



## Electronic Council Meeting

### Revised Agenda

Electronic Meeting No. 8

May 26, 2020, 1:00 PM

Live streamed

**Note:** Members of Council will be participating in the meeting remotely.

Due to COVID-19, our facilities are closed to the public.  
Access is not permitted to the Markham Civic Centre and Council Chamber.

Members of the public may submit written deputations by email  
to [clerkspublic@markham.ca](mailto:clerkspublic@markham.ca)

Members of the public who wish to make virtual deputations must register by completing an online [\*\*\*Request to Speak Form\*\*\*](#) or e-mail [clerkspublic@markham.ca](mailto:clerkspublic@markham.ca) providing full name, contact information and item they wish to speak to. Alternatively, you may connect via telephone by contacting the Clerk's office at 905-477-7000 Ext. 3920 on the day of the meeting.

Council meetings are video and audio streamed on the City's website at:

<https://pub-markham.escibemeetings.com/>



# Electronic Revised Council Meeting Agenda

## Revised Items are Italicized.

Electronic Meeting No. 8  
May 26, 2020, 1:00 PM  
Live streamed

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 MAY 12, 2020

17

1. That the Minutes of the Council Meeting held on May 12, 2020, be adopted.

#### 4. PRESENTATIONS

#### 5. DEPUTATIONS

##### 5.1 DEPUTATION - UNIONVILLE BIA OPERATING BUDGET (7.4)

Sara Sterling, representing the Unionville Business Improvement Area will address Council on this matter.

(See Item 8.3.2, Report 15 for Council's decision on this matter.)

5.2 *DEPUTATION - RECOMMENDATION REPORT: BERCZY WARDEN HOLDINGS INC. DRAFT PLAN APPLICATION (10.7, 10.5)*

Mustafa Ghassan, Delta Urban Inc. will address Council on this matter.

(See Items 8.1.1 and 8.1.2, Report 12 for Council's decision on this matter.)

5.3 *DEPUTATION - COMMUNICATION - COMMITTEE OF ADJUSTMENT PROCEDURAL BY-LAW AMENDMENT (10.12)*

Elizabeth Brown will address Council on this matter.

(See Item 11.1, New/ Other Business for Council's decision on this matter.)

## 6. COMMUNICATIONS

6.1 9-2020 - INFORMATION MEMORANDUM, RECOMMENDATION REPORT: BERCZY ELGIN HOLDINGS INC. APPLICATIONS FOR A DRAFT PLAN OF SUBDIVISION AND ZONING BYLAW AMENDMENT (ELGIN MILLS ROAD EAST (WARD 2) FILE NOS.: SU/ZA 18 235522)

32

AND RECOMMENDATION REPORT: BERCZY WARDEN HOLDINGS INC. APPLICATIONS FOR DRAFT PLAN OF SUBDIVISION AND ZONING BYLAW AMENDMENT (10348 WARDEN AVENUE (WARD 2) FILE NOS.: ZA/SU 18 235516) (10.7, 10.5)

Memorandum dated May 26, 2020 from the Commissioner, Development Services providing additional information with respect to select questions raised at the Development Services Committee (DSC) on April 21, 2020 on *Recommendation Report: Berczy Elgin Holdings Inc. Applications for a Draft Plan of Subdivision and Zoning Bylaw Amendment (Elgin Mills Road East (Ward 2) File Nos.: SU/ZA 18 235522)* and *Recommendation Report: Berczy Warden Holdings Inc. Applications for Draft Plan of Subdivision and Zoning Bylaw Amendment (10348 Warden Avenue (Ward 2) File Nos.: ZA/SU 18 235516)*.

1. That the Memorandum dated May 26, 2020 from the Commissioner, Development Services providing additional information with respect to select questions raised at the Development Services Committee (DSC) on April 21, 2020 on *Recommendation Report: Berczy Elgin Holdings Inc. Applications for a Draft Plan of Subdivision and Zoning Bylaw Amendment (Elgin Mills Road East (Ward 2) File Nos.: SU/ZA*

*18 235522) and Recommendation Report: Berczy Warden Holdings Inc. Applications for Draft Plan of Subdivision and Zoning Bylaw Amendment (10348 Warden Avenue (Ward 2) File Nos.: ZA/SU 18 235516, be received.*

(See Items 8.1.1 and Item 8.1.2, Report 12 for Council's decision on this matter.)

- 6.2 10-2020 MEMORANDUM - HOLD REMOVAL BY-LAW, H & W DEVELOPMENT CORPORATION, 9 CLEGG ROAD AND 8 CEDARLAND DRIVE, FILE: HOLD 20 109182 117

Memorandum dated May 26, 2020 from the Commissioner, Development Services regarding a Hold Removal By-Law, H & W Development Corporation, 9 Clegg Road and 8 Cedarland Drive, File: Hold 20 109182 20 109182.

(By-law 2020-43)

1. That the Memorandum dated May 26, 2020 from the Commissioner, Development Services regarding the application for H & W Development Corporation, 9 Clegg Road And 8 Cedarland Drive, recommending the approval of the proposed Hold Removal By-law, be received.

(By-law 2020-43)

- 6.3 11-2020 COMMUNICATION - COMMITTEE OF ADJUSTMENT PROCEDURAL BY-LAW AMENDMENT (10.12) 121

Email from Daniel O'Kopniak providing comments on the matter.

(See Item 11.1, New/ Other Business for Council's decision on this matter.)

1. That the email from Daniel O'Kopniak providing comments be received.

## 7. PROCLAMATIONS

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

No Attachment

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. World Sickle Cell Day - June 19, 2020
2. That the following new request for proclamation, issued by the City Clerk in accordance with the City of Markham Proclamation Policy, be



received and added to the Five-Year Proclamations List approved by Council:

- a. Apraxia Awareness Day - May 14, 2020
- 3. *That the following new request for proclamation, be approved and added to the Five-Year Proclamations List approved by Council:*
  - a. *Pride Month - June 2020*

## 8. REPORT OF STANDING COMMITTEE

### 8.1 REPORT NO. 12 - DEVELOPMENT SERVICES COMMITTEE (APRIL 21, 2020)

Please refer to your April 21, 2020 Development Services Committee Agenda for reports.

