6:00 pm Council	11	12	13	14
15	16 March Break	17 March Break	18 March Break	19 March Break	20 March Break	21 March Break
22	23 General Committee 9:30 am - 3:00 pm	24 7:00 pm Planning Public Meeting	25	26	27	28
29	30 Development Serv. Ctte 9:30 am - 3:00 pm	31 6:00 pm – 10:00 pm Council				



2020 COUNCIL & COMMITTEE MEETINGS

April 2020

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5	6 General Committee 9:30 am - 3:00 pm	7 7:00 pm Planning Public Meeting	8 Passover Begins At Sunset (Jewish)	9 Passover	10 Good Friday Passover	11
12	13 Easter Monday	14 Khalsa Day - Vaisakhi (Sikh)	15 Passover	16 Passover	17 Holy Friday (Orthodox)	18
19 Easter (Orthodox)	20 Development Serv. Ctte 9:30 am - 3:00 pm	21 1:00 pm – 6:00 pm Council	22	23 Ramadan Begins at Sunset (Muslim)	24 Ramadan	25
26	27	28	29	30 Buddha Day (Buddhist)		



2020 COUNCIL & COMMITTEE MEETINGS

May 2020

Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
3	4 General Committee 9:30 am - 3:00 pm	5 7:00 pm Planning Public Meeting	6	7	8	9
10	11 Development Serv. Ctte 9:30 am - 3:00 pm	12 6:00 pm – 10:00 pm Council	13	14	15	16
17	18 Victoria Day	19 General Committee 9:30 am - 3:00 pm 7:00 pm Planning Public Meeting	20	21	22	23 Eid-Al-Fitr Begins at Sunset (Muslim)
24 Eid-Al-Fitr	25 Development Serv. Ctte 9:30 am - 3:00 pm	26 1:00 pm – 6:00 pm Council	27	28 Shavuot Begins at Sunset (Jewish)	29 Shavuot	30 Shavuot
31						



2020 COUNCIL & COMMITTEE MEETINGS

June 2020

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	1 General Committee 9:30 am - 3:00 pm	2 7:00 pm Planning Public Meeting	3	4 FCM Conference	5 FCM Conference	6 FCM Conference
7 FCM Conference	8 Development Serv. Ctte 9:30 am - 3:00 pm	9 6:00 pm – 10:00 pm Council	10	11	12	13
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21	22 Development Serv. Ctte 9:30 am - 3:00 pm	23 1:00 pm – 6:00 pm Council	24	25	26	27
28	29	30				



2020 COUNCIL & COMMITTEE MEETINGS

July 2020

Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1 Canada Day	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30 Eid-Al-Adha Begins at Sunset (Muslim)	31 Eid-Al-Adha	



2020 COUNCIL & COMMITTEE MEETINGS

August 2020

Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2	3 Civic Holiday	4	5	6	7	8
9	10	11	12	13	14	15
16 AMO Conference	17 AMO Conference	18 AMO Conference	19 AMO Conference	20	21	22 Ganesh Chaturthi (Hindu)
23	24	25	26	27	28	29
30	31					



2020 COUNCIL & COMMITTEE MEETINGS

September 2020						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2	3	4	5
6	7 Labour Day	8 General Committee 9:30 am - 3:00 pm 7:00 pm Planning Public Meeting	9	10	11	12
13	14 Development Serv. Ctte 9:30 am - 3:00 pm	15 1:00 pm – 6:00 pm Council	16	17	18 Rosh Hashanah Begins at Sunset (Jewish)	19 Rosh Hashanah
20 Rosh Hashanah	21 General Committee 9:30 am - 3:00 pm	22 7:00 pm Planning Public Meeting	23	24	25	26
27 Yom Kippur Begins at Sunset (Jewish)	28 Yom Kippur	29 Development Serv. Ctte 9:30 am - 3:00 pm 6:00 pm – 10:00 pm Council	30			



2020 COUNCIL & COMMITTEE MEETINGS

October 2020						
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				1	2 Sukkot Begins at Sunset (Jewish)	3 Sukkot
4 Sukkot	5 General Committee 9:30 am - 3:00 pm	6 7:00 pm Planning Public Meeting	7	8	9	10
11	12 Thanksgiving	13 Development Serv. Ctte 9:30 am - 3:00 pm	14 1:00 pm – 6:00 pm Council	15	16	17
18	19 General Committee 9:30 am - 3:00 pm	20 7:00 pm Planning Public Meeting	21	22	23	24
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15	16 General Committee 9:30 am - 3:00 pm	17 7:00 pm Planning Public Meeting	18	19	20	21
22	23 Development Serv. Ctte 9:30 am - 3:00 pm	24 6:00 pm – 10:00 pm Council	25	26	27	28
29	30 Birthday Of Guru Nanak Dev Sahib (Sikh)					



2020 COUNCIL & COMMITTEE MEETINGS

December 2020						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1 7:00 pm Planning Public Meeting	2	3	4	5
6	7 General Committee 9:30 am - 3:00 pm	8 Development Serv. Ctte 9:30 am - 3:00 pm Bodhi Day (Buddhist)	9 1:00 pm – 6:00 pm Council	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25 Christmas	26 Boxing Day
27	28	29	30	31		

APPENDIX 'A'

CITY OF MARKHAM

OFFICIAL PLAN AMENDMENT NO. XXX

To amend the City of Markham Official Plan 2014, as amended.

(Humboldt Greensborough Valley Holdings Limited)

(October 2019)

CITY OF MARKHAM

OFFICIAL PLAN AMENDMENT NO. XXX

To amend the City of Markham Official Plan 2014, as amended.

This Official Plan Amendment was adopted by the Corporation of the City of Markham, By-law No. _____ - ____ in accordance with the Planning Act, R.S.O., 1990 c.P.13, as amended, on the XXth day of October, 2019.