Mayor and Members of Council:

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

#### 8.1.1 RECOMMENDATION REPORT BERCZY ELGIN HOLDINGS INC. APPLICATIONS FOR A DRAFT PLAN OF SUBDIVISION AND ZONING BY-LAW AMENDMENT TO FACILITATE THE CREATION OF APPROXIMATELY 788 RESIDENTIAL UNITS, TWO SCHOOL BLOCKS OR PARTS THEREOF AND ONE PARK BLOCK ON THE SUBJECT PROPERTY KNOWN MUNICIPALLY AS 3575 ELGIN MILLS ROAD EAST (WARD 2) FILE NO'S.: SU/ZA 18 235522 (10.7, 10.5)

122

1. That the staff report dated April 21, 2020 titled "RECOMMENDATION REPORT, Berczy Elgin Holdings Inc., Applications for a Draft Plan of Subdivision and Zoning By-law Amendment to facilitate the creation of approximately 788 residential units, two school blocks or parts thereof and one park block on the subject property known municipally as 3575 Elgin Mills Road East (Ward 2)," be received; and,
2. That the record of the Public Meeting held on March 26, 2019, regarding the Applications for a Draft Plan of Subdivision and Zoning By-law Amendment by Berczy Elgin Holdings Inc. on the subject property known municipally as 3575 Elgin Mills Road East (Ward 2), be received; and,
3. That in accordance with the provisions of subsections 45 (1.4) of the Planning Act, R.S.O. 1990, c.P.13, as amended,

the Owners shall through this Resolution, be permitted to apply to the Committee of Adjustment for a variance from the provisions of the accompanying Zoning By-law, before the second anniversary of the day on which the by-law was approved by Council; and,

4. That the application submitted by Berczy Elgin Holdings Inc. to amend Zoning By-law 304-87, as amended, be approved and the draft by-law attached as Appendix 'A' be finalized and brought forward to a future Council meeting to be enacted without further notice; and,
5. That Draft Plan of Subdivision 19TM-18010 be approved, subject to the conditions set out in Appendix B of this report; and,
6. That the Director of Planning and Urban Design or his designate, be delegated authority to issue draft plan approval, subject to the conditions set out in Appendix B, as may be amended by the Director of Planning and Urban Design or his designate; and,
7. That draft plan approval for Draft Plan of Subdivision 19TM-18010 will lapse after a period of three (3) years from the date of Council approval in the event that a subdivision agreement is not executed within that period; and,
8. That servicing allocation for 788 units be assigned to Draft Plan of Subdivision 19TM-18010; and,
9. **That Council authorize a City Wide Hard Development Charge credit not exceeding \$1,560,196 to DG Berczy Elgin Holdings Inc. relating to their portion of the construction and property costs associated with roads identified as Street 2 (from Elgin Mills Road to south limit of subdivision) and Street 1 (Elgin Mills Road to south limit of subdivision) within the plan of subdivision; and,**
10. **That the Mayor and Clerk be authorized to execute a Development Charge Credit Agreement, if required, in accordance with the City's Development Charge Credit and Reimbursement Policy, with DG Berczy Elgin Holdings Inc., or their successors in title to the satisfaction of the Treasurer and City Solicitor; and further,**
11. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

8.1.2 RECOMMENDATION REPORT APPLICATIONS FOR DRAFT PLAN OF SUBDIVISION AND ZONING BY-LAW AMENDMENT BY BERCZY WARDEN HOLDINGS INC. TO FACILITATE THE CREATION

OF APPROXIMATELY 894 RESIDENTIAL UNITS AND MIXED

USES ON THE LANDS KNOWN MUNICIPALLY AS 10348  
WARDEN AVENUE (WARD 2) FILE NO'S.: ZA/SU 18 235516  
(10.7, 10.5)

1. That the staff report dated April 21, 2020 titled "Recommendation Report, Applications for Draft Plan of Subdivision and Zoning By-law Amendment by Berczy Warden Holdings Inc. to facilitate the creation of approximately 894 residential units and mixed uses on the lands known municipally as 10348 Warden Avenue (Ward 2)" be received; and,
2. That the record of the Public Meeting held on March 26, 2019, regarding the Draft Plan of Subdivision and Zoning By-law Amendment applications by Berczy Warden Holdings Inc. on the Subject Property known municipally as 10348 Warden Avenue, be received; and,
3. **That the communications submitted by Delta Urban Inc. on behalf of Wageman Nominee Limited be received; and,**
4. That in accordance with the provisions of subsections 45 (1.4) of the Planning Act, R.S.O. 1990, c.P.13, as amended, the Owners shall through this Resolution, be permitted to apply to the Committee of Adjustment for a variance from the provisions of the accompanying Zoning By-law, before the second anniversary of the day on which the by-law was approved by Council; and,
5. That the application submitted by Berczy Warden Holdings Inc. to amend Zoning By-law 304-87, as amended, be approved and the draft by-law attached as Appendix 'A' be finalized and brought forward to a future Council meeting to be enacted without further notice; and,
6. That Draft Plan of Subdivision 19TM-18009 be approved, subject to the conditions set out in Appendix B of this report;
7. That the Director of Planning and Urban Design, or his designate, be delegated authority to issue draft plan approval, subject to the conditions set out in Appendix B, as may be amended by the Director of Planning and Urban Design, or his designate; and,
8. That draft plan approval for Plan of Subdivision 19TM-18009 will lapse after a period of three (3) years from the date of issuance in the event that a subdivision agreement is not executed within that period; and,
9. That servicing allocation for 894 units be assigned to Draft Plan of Subdivision 19TM-18009; and,
10. **That Council authorize a City Wide Hard Development Charge credit not exceeding \$4,881,562 to DG Berczy**

Warden Holdings Inc. relating to their portion of the construction and property costs associated with roads identified as Street 2 (from north limit of subdivision road to 145m west of Warden Avenue) and Street 3 (from north limit of subdivision to south limit of subdivision) and Street 1 (from east limit of subdivision to west limit of subdivision) within the plan of subdivision, and,

11. That the Mayor and Clerk be authorized to execute a Development Charge Credit Agreement, if required, in accordance with the City Development Charge Credit and Reimbursement Policy, with DG Berczy Warden Holdings Inc., or their successors in title to the satisfaction of the Treasurer and City Solicitor; and further,
12. That Staff be authorized and direction to do all things necessary to give effect to this resolution.

8.2 REPORT NO. 14 - DEVELOPMENT SERVICES COMMITTEE (MAY 11, 2020)

Please refer to your May 11, 2020 Development Services Committee Agenda for reports.

Mayor and Members of Council:

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

8.2.1 PRELIMINARY REPORT BUR OAK (ARH) DEVELOPMENTS INC. APPLICATION TO AMEND THE OFFICIAL PLAN TO INCREASE THE FLOOR SPACE INDEX (FSI) FROM 1.75 TO 2.2 TO ALLOW A 20-STOREY APARTMENT BUILDING AT 1709 BUR OAK AVENUE (WARD 4) FILE NO: PLN 20 130579 (10.3)

256

1. That the report titled “Preliminary Report, Bur Oak (ARH) Developments Inc., Application to amend the Official Plan to increase the Floor Space Index (FSI) from 1.75 to 2.2 to allow a 20-storey apartment building at 1709 Bur Oak Avenue (Ward 4), File No: PLN 19 130579”, be received; and,
2. That the deputation made by Elizabeth Brown, Markham Village Sherwood Conservation Area Residents Association, be received; and,
3. That a statutory public meeting for the application submitted by Bur Oak (ARH) Developments Inc. at 1709 Bur Oak Avenue be scheduled for a date to be determined following the completion of the Markham Road-Mount Joy Secondary Plan design charrette and a community information meeting; and further,

4. **That the postage costs for issuing notices for the community information meeting for the application be funded through the Corporate Services Commission.**
5. **That Staff be authorized and directed to do all things necessary to give effect to this resolution.**

8.2.2 HIGHWAY 404 NORTH COLLECTOR ROADS, MUNICIPAL CLASS ENVIRONMENTAL ASSESSMENT STUDY COMPLETION (WARD 2) (5.7)

265

1. That the staff report entitled “Highway 404 North Collector Roads Municipal Class Environmental Assessment, Study Completion (Ward 2)”, be received; and,
2. That the preferred alternative for Highway 404 North Collector Roads as set out in the Environmental Study Report be endorsed; and,
3. That staff be authorized to issue a Notice of Study Completion for the project and make the Environmental Study Report available for public review for a period of 30 days commencing May 2020; and,
4. **That the Mayor and Clerk be authorized to enter into agreements with the TC PipeLines, LP (TransCanada Pipelines) and/or Enbridge Gas regarding the municipal rights-of-way and municipal underground services crossing their pipelines, in a form satisfactory to the Chief Administrative Officer and the City Solicitor; and further,**
5. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

8.3 REPORT NO. 15 GENERAL COMMITTEE (MAY 19, 2020)

Please refer to your May 19, 2020 General Committee Agenda for reports.

Mayor and Members of Council:

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

8.3.1 YORK REGION - TRANSFER OF PART III PROSECUTIONS TO THE REGIONAL MUNICIPALITY OF YORK (13.4)

274

1. **Whereas the Province entered into a Memorandum of Understanding and a Local Side Agreement with The Regional Municipality of York and the nine local municipalities with an effective date of June 30, 1999, for the operation of the Provincial Offences Court, the prosecution of charges laid using the process under Parts I and II of the Provincial Offences Act, and the transfer of records, files,**

assets, revenue and financial arrangements, and,

2. Whereas the Province intends to transfer the prosecution of charges laid using the Part III process under the Provincial Offences Act, along with all records, files and assets, through amending agreements to the Memorandum of Understanding and the Local Side Agreement, and,
3. Therefore, the Council of the City of Markham hereby delegates authority to The Regional Municipality of York to execute amending agreements with the Province to amend the Memorandum of Understanding and the Local Side Agreement on behalf of the City of Markham, subject to the review of the final agreements by and to the satisfaction of the City Solicitor.

8.3.2 2020 UNIONVILLE BUSINESS IMPROVEMENT AREA AND MARKHAM VILLAGE BUSINESS IMPROVEMENT AREA OPERATING BUDGETS (7.4)

280

1. That the report titled “2020 Unionville Business Improvement Area and Markham Village Business Improvement Area Operating Budgets” dated May 19, 2020 be received; and,
2. That the 2020 Operating Budget in the amount of \$214,221 for the Unionville Business Improvement Area (UBIA) be approved; and,
3. That the 2020 Operating Budget in the amount of \$309,951 for the Markham Village Business Improvement Area (MBIA) be approved; and,
4. That the Special Tax Rate levy, in the amount of \$214,221 for the UBIA members and \$239,640 for the MBIA members be included in the 2020 Tax Levy By-law; and further,
5. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

8.3.3 2020 TAX RATES AND LEVY BY-LAW (7.3)

290

1. That the report dated May 19th, 2020 entitled “2020 Tax Rates and Levy By-law” be received; and,
2. That a by-law to provide for the levy and collection of property taxes totalling \$757,117,957 required by the City of Markham, the Regional Municipality of York, Province of Ontario (Education) and Business Improvement Areas, in a form substantially similar to Appendix A (attached), satisfactory to

the City Solicitor and provides for the mailing of notices and requesting payment of taxes for the year 2020, as set out as follows, be approved; and,

| <b>TAX LEVYING BODY</b>         | <b>2020 TAX LEVY AMOUNT</b> |
|---------------------------------|-----------------------------|
| City of Markham                 | \$163,032,116               |
| Region of York                  | \$341,430,831               |
| Province of Ontario (Education) | \$252,201,149               |
| Markham Village BIA             | \$239,640                   |
| Unionville BIA                  | \$214,221                   |
| <b>Total</b>                    | <b>\$757,117,957</b>        |

3. That staff be authorized to levy against Markham Stouffville Hospital and Seneca College the annual levy pursuant to Section 323 of the Municipal Act, 2001, as outlined in Section 9 of the attached by-law once the required information is received from the Ministry of Training, Colleges and Universities; and,

4. That the attached by-law be passed to authorize the 2020 Tax Rates and Levy By-law; and further,

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

(By-law 2020-44)