Kimberly Kitteringham
CITY CLERK

Frank Scarpitti
MAYOR

THE CORPORATION OF THE CITY OF MARKHAM

BY-LAW NO. _____

Being a by-law to adopt Amendment No. XXX to the City of Markham Official Plan 2014, as amended.

THE COUNCIL OF THE CORPORATION OF THE CITY OF MARKHAM, IN ACCORDANCE WITH THE PROVISIONS OF THE PLANNING ACT, R.S.O., 1990 HEREBY ENACTS AS FOLLOWS:

1. THAT Amendment No. XXX to the City of Markham Official Plan 2014, as amended, attached hereto, is hereby adopted.
2. THAT this by-law shall come into force and take effect on the date of the final passing thereof.

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS XXth DAY OF OCTOBER, 2019.

Kimberly Kitteringham
CITY CLERK

Frank Scarpitti
MAYOR

CONTENTS

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3. SCHEDULES “A” to “G”

DRAFT

PART I - INTRODUCTION

(This is not an operative part of Official Plan Amendment No. XXX)

PART I - INTRODUCTION

1.0 GENERAL

- 1.1 PART I - INTRODUCTION, is included for information purposes and is not an operative part of this Official Plan Amendment.
- 1.2 PART II - THE OFFICIAL PLAN AMENDMENT, including Schedules “A” to “G”, attached hereto, constitutes Official Plan Amendment No. XXX. Part II is an operative part of this Official Plan Amendment.

2.0 LOCATION

This Amendment applies to lands comprising approximately 3.14 ha (7.76 ac), located on the east side of Donald Cousens Parkway, west of Ninth Line, south of Major Mackenzie Drive and north of Castlemore Avenue known legally as Part of Lot 9 Concession 8.

3.0 PURPOSE

The purpose of this Official Plan Amendment is to re-designate the subject lands from ‘Residential Low Rise’ to ‘Residential Mid Rise’ to allow back-to-back townhouses and from ‘Residential Low Rise’ to ‘Greenway System’ to restrict development.

4.0 BASIS OF THIS OFFICIAL PLAN AMENDMENT

This Amendment will provide for the development of 122 back-to-back townhouse units and 25 street townhouse units for a total of 147 units on common element condominium roads. The proposed re-designation from ‘Residential Low Rise’ to ‘Residential Mid Rise’ to allow back-to-back townhouses is appropriate given the area context surrounding the subject lands and character of the area on the east side of Donald Cousens Parkway, south of Major Mackenzie Drive, north of the intersection of Donald Cousens Parkway and Ninth Line. The subject lands are separated from the existing community by Donald Cousens Parkway to the west, a future public park, significant valleylands and woodlands, and residential development comprised of semi-detached dwellings and townhouses to the north, a stormwater management pond and Ninth Line to the east, and the Cornerstone Community Church and a proposed mid-rise building to the south. The proposed development will also be age-friendly and accessible to a broader range of the population by offering the option for a bedroom and bathroom on the main floor.

Certain portions of the subject lands are proposed to be removed from the 'Greenbelt Plan Area' overlay. These lands were previously subject to the transition policies in Section 5.2 of the Greenbelt Plan and were subsequently removed from the Greenbelt Plan Area in the 2017 Greenbelt Plan. A portion of the subject lands will be re-designated to 'Greenway' to protect the ecological and hydrological functions associated with the Little Rouge Creek valleylands and woodlands.

DRAFT

DRAFT

PART II - THE OFFICIAL PLAN AMENDMENT

(This is an operative part of Official Plan Amendment No. XXX)

PART II - THE OFFICIAL PLAN AMENDMENT

1.0 THE OFFICIAL PLAN AMENDMENT

- 1.1 The following Maps and Appendices of Part I of the Official Plan 2014, as amended, are hereby amended as follows:
- a) Map 1- Markham Structure is amended by replacing a portion of the 'Neighbourhood Area' component with a 'Greenway System' component as shown on Schedule "A" attached hereto.
 - b) Map 3 - Land Use is amended by re-designating the subject lands from 'Residential Low Rise' to 'Residential Mid Rise' and 'Greenway' as shown on Schedule "B" attached hereto.
 - c) Map 4 - Greenway System is amended by removing lands from the 'Greenbelt Plan Area' overlay, modifying the 'Greenway System Boundary' and adding lands to 'Natural Heritage Network' as shown on Schedule "C" attached hereto.
 - d) Map 5 - Natural Heritage Features and Landforms and Map 6 - Hydrologic Features are amended by modifying the 'Greenway System Boundary' and adding lands to 'Other Greenway System Lands including certain naturalized stormwater management facilities' as shown on Schedule "D" attached hereto.
 - f) Map 7 - Provincial Policy Areas is amended by removing lands from the 'Greenbelt Plan Area', 'Greenbelt Natural Heritage System' and 'Greenbelt Protected Countryside' as shown on Schedule "E" attached hereto.
 - g) Map 9 - Countryside Agriculture Area is amended by modifying the 'Countryside Agriculture Area Boundary' and removing lands from 'Greenbelt Protected Countryside' as shown on Schedule "F" attached hereto.
 - h) Appendix B - Headwater Drainage Features and Appendix C - Community Facilities are amended by adding lands to the 'Greenway System' as shown on Schedule 'G' attached hereto.

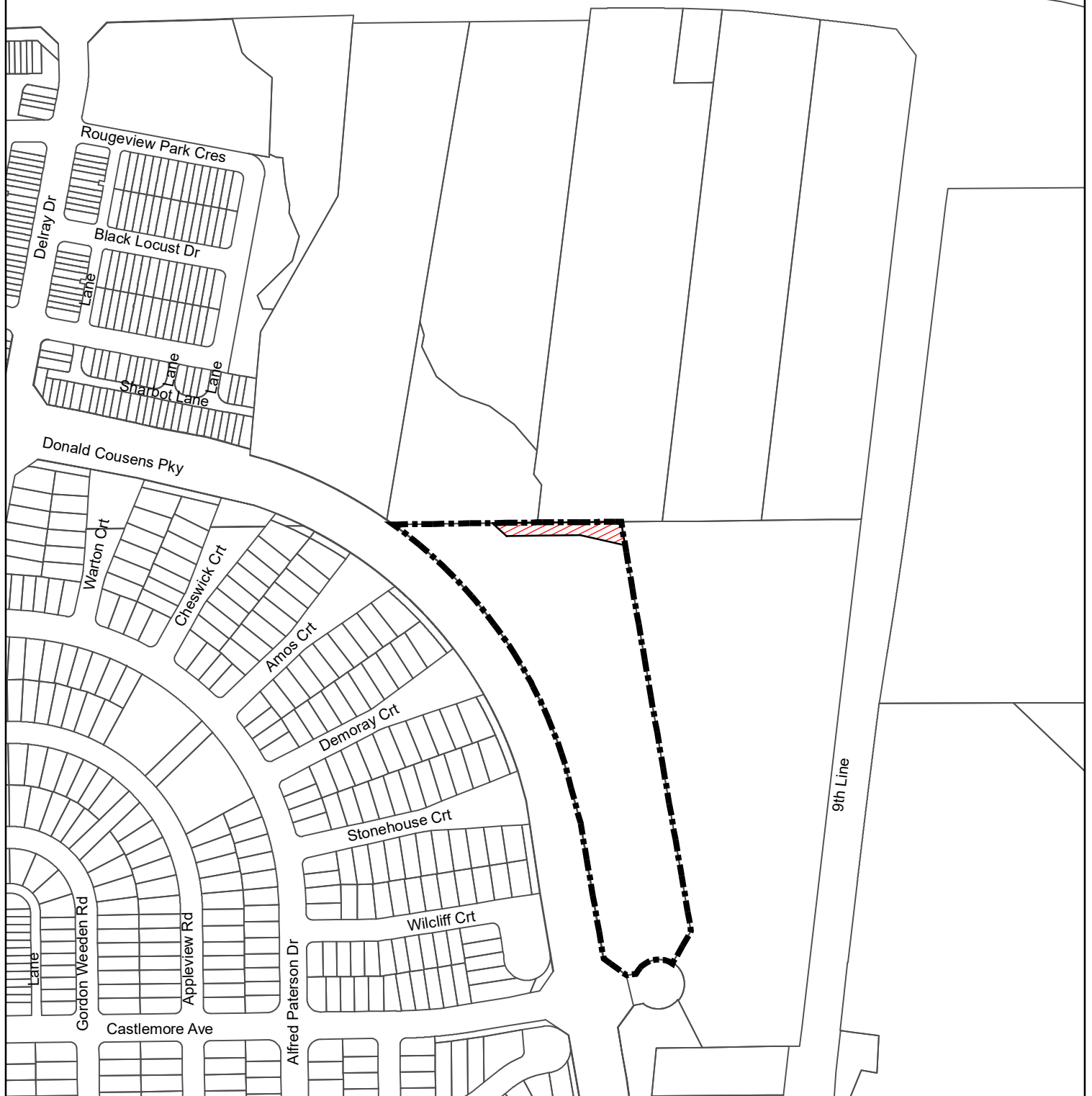
2.0 IMPLEMENTATION AND INTERPRETATION

The provisions of the City of Markham Official Plan 2014, as amended, regarding the implementation and interpretation of the Plan, shall apply in regard to this Amendment, except as specifically provided for in this Amendment.



This amendment shall be implemented by an amendment to the Zoning By-law, Draft Plan of Subdivision and Site Plan approval and other Planning Act approvals, in conformity with the provisions of this Amendment.

Prior to Council's decision becoming final, this Amendment may be modified to incorporate technical amendments to the text and maps. Technical amendments are those minor changes that do not affect the policy or intent of the Amendment. For such technical amendments, the notice provisions of Section 10.7.5 of the City of Markham Official Plan 2014, as amended, shall apply.

Major Mackenzie Dr E



AMENDMENT TO MAP 1 - MARKHAM STRUCTURE CITY OF MARKHAM OFFICIAL PLAN 2014, as amended

-  BOUNDARY OF AREA COVERED BY THIS AMENDMENT
 FROM 'NEIGHBOURHOOD AREA' to 'GREENWAY SYSTEM'

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DEVELOPMENT SERVICES COMMISSION

SCHEDULE "A" TO OPA No.

 Drawn By: CPW
 Checked By: SM

 SCALE: NTS
 DATE: 30/08/2019

Major Mackenzie Dr E

Rougeview Park Cres

Black Locust Dr

Delray Dr

Lane

Lane

Lane

Lane

Sharbot Lane

Donald Cousens Pky

Warton Crt

Cheswick Crt

Amos Crt

Demoray Crt

Stonehouse Crt

Wilcliff Crt

Gordon Weeden Rd

Appleview Rd

Castlemore Ave

Alfred Paterson Dr

9th Line

From 'Residential Low Rise'
To 'Greenway'

From 'Residential Low Rise'
To 'Residential Mid Rise'