- 8.3.4 SINGLE USE PLASTIC REDUCTION STRATEGY - PHASE 1 (5.1) 301
1. That the report entitled “Single Use Plastic Reduction Strategy – Phase 1” be received; and,
  2. That the presentation entitled “Single Use Plastic Reduction Strategy - Phase 1 - Presentation” be received; and,
  3. **That the Memorandum – Styrofoam Recycling Program Cost Analysis (Single Use Plastics Program) be received; and,**
  4. That the Waste and Environmental Management Department undertake a review of all municipal facilities for opportunities to eliminate or reduce non-essential single use plastic (“SUP”) products and collaborate with the appropriate staff to source alternative products; and,
  5. That a community-wide education program be implemented to raise awareness of the SUP issue and provide options for

SUP reduction; and,

6. That effective October 20, 2020 (Waste Reduction Week) **non-food** packaging Styrofoam be banned from curbside collection; and,
7. That staff report back on the results of Phase 1 actions and outline Phase 2 recommendations regarding the implementation of a potential municipal by-law or other methods to reduce plastic retail shopping bags and polystyrene convenience food containers from distribution in Markham including the estimated financial impact and legal implications associated with the implementation and enforcement of a by-law; and,
8. That a copy of this report **and recommendations** be forwarded to York Region and the local municipalities for their information; and further,
9. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

#### 8.3.5 AMO REQUEST FOR PREFERRED MUNICIPAL BLUE BOX TRANSITION TIMING (5.1)

323

1. That the Report entitled “AMO request for Preferred Municipal Blue Box Transition Timing ” be received; and,
2. That the City of Markham jointly with York Region and the Local Municipalities support 2025 as the preferred Blue Box transition date (year 3) of the transition process; and,
3. That the City of Markham elect to continue to provide Blue Box collection services to residents (post transition) on behalf of the product producers should both parties arrive at mutually agreeable commercial terms; and,
4. That the City of Markham reserve the option to amend Markham’s transition date and collection service preference at any time if it is determined to be financially and operationally beneficial to the City; and,
5. That staff be directed to report back in the fall of 2020 after release of the Provincial Blue Box regulations; and,
6. That the City Clerk be directed to forward a copy of this resolution to the Association of Municipalities of Ontario, York Region and Local Municipalities; and the Ontario Ministry of the Environment, Conservation and Park; and further,
7. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

#### 8.3.6 PILOT PRIVATE PLUMBING PROTECTION PROGRAM (5P)

341



## UPDATE (5.7)

1. That the report titled “Pilot Private Plumbing Protection Program (5P) Update” be received; and,
2. That Staff be authorized to extend the Private Plumbing Protection Program (project #18324) for an additional two years starting on May 1, 2020 until April 30, 2022; and,
3. That the two year program extension be funded by the remaining funds allocated to the original pilot program through the Stormwater Fee Reserve; and,
4. That the consulting engineering services required to support the two year extended program be continued with R.V. Anderson & Associates Limited with the remaining funds under their existing purchase order PO PD18054 and PD18073; and,
5. That By-law 2018-20 be repealed and replaced in its entirety with the Private Plumbing Protection Rebate By-law 2020-45 substantially in the form attached as Appendix “A” to this Staff report; and,
6. That Staff report back to Council after the two year extension period to assess the further extension of the program; and further,
7. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

(By-law 2020-45)

8.4 *REPORT NO. 16 - DEVELOPMENT SERVICES COMMITTEE (MAY 25, 2020)*

Please refer to your May 25, 2020 Development Services Committee Agenda for reports.

Mayor and Members of Council:

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

8.4.1 *RECOMMENDATION REPORT, DEMOLITION PERMIT APPLICATION, ACCESSORY BUILDING, 31 WALES AVENUE, MARKHAM VILLAGE HERITAGE CONSERVATION DISTRICT, WARD 4, FILE NO. 20 112282 DP (16.11, 10.12)*

352

1. That the staff report entitled “Recommendation Report, Demolition Permit Application, Accessory Building, 31 Wales Avenue, Markham Village Heritage Conservation District, Ward 4, File No. 20 112282 DP”, dated May 25,

2020 be received; and,

2. That Council endorse the demolition of the frame accessory building at 31 Wales Avenue, with the conditions that the applicant consult and comply with any requirements of the City's Urban Design staff to address the protection of mature trees during demolition, and that the owner advertise the heritage materials for salvage in a local newspaper, to the satisfaction of the Manager of Heritage Planning; and further,
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**8.4.2 RECOMMENDATION REPORT DEMOLITION PERMIT APPLICATION FOR A BUILDING LISTED ON THE MARKHAM REGISTER OF PROPERTY OF CULTURAL HERITAGE VALUE OR INTEREST, SUMMERFELDT-STICKLEY HOUSE 10536 MCCOWAN ROAD, WARD 6 FILE NO. 20110958 DP (16.11, 10.13)**

356

1. That the report titled "Recommendation Report, Demolition Permit Application for a Building Listed on the Markham Register of Property of Cultural Heritage Value or Interest, Summerfeldt-Stickley House, 10536 McCowan Road, Ward 6", File No. 20 110958 DP, dated May 25, 2020, be received;
2. That Council approve the demolition of the vacant listed heritage building known as the Summerfeldt-Stickley House on the basis of its advanced state of disrepair and the unlikely possibility of repairs being undertaken based on the applicant's structural review by a qualified engineering consultant;
3. That as conditions of demolition approval, the owner be required to provide at their sole cost a Markham Remembered commemorative plaque to interpret the history of the property, and place it near the front of the property, and the owner be required to advertise in a local newspaper the availability of the building for potential salvage of materials that could be used elsewhere, both to the satisfaction of the Manager of Heritage Planning;
4. And 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 COMMITTEE OF ADJUSTMENT PROCEDURAL BY-LAW AMENDMENT REPORT FILE #: PR 20 112899 (10.12)

364

**Note: This matter was referred directly to Council from the May 25, 2020 Development Services Committee meeting.**

**Brad Roberts, Manager of Zoning and Special Projects will provide a presentation on this matter.**

1. That the report titled "Committee of Adjustment Procedural By-law Amendment File #: PR 20 112899", be received; and,
2. That the deputations of Ian Free and Christiane Bergauer-Free at the May 25, 2020 Development Services Committee; be received and,
3. That the communications submitted by Ian Free and Christiane Bergauer-Free at the May 25, 2020 Development Services Committee; be received.
4. That Staff be directed to reconvene Committee of Adjustment meetings to consider applications utilizing electronic meeting participation; and,
5. That the amendment to Bylaw 2014-170 (A By-law to Establish a Procedure for the Committee of Adjustment of the City of Markham) as attached in Appendix 'B' be enacted and further,
6. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

(By-law 2020-47)

## 12. ANNOUNCEMENTS

## 13. BY-LAWS - THREE READINGS

That By-laws 2020-41 to 2020-45 and 2020-47 be given three readings and enacted.

### Three Readings

### 13.1 BY-LAW 2020-41 A BY-LAW TO AMEND BY-LAW 2013-113 - A BY-

387

## LAW TO DELEGATE AUTHORITY TO CONDUCT CERTAIN REAL PROPERTY TRANSACTIONS

(Item 14.1.1, May 12, 2020 Council)

- |      |  |     |
|------|--|-----|
| 13.2 | BY-LAW 2020-42 2124123 ONTARIO LIMITED, PART LOT CONTROL EXEMPTION BY-LAW  | 389 |
|      | A by-law to designate part of a certain plan of subdivision not subject to Part Lot Control, 62-96 William Saville Street and 2-36 McClary's Way, Block 3 (inclusive), Registered Plan 65M-4595. |     |
| 13.3 | BY-LAW 2020-43 H & W DEVELOPMENT CORPORATION, 9 CLEGG ROAD AND 8 CEDARLAND DRIVE, HOLD REMOVAL BY-LAW  | 391 |
|      | (Item 6.2, Communications)   |     |
| 13.4 | BY-LAW 2020-44 2020 TAX RATES AND LEVY BY-LAW  | 394 |
|      | (Item 8.3.3, Report 15)  |     |
| 13.5 | BY-LAW 2020-45 A BY-LAW TO ESTABLISH A PROGRAM TO PROVIDE REBATES FOR THE PRIVATE PLUMBING PROTECTION PROGRAM TO REDUCE THE RISK OF BASEMENT FLOODING  | 402 |
|      | (Item 8.3.6, Report 15)  |     |
| 13.6 | <i>BY-LAW 2020-47 A BY-LAW TO AMEND THE PROCEDURE FOR THE COMMITTEE OF ADJUSTMENT OF THE CITY OF MARKHAM</i>   | 406 |
|      | (Item 11.1, New/ Other Business)   |     |

## 14. CONFIDENTIAL ITEMS

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

### 14.1 GENERAL COMMITTEE

**Note:** The following matters were referred to Council from the May 19, 2020 General Committee meeting.

#### 14.1.1 THE SECURITY OF THE PROPERTY OF THE MUNICIPALITY OR LOCAL BOARD (WARD 8) (8.2) [Section 239 (2) (a)]

**Note:** This matter was referred to Council from the May 19, 2020 General Committee meeting.

- 14.1.2 A PROPOSED OR PENDING ACQUISITION OR DISPOSITION OF LAND BY THE MUNICIPALITY OR LOCAL BOARD (WARD 2) (8.6) [Section 239 (2) (c)]

**Note:** This matter was referred to Council from the May 19, 2020 General Committee meeting.

14.2 *DEVELOPMENT SERVICES COMMITTEE (MAY 25, 2020)*

- 14.2.1 *LITIGATION OR POTENTIAL LITIGATION, INCLUDING MATTERS BEFORE ADMINISTRATIVE TRIBUNALS, AFFECTING THE MUNICIPALITY OR LOCAL BOARD; [SECTION 239 (2) (e)] AND*

*ADVICE THAT IS SUBJECT TO SOLICITOR-CLIENT PRIVILEGE, INCLUDING COMMUNICATIONS NECESSARY FOR THAT PURPOSE; [SECTION 239 (2) (f)] - LITIGATION UPDATE - 1771107 ONTARIO INC. (8.0)*

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

That By-law 2020-46 be given three readings and enacted.

Three Readings

BY-LAW 2020-46 A BY-LAW TO CONFIRM THE PROCEEDINGS OF THE COUNCIL MEETING OF MAY 26, 2020.

No attachment

16. **ADJOURNMENT**



## Council Minutes

**Electronic Meeting No. 7**

**May 12, 2020, 1:00 PM**

**Live streamed**

|           |   |  |
|-----------|---|--|
| Roll Call | <p>Mayor Frank Scarpitti</p> <p>Deputy Mayor Don Hamilton</p> <p>Regional Councillor Jack Heath</p> <p>Regional Councillor Joe Li</p> <p>Regional Councillor Jim Jones</p> <p>Councillor Keith Irish</p> <p>Councillor Alan Ho</p>  | <p>Councillor Reid McAlpine</p> <p>Councillor Karen Rea</p> <p>Councillor Andrew Keyes</p> <p>Councillor Amanda Collucci</p> <p>Councillor Khalid Usman</p> <p>Councillor Isa Lee</p>  |
| Staff     | <p>Andy Taylor, Chief Administrative Officer</p> <p>Trinela Cane, Commissioner, Corporate Services</p> <p>Brenda Librecz, Commissioner, Community &amp; Fire Services</p> <p>Arvin Prasad, Commissioner, Development Services</p> <p>Claudia Storto, City Solicitor and Director of Human Resources</p> <p>Brian Lee, Director, Engineering</p> <p>Joel Lustig, Treasurer</p> | <p>Bryan Frois, Chief of Staff</p> <p>Kimberley Kitteringham, City Clerk</p> <p>Martha Pettit, Deputy City Clerk</p> <p>John Wong, Technology Support Specialist II</p> <p>Hristina Giantsopoulos, Elections &amp; Council/Committee Coordinator</p> <p>Adam Grant, Deputy Fire Chief</p> <p>Meg West, Manager of Business Planning and Projects</p> |

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

### 1. CALL TO ORDER

The meeting of Council convened at 1:08 PM on May 12, 2020. Mayor Frank Scarpitti 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.