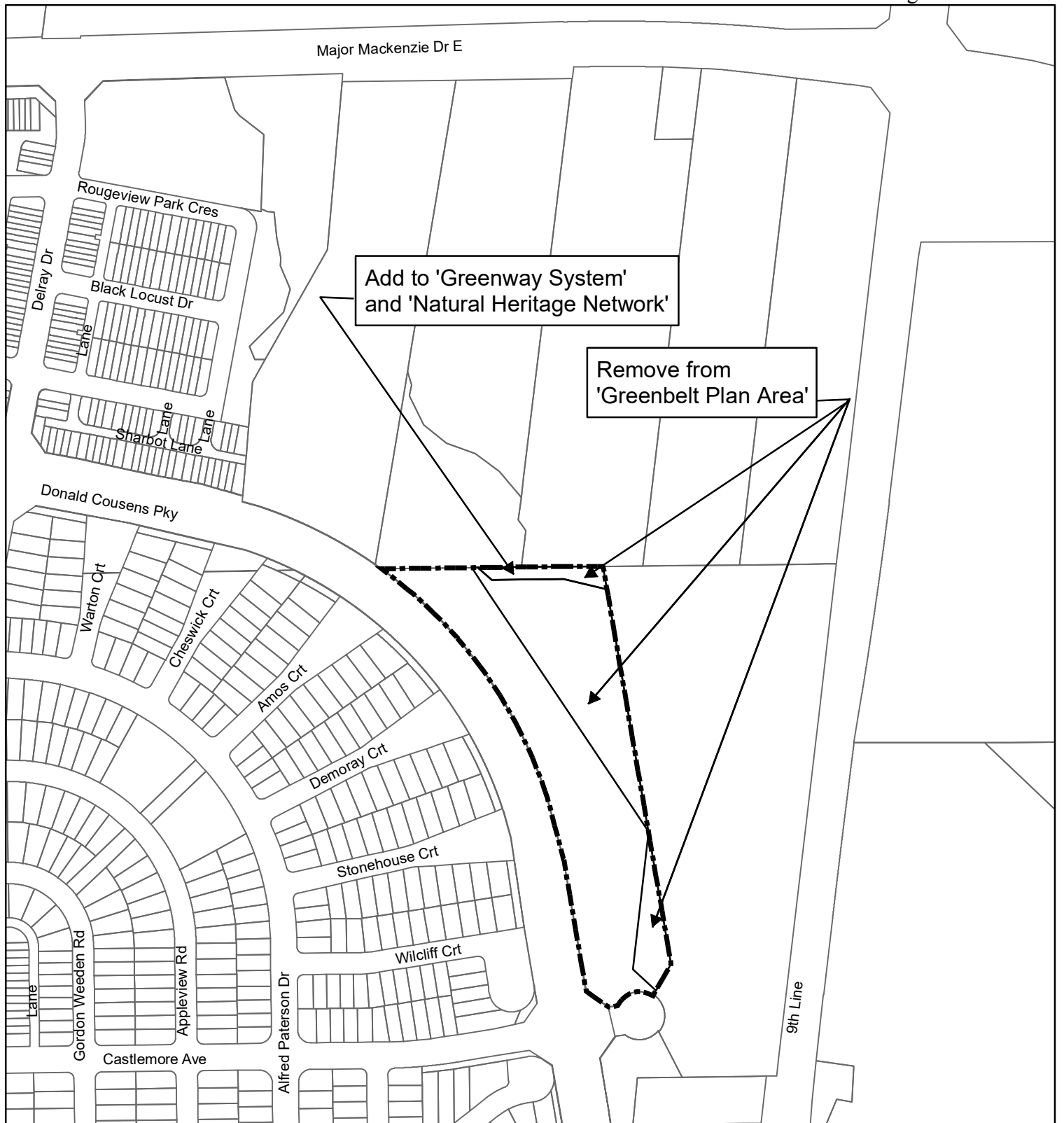
AMENDMENT TO MAP 3 - LAND USE CITY OF MARKHAM OFFICIAL PLAN 2014, as amended

--- BOUNDARY OF AREA COVERED BY THIS AMENDMENT

Major Mackenzie Dr E

Add to 'Greenway System'
and 'Natural Heritage Network'

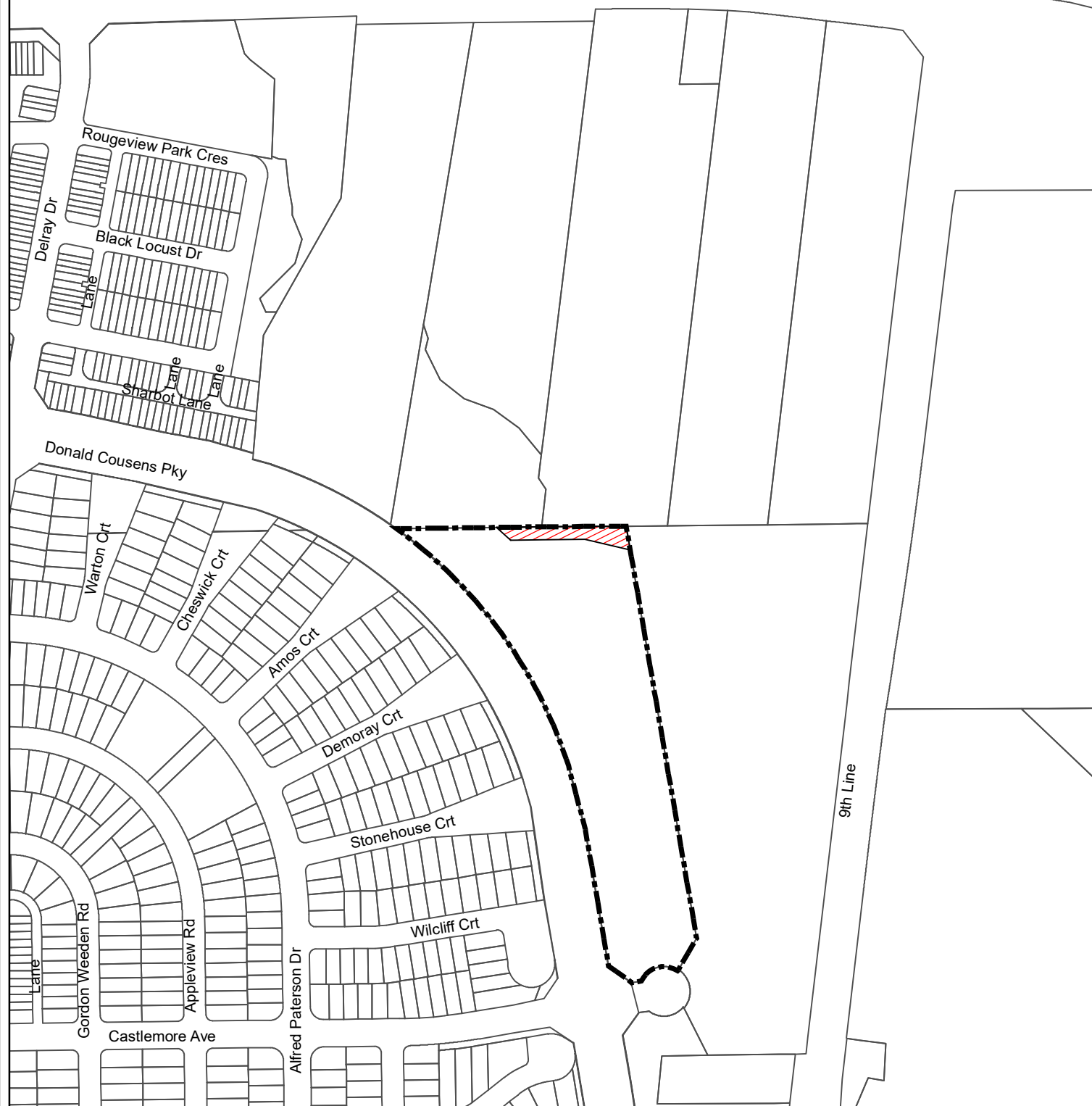
Remove from
'Greenbelt Plan Area'



AMENDMENT TO MAP 4 - GREENWAY SYSTEM CITY OF MARKHAM OFFICIAL PLAN 2014, as amended

--- BOUNDARY OF AREA COVERED BY THIS AMENDMENT

Major Mackenzie Dr E



AMENDMENT TO MAP 5 - NATURAL HERITAGE FEATURES AND LANDFORMS AND MAP 6 HYDROLOGIC FEATURES CITY OF MARKHAM OFFICIAL PLAN 2014, as amended

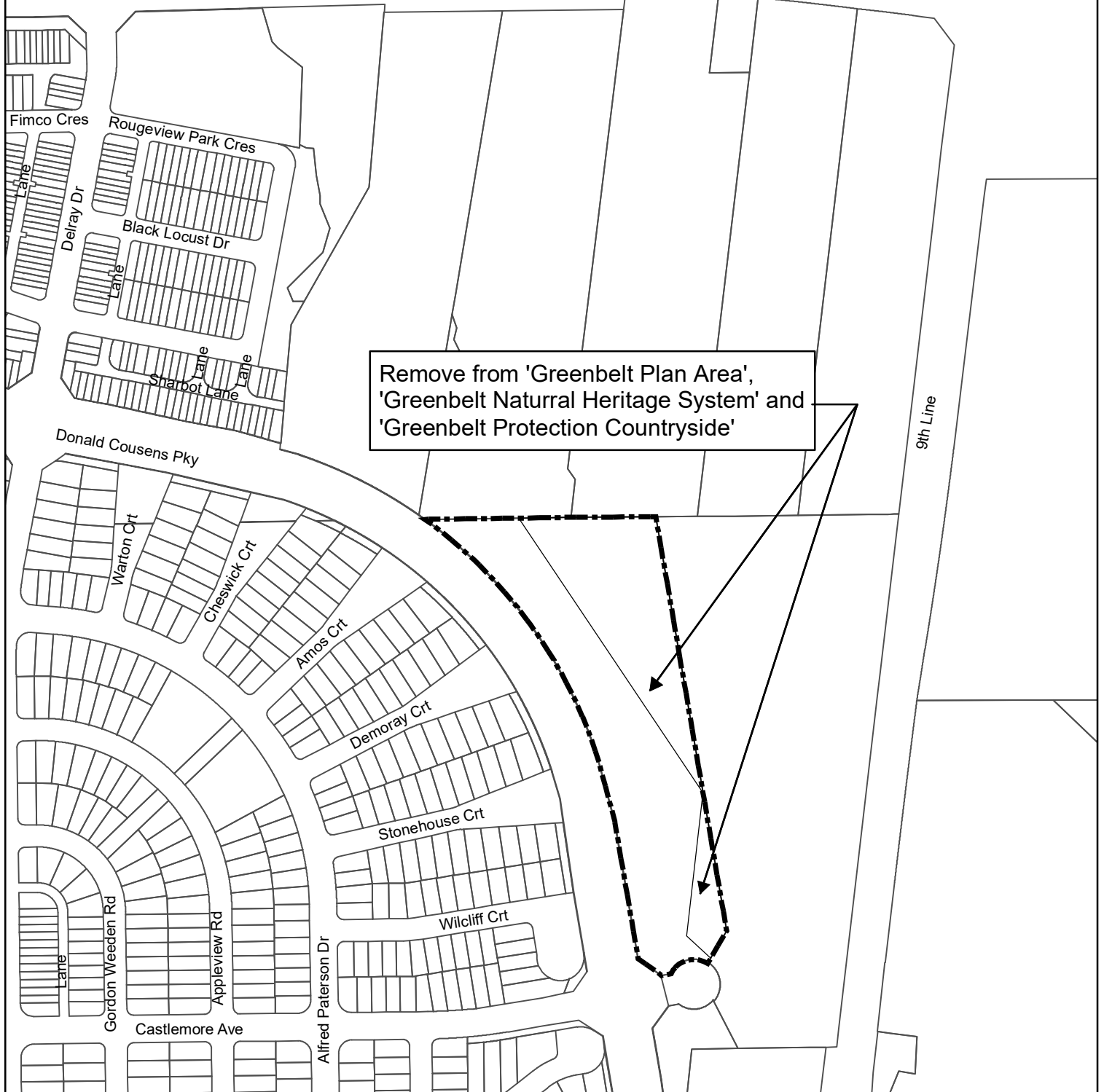
--- BOUNDARY OF AREA COVERED BY THIS AMENDMENT