Mayor Scarpitti recognized the recent passing of former Ward 4 Councillor George McKelvey, former Unionville Volunteer Fire Brigade member, Bruce Couperthwaite, and former City staff person Ewan Burke who each served the community. A moment of silence was observed.

Mayor Scarpitti acknowledged National Nurses Week and on behalf of Council and the community thanked all nurses for their work and dedication, particularly during the COVID-19 pandemic. He invited the community to turn on their porch lights on Thursday, May 14 from 9:00 - 10:00 pm as part of the Night for Nurses.

Mayor Scarpitti recognized National Police Week and on behalf of Council and the community thanked all police for their service.

## **2. DISCLOSURE OF PECUNIARY INTEREST**

None disclosed.

## **3. APPROVAL OF PREVIOUS MINUTES**

### **3.1 COUNCIL MINUTES APRIL 28, 2020**

Moved by Councillor Isa Lee

Seconded by Councillor Reid McAlpine

1. That the Minutes of the Electronic Council Meeting held on April 28, 2020, be adopted.

**Carried**

## **4. PRESENTATIONS**

There were no presentations.

## 5. DEPUTATIONS

There were no deputations.

## 6. COMMUNICATIONS

There were no communications.

## 7. PROCLAMATIONS

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

Moved by Councillor Keith Irish

Seconded by Councillor Alan Ho

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. Nursing Week May 11 - 17, 2020
2. That the following new request for proclamation be approved and added to the Five-Year Proclamations List approved by Council:
  - a. Innovation Month - June 2020
  - b. **National Police Week - May 10 - 16, 2020**
3. That the following new requests for proclamation, issued by the City Clerk in accordance with the City of Markham Proclamation Policy, be received and added to the Five-Year Proclamations List approved by Council:

Emergency Preparedness Week - May 3 - 9, 2020

Mental Health Week May 4 - 10, 2020
4. That the following new request for a flag to be raised at the Anthony Roman Markham Civic Centre flagpole be approved and added to the Five-Year List of Request to Raise Flag approved by Council:
  - a. Innovation Month - June 1, 2020 (Organized by The City of Markham)

**Carried as Amended**

Council consented to add National Police Week from May 10-16, 2020.



## 8. REPORT OF STANDING COMMITTEE

### 8.1 REPORT NO. 13 - GENERAL COMMITTEE (MAY 4, 2020)

Moved by Regional Councillor Jack Heath

Seconded by Councillor Andrew Keyes

That the report of the General Committee be received & adopted. (Items 1 and 2):

**Carried**

#### 8.1.1 RESPONSE TO YORK REGION – FIRE REGIONALIZATION (7.15)

Moved by Regional Councillor Jack Heath

Seconded by Councillor Andrew Keyes

1. That Council not support proceeding with a Regional Fire Service study; and,
2. That Staff recommend that we continue current efforts with Richmond Hill and Vaughan, in particular the creation of a shared communications centre that will enable further joint/shared opportunities to achieve efficiencies and to improve services to our residents and businesses.

**Carried**

#### 8.1.2 YORK REGION - MANDATED REVIEW OF REGIONAL COUNCIL COMPOSITION (13.4)

Moved by Regional Councillor Jack Heath

Seconded by Councillor Andrew Keyes

1. That the communication dated February 27, 2020 from York Region regarding Mandated Review of Regional Council Composition be received for information purposes; and,
2. That the City of Markham provides its **consents** to a bylaw changing the size of Regional Council by increasing the number of members from the City of Vaughan from four to five.

**Carried by Recorded Vote  
(See following Recorded Vote)**

**Recorded Vote (10:3):**

**YEAS:** Councillor Keith Irish, Councillor Alan Ho, Councillor Reid McAlpine, Regional Councillor Jim Jones, Mayor Frank Scarpitti, Regional Councillor Jack Heath, Regional Councillor Joe Li, Councillor Amanda Collucci, Councillor Khalid Usman, Councillor Isa Lee **(10)**

**NAYS:** Councillor Karen Rea, Deputy Mayor Don Hamilton, Councillor Andrew Keyes **(3)**

8.2 REPORT NO. 14 - DEVELOPMENT SERVICES COMMITTEE (MAY 11, 2020)

Moved by Regional Councillor Jim Jones

Seconded by Councillor Keith Irish

That the report of the Development Services Committee be received & adopted, save and except for Item. No. 8.2.3:

**Carried**

8.2.1 UPDATE ON DEVELOPMENT SERVICES (10.0)

Moved by Regional Councillor Jim Jones

Seconded by Councillor Keith Irish

1. That the presentation entitled "Update on Development Services", dated May 11, 2020, be received; and,
2. That the deputation made by Elizabeth Brown, Markham Village Sherwood Conservation Area, be received; and,
3. That Staff be authorized to continue with statutory and non-statutory public meetings utilizing electronic meeting participation; and,
4. That Staff be directed to notify the relevant local ward councillor of the scheduling of a statutory public meeting prior to the issuing of statutory notice; and,
5. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**Carried**

8.2.2 FEE DEFERRAL: TARIFF OF FEES FOR THE PROCESSING OF  
PLANNING APPLICATIONS & FEES OR CHARGES FOR SERVICES  
OR ACTIVITIES PROVIDED OR DONE BY THE CITY (CITY WIDE)  
(10.0)

Moved by Regional Councillor Jim Jones

Seconded by Councillor Keith Irish

1. That the staff memo entitled “Fee Deferral: Tariff of Fees for the Processing of Planning Applications & Fees or Charges for Services or Activities Provided or Done by the City (City Wide)” be received; and,
2. That the communications submitted by the Building Industry and Land Development Association (BILD), be received; and,
3. That (a) the *Tariff of Fees for the Processing of Planning Applications* in By-law 211-83 as amended by By-law 2019-137, and (b) *Fees or Charges for Services or Activities Provided or Done by the City* in By-law 2002-276 be amended as outlined in this memo to provide financial relief to the development industry; and,
4. That By-law 2002-276 be amended to reflect the 2020 annual adjustment for the Residential Infill Grading and Servicing (RIGS) fee from 26% to 28.6% ; and,
5. That the relevant by-law amendments be brought forward to the next Council meeting for enactment; and further,
6. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

(By-laws 2020-38 and 2020-39)

**Carried**

### 8.2.3 MAIN STREET UNIONVILLE PROPOSED PARKING PROHIBITION (WARD 3) (5.12)

Moved by Regional Councillor Jim Jones

Seconded by Councillor Keith Irish

1. That the report entitled “Main Street Unionville Proposed Parking Prohibition (Ward 3),” be received; and,
2. That Schedule “C” of Parking By-law 2005-188 be amended to temporarily rescind the existing parking prohibition on the west side of Main Street Unionville, from Station Lane to a point 23m north of Victoria Avenue, until the later of September 8, 2020 or the end of the Ontario Declaration of Emergency; and,
3. That Schedule “C” of Parking By-law 2005-188 be amended to temporarily rescind the existing parking prohibition on the west side of Main Street Unionville, from a point 24m north of Fred Varley Drive to Carlton Road, until the later of September 8, 2020 or the end of the Ontario Declaration of Emergency; and,
4. That Schedule “C” of Parking By-law 2005-188 be amended to temporarily prohibit parking at any time on the west side of Main Street Unionville, from Station Lane to a point 23m north of Victoria Avenue, until the later of September 8, 2020 or the end of the Ontario Declaration of Emergency; and,
5. That Schedule “C” of Parking By-law 2005-188 be amended to temporarily prohibit parking at any time on the west side of Main Street Unionville, from a point 24m north of Fred Varley Drive to Carlton Road, until the later of September 8, 2020 or the end of the Ontario Declaration of Emergency; and,
6. That the cost of materials, installation and future removal of the regulatory signs in the amount of \$1,500 be funded from COVID-19 operating account # 330-330-4580 (Traffic Signs/Supplies); and,
7. That the By-law Enforcement, Licensing & Regulatory Services be directed to enforce the parking prohibition upon installation of the signs and passing of the by-law; and,
8. That Council delegate authority to the Director of Engineering in consultation with the Director of Operations to amend parking, traffic and speed limit by-laws, where required, in order to promptly respond

to traffic operations and safety concerns arising during the COVID-19 pandemic until such time as this authority is repealed by Council; and,

9. That staff be directed to explore and **bring back to the June 8, 2020 Development Services Committee a report on the implementation of a temporary expansion of the cycling network in Markham where warranted, to fill gaps in the current cycling network; and,**
10. That staff be requested to report back on delegated authority for parking restrictions and other similar administrative matters on a permanent basis, and further,
11. That staff be authorized and directed to do all things necessary to give effect to this resolution.

(By-law 2020-40)

**Carried as Amended**

Council consented to amend clause 9 from:

**"That staff be directed to explore and where warranted, implement temporary expansion of the cycling network in Markham to fill gaps in the current cycling network; and,"**

to:

**"That staff be directed to explore and bring back to the June 8, 2020 Development Services Committee a report on the implementation of a temporary expansion of the cycling network in Markham where warranted to fill gaps in the current cycling network; and"**

Council had before it the following original recommendation for consideration:

1. That the report entitled "Main Street Unionville Proposed Parking Prohibition (Ward 3)," be received; and,
2. That Schedule "C" of Parking By-law 2005-188 be amended to temporarily rescind the existing parking prohibition on the west side of Main Street Unionville, from Station Lane to a point 23m north of Victoria Avenue, until the later of September 8, 2020 or the end of the Ontario Declaration of Emergency; and,

3. That Schedule “C” of Parking By-law 2005-188 be amended to temporarily rescind the existing parking prohibition on the west side of Main Street Unionville, from a point 24m north of Fred Varley Drive to Carlton Road, until the later of September 8, 2020 or the end of the Ontario Declaration of Emergency; and,
4. That Schedule “C” of Parking By-law 2005-188 be amended to temporarily prohibit parking at any time on the west side of Main Street Unionville, from Station Lane to a point 23m north of Victoria Avenue, until the later of September 8, 2020 or the end of the Ontario Declaration of Emergency; and,
5. That Schedule “C” of Parking By-law 2005-188 be amended to temporarily prohibit parking at any time on the west side of Main Street Unionville, from a point 24m north of Fred Varley Drive to Carlton Road, until the later of September 8, 2020 or the end of the Ontario Declaration of Emergency; and,
6. That the cost of materials, installation and future removal of the regulatory signs in the amount of \$1,500 be funded from COVID-19 operating account # 330-330-4580 (Traffic Signs/Supplies); and,
7. That the By-law Enforcement, Licensing & Regulatory Services be directed to enforce the parking prohibition upon installation of the signs and passing of the by-law; and,
8. That Council delegate authority to the Director of Engineering in consultation with the Director of Operations to amend parking, traffic and speed limit by-laws, where required, in order to promptly respond to traffic operations and safety concerns arising during the COVID-19 pandemic until such time as this authority is repealed by Council; and,
9. **That staff be directed to explore and where warranted, implement temporary expansion of the cycling network in Markham to fill gaps in the current cycling network; and,**
10. **That staff be requested to report back on delegated authority for parking restrictions and other similar administrative matters on a permanent basis, and further,**
11. That staff be authorized and directed to do all things necessary to give effect to this resolution.

(By-law 2020-40)

#### 8.2.4 THERMAL TEMPERATURE DETECTION AND DATA RETENTION FOR THE CITY OF MARKHAM (8.0, 11.0)

Moved by Regional Councillor Jim Jones

Seconded by Councillor Keith Irish

Moved by Regional Councillor Jim Jones

Seconded by Deputy Mayor Don Hamilton

Whereas, in just a few short months the Covid-19 pandemic has fundamentally changed the way we live, work, play and plan for the future; and,

Whereas, working remotely has created immense challenges for governments, businesses and employees, and has heightened the requirement for more integrated systems and advanced collaboration/monitoring tools and videoconferencing technologies to ensure productivity; and,

Whereas, cities, communities, businesses and workplaces are in the midst of an unprecedented digital transformation driven by the rise of mobile and connected Internet of Things (IOT) systems, the explosion of the secured delivery and management of censored data, and the emergence of automated integrated business solutions and technologies such as artificial intelligence and machine learning solutions; and,