ADD TO 'GREENWAY SYSTEM' AS 'OTHER GREENWAY SYSTEM
LANDS INCLUDING CERTAIN NATURALIZED STORMWATER MANAGEMENT FACILITIES'

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Major Mackenzie Dr E

Remove from 'Greenbelt Plan Area',
'Greenbelt Natural Heritage System' and
'Greenbelt Protection Countryside'



AMENDMENT TO MAP 7 - PROVINCIAL POLICY AREAS CITY OF MARKHAM OFFICIAL PLAN 2014, as amended

--- BOUNDARY OF AREA COVERED BY THIS AMENDMENT

Major Mackenzie Dr E

Fimco Cres

Rougeview Park Cres

Black Locust Dr

Sharbot Lane

9th Line

Remove from 'Countryside Area' and
'Greenbelt Protected Countryside'

Donald Cousens Pky

Warton Crt

Cheswick Crt

Amos Crt

Demoray Crt

Stonehouse Crt

Wilcliff Crt

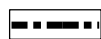
Gordon Weeden Rd

Applevue Rd

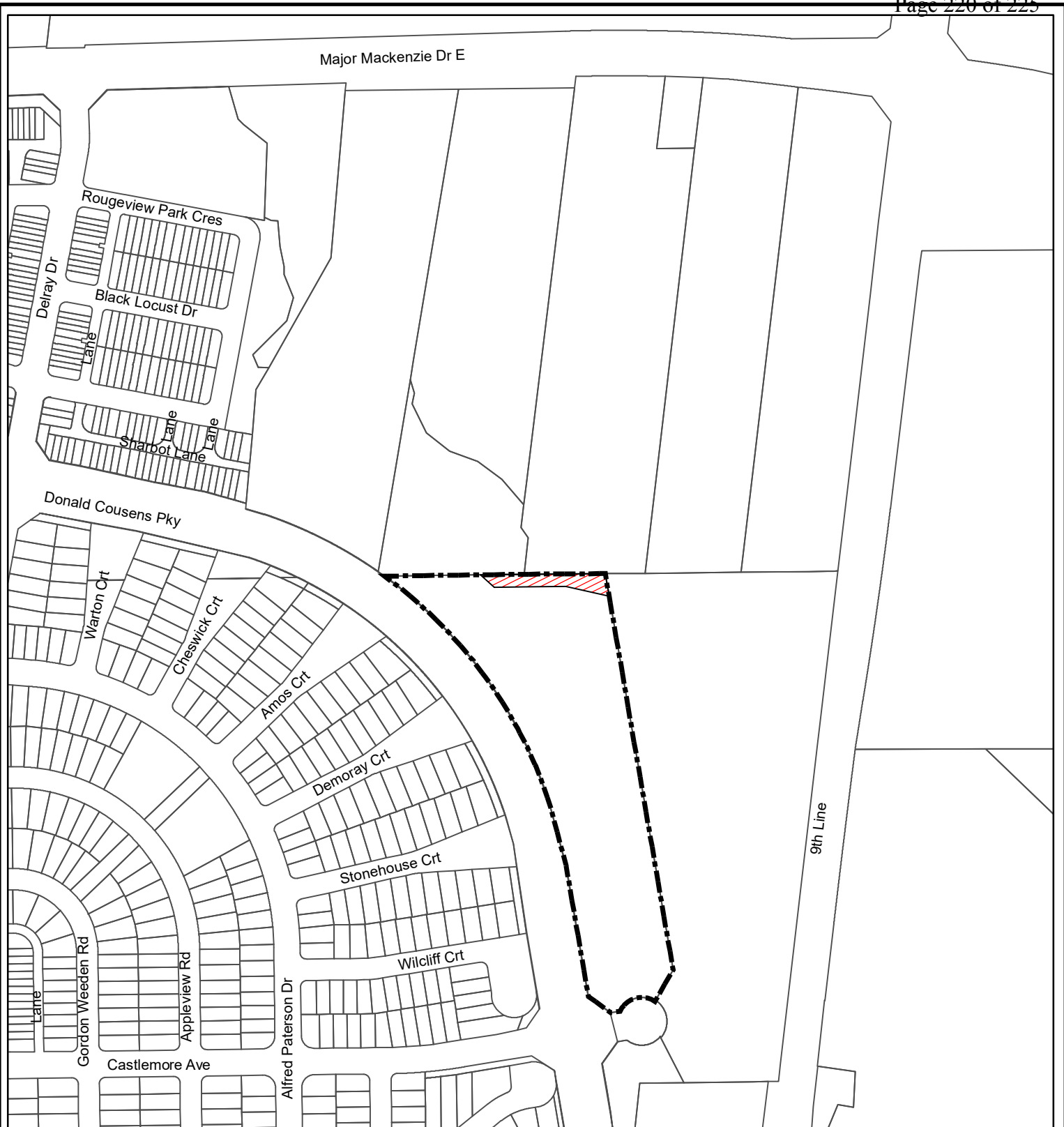
Alfred Paterson Dr

Castlemore Ave

AMENDMENT TO MAP 9 - COUNTRYSIDE AGRICULTURE AREA CITY OF MARKHAM OFFICIAL PLAN 2014, as amended



BOUNDARY OF AREA COVERED BY THIS AMENDMENT



AMENDMENT TO APPENDIX B - HEADWATER DRAINAGE FEATURES AND APPENDIX C - COMMUNITY FACILITIES CITY OF MARKHAM OFFICIAL PLAN 2014, as amended

- BOUNDARY OF AREA COVERED BY THIS AMENDMENT
- ADD TO 'GREENWAY SYSTEM'

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DEVELOPMENT SERVICES COMMISSION

SCHEDULE "G" TO OPA No.

Drawn By: CPW
Checked By: SM

SCALE: NTS
DATE: 30/08/2019



BY-LAW 2019-_____

A By-law to amend By-law 177-96, as amended

The Council of the Corporation of the City of Markham hereby enacts as follows:

1. By-law 177-96, as amended, is hereby further amended as follows:
- 1.1 By rezoning the lands outlined on Schedule ‘A’ attached hereto as follows:

from:

Agriculture One (A1)
Open Space (O1)

to:

Open Space One (OS1)
Residential Two *630 (R2*630)
- 1.2 By adding the following subsection to Section 7- EXCEPTIONS

Exception 7.630	Humboldt Greensborough Valley Holdings Limited	Parent Zone 177-96
ZA 10132122	Part of Lot 9, Concession 8 (East side of Donald Cousens Parkway, south of Major Mackenzie Drive, north of Castlemore Avenue, west of Ninth Line)	Amending By- law 2019-XXX
Notwithstanding any other provisions of this By-law, the provisions in this Section shall apply to those lands denoted *630 as shown on ‘Schedule A’ to this By-law subject to any holding provisions applying to the subject lands.		
7.630.1 Only Permitted Uses		
The following uses are the only permitted uses:		
a)	Multiple Dwellings	
b)	Townhouse Dwellings	
c)	Accessory Dwelling Units	
7.630.2 Zone Standards		
The following specific Zone Standards shall apply:		
a)	Notwithstanding any further division or partition of any lands subject to this Section, all lands zoned R2*630 shall be deemed to be one lot for the purposes of this By-law.	
b)	Minimum width of multiple dwellings – 7.3 m	
c)	Notwithstanding b) above, a maximum of 46 multiple dwelling units may have a width of 6.1 metres	
d)	Minimum width of townhouse dwellings – 5.9 m	
e)	Maximum height – 12 m	
f)	Minimum area of outdoor amenity space – 2,000 square metres	
g)	Maximum number of dwelling units <ul style="list-style-type: none">Townhouse Dwellings – 26Multiple Dwellings – 121	
h)	Accessory Dwelling units are only permitted within a Townhouse Dwelling	
i)	Minimum Setbacks <ul style="list-style-type: none">Northerly lot line – 6 metresAll other lot lines – 1 metre	
g)	Notwithstanding the above, the provisions of Table B2 shall not apply	

2. SECTION 37 AGREEMENT

2.1 A contribution by the Owner to the City for the purpose of public art, in the amount of \$1000.00 per dwelling unit and \$1425.00 per townhouse dwelling, to be indexed to the Ontario rate of inflation as per the consumer price index (CPI), in accordance with Section 37 of the Planning Act, as amended, shall be required. Payments shall be collected in accordance with the terms of an agreement to secure for the Section 37 contribution. Nothing in this section shall prevent the issuance of a building permit as set out in Section 8 of the Building Code Act or its successors.

Read a first, second and third time and passed on _____, 2019.

Kimberley Kitteringham
City Clerk

Frank Scarpitti
Mayor



EXPLANATORY NOTE

BY-LAW 2019-XXXX

A By-law to amend By-law 177-96, as amended

**Humboldt Greensborough Valley Holdings Limited
CON 8 PT LOT 19**

Lands Affected

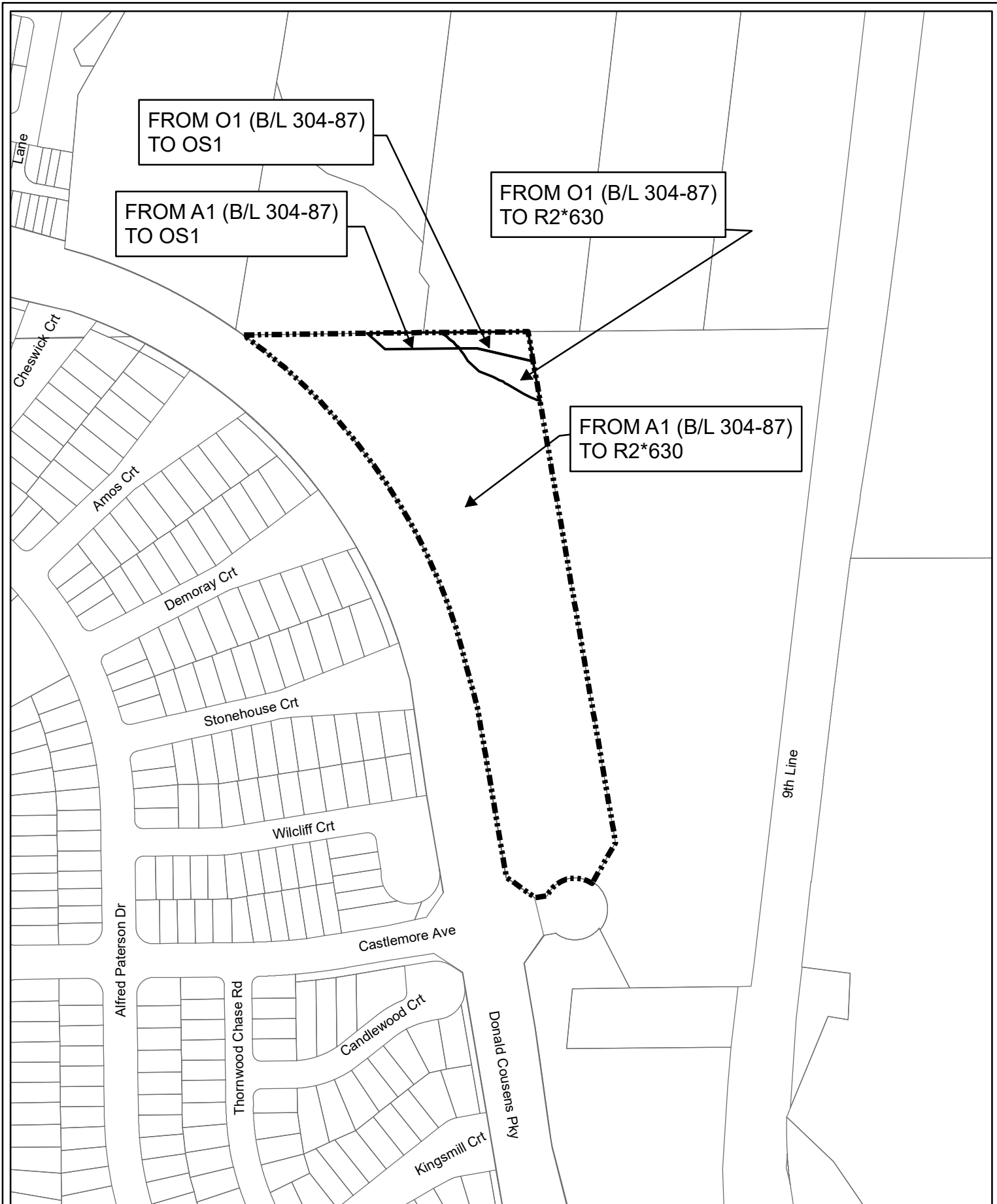
The proposed by-law amendment applies to 3.142 hectares (7.764 acres) of land located on the east side of Donald Cousens Parkway, south of Major Mackenzie Drive, west of Ninth Line, north of Castlemore Avenue.

Existing Zoning

By-law 304-87, as amended, currently zones the subject land as “Open Space One (O1)” and “Agriculture One (A1)”.

Purpose and Effect


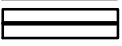
The purpose and effect of this By-law is to amend By-law 177-96, as amended, to rezone the subject property to “Residential Two *630 (R2*630)” and “Open Space One (OS1)” in order to facilitate the development of a common element condominium multiple dwelling and townhouse development.

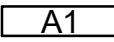
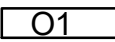
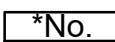
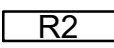
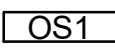


SCHEDULE " A " TO BY-LAW

AMENDING BY-LAWS 304-87 & 177-96 DATED



 BOUNDARY OF AREA COVERED BY THIS SCHEDULE
 BOUNDARY OF ZONE DESIGNATION(S)

 Agriculture One	 Open Space one	 Exception Section Number
 Residential Two	 Open Space one	

THIS IS NOT A PLAN OF SURVEY. Zoning information presented in this Schedule is a representation sourced from Geographic Information Systems. In the event of a discrepancy between the zoning information contained on this Schedule and the text of zoning by -law, the information contained in the text of the zoning by -law of the municipality shall be deemed accurate.

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NOTE: This Schedule should be read in conjunction with the signed original By-Law filed with the City of Markham Clerk's Office

2020 Temporary Borrowing Bylaw

By-law to authorize temporary borrowing to meet the expenditures of the City of Markham until taxes are collected and other revenues received.

A by-law to authorize the temporary borrowing of an amount not to exceed \$197,546,839 from January 1 to September 30, 2020 and \$98,773,419 from October 1 to December 31, 2020 to meet the current expenditures of the Corporation for the year, until taxes are collected and other revenues received.

WHEREAS Section 407 (1) of The Municipal Act authorizes that Council may borrow from time to time such sums as Council considers necessary to meet, until the taxes are collected and other revenues received, the current expenditures of the Corporation for the year; and

WHEREAS Section 407 (2) of The Municipal Act states the amount to be borrowed shall not exceed from January 1st to September 30th of the year, 50 per cent of the total estimated revenues of the Corporation, and from October 1st to December 31st, 25 per cent of the total estimated revenues for the Corporation; and

WHEREAS Section 407 (3) of The Municipal Act states that until the budget is adopted in a year, the limits upon borrowing shall temporarily be calculated using the estimated revenues of the municipality set out in the budget adopted for the previous year; and

WHEREAS the total revenues of the Corporation as set forth for the year 2019 are \$395,093,677 which was adopted by Council at the Council meeting on March 19, 2019.

NOW THEREFORE THE CORPORATION OF THE CITY OF MARKHAM HEREBY ENACTS AS FOLLOWS:

1. The Treasurer is hereby authorized on behalf of the Municipality to borrow from time to time by way of promissory note from the Municipality's banker a sum or sums not exceeding from January 1 to September 30 of the year \$197,546,839 and from October 1 to December 31 \$98,773,419 to meet, until the taxes and other revenues are received, the current expenditures of the Municipality for the year, including the amount required for the purposes mentioned in Subsection 1 of Section 407 of The Municipal Act and to give on behalf of the Municipality to the Bank a promissory note or notes sealed with the Corporate Seal and signed by the Treasurer for the monies so borrowed, with interest, which may be paid in advance or otherwise.
2. All sums borrowed pursuant to the authority of this by-law from the said bank for any or all purposes mentioned in the said Section 407 shall with interest thereon, be a charge upon the whole of the revenues of the Municipality for the current year.

READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS

_____ DAY OF _____ 2019.

KIMBERLEY KITTERRINGHAM
CITY CLERK

FRANK SCARPITTI, MAYOR