Whereas, Government and cities need to consider the role of IOT/technologies and delivering services transparently, efficiently and with accountability to its citizens; and

Therefore, be it resolved

1. That staff be directed to investigate and report back on thermal temperature detection systems as a first line of action due to the COVID-19 environment and potential future health pandemics; and,
2. That such detection systems should be non-contact, fully integrated, capable of detecting high temperatures in both City of Markham employees and visitors to Markham properties, such as City Hall and Community Centres and have the capacity to send immediate alerts to authorized City of Markham officials who are responsible for managing health and safety protocols; and

3. That additionally have the capacity to capture the temperature data and retain the data for future analysis to guide health workers to better address potential future pandemics threats in a timely manner; and,
4. That, furthermore, thermal temperature systems should not require individuals to use their own personal cell phones for detection and tracking purposes thereby respecting privacy considerations; and
5. That a system of this type should also have the capability to add other features which can offer additional and important measurements for other health and safety factors that have not yet been contemplated; and further,
6. That a proper all-encompassing system should be used to encourage City of Markham businesses to also adopt similar thermal temperature detection systems in order to deliver data alerts to the City of Markham in order to ensure that health workers can take swift and responsible actions in addressing pandemic spikes in our community.

**Carried**

**9. MOTIONS**

There were no motions.

**10. NOTICE OF MOTION TO RECONSIDER**

There were no notices of motion to reconsider.

**11. NEW/OTHER BUSINESS**

There were no new or other business.

**12. ANNOUNCEMENTS**

There were no announcements.



**13. BY-LAWS - THREE READINGS**

Moved by Councillor Khalid Usman

Seconded by Regional Councillor Jack Heath

That By-law 2020-36, 2020-38 to 2020-40 be given three readings and enacted.

**Carried**

**Three Readings**

- 13.1 BY-LAW 2020-36 FOREST BAY HOMES LIMITED, PART LOT CONTROL EXEMPTION BY-LAW

**Carried**

- 13.2 BY-LAW 2020-38 A BY-LAW TO AMEND BY-LAW 211-83, AS AMENDED, BEING A BY-LAW TO PRESCRIBE A TARIFF OF FEES FOR THE PROCESSING OF PLANNING APPLICATIONS

**Carried**

- 13.3 BY-LAW 2020-39 A BY-LAW TO AMEND BY-LAW 2002-276, BEING A BY-LAW TO IMPOSE FEES OR CHARGES FOR SERVICES OR ACTIVITIES PROVIDED OR DONE BY THE CITY OF MARKHAM

**Carried**

- 13.4 BY-LAW 2020-40 A BY-LAW TO AMEND PARKING BY-LAW 2005-188

**Carried**

## 14. CONFIDENTIAL ITEMS

Council consented to not resolve into confidential session.

### 14.1 GENERAL COMMITTEE

#### 14.1.1 THE SECURITY OF THE PROPERTY OF THE MUNICIPALITY OR LOCAL BOARD (8.7) [Section 239 (2) (a)]

Moved by Regional Councillor Jack Heath

Seconded by Deputy Mayor Don Hamilton

1. That the confidential report on the Security of the Property of the Municipality or Local Board; be received; and,
2. That By-Law 2013-113 – “A By-Law to Delegate Authority to Conduct Certain Real Property Transactions” be amended to authorize the Senior Manager of Real Property, in consultation with the Treasurer, to execute agreements to amend the City’s leases and other agreements with tenants and licensees (collectively “Tenants”) of City-owned properties to address situations arising from an Emergency, provided the form of such agreements are satisfactory to the City Solicitor; and,
3. That Council adopt the By-law attached as Attachment No.2 of this Report to amend By-Law 2013-113 “A By-Law to Delegate Authority to Conduct Certain Real Property Transactions” at the next Council meeting; and further,
4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**Carried**

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

Moved by Councillor Amanda Collucci

Seconded by Councillor Karen Rea

That By-law 2020--37 be given three readings and enacted.

Three Readings

BY-LAW 2020-37 A BY-LAW TO CONFIRM THE PROCEEDINGS OF THE  
COUNCIL MEETING OF MAY 12, 2020.

**Carried**

**16. ADJOURNMENT**

Moved by Councillor Isa Lee

Seconded by Councillor Keith Irish

That the Council meeting be adjourned at 2:10 p.m.

**Carried**

---

Kimberley Kitteringham  
City Clerk

---

Frank Scarpitti  
Mayor





## MEMORANDUM

To: Mayor and Members of Council

From: Arvin Prasad, Commissioner of Development Services

Prepared by: Daniel Brutto, Senior Planner, North District  
Amanda Crompton, Planner II, North District

Date: May 26, 2020

**Re: INFORMATION MEMORANDUM**  
Recommendation Report: Berczy Elgin Holdings Inc. Applications for a Draft Plan of Subdivision and Zoning Bylaw Amendment to facilitate the creation of approximately 788 residential units, two school blocks or parts thereof and one park block on the subject property known municipally as 3575 Elgin Mills Road East (Ward 2) File Nos.: SU/ZA 18 235522

AND

Recommendation Report: Berczy Warden Holdings Inc. Applications for Draft Plan of Subdivision and Zoning Bylaw Amendment to facilitate the creation of approximately 894 residential units and mixed uses on the subject property known municipally as 10348 Warden Avenue (Ward 2) File Nos.: ZA/SU 18 235516

---

### PURPOSE

This memo provides additional information with respect to select questions raised at the Development Services Committee (DSC) on April 21, 2020. Since the meeting, planning staff has had discussions with various City departments and the applicant.

### BACKGROUND

- The applications are for lands located within the Berczy Glen Secondary Plan Area, which is bounded by Elgin Mills Road East to the north, Warden Avenue to the east, the residential estate subdivision to the south and the hydro corridor to the west, within the City's Future Urban Area (See Figure 1: Location Map).
- Berczy Elgin Holdings Inc. has submitted applications for Draft Plan of Subdivision and Zoning By-law Amendment to facilitate the creation of approximately 788 residential units, two school blocks or parts thereof and one park block on the subject property known municipally as 3575 Elgin Mills Road East.
- Berczy Warden Holdings Inc. has submitted Draft Plan of Subdivision and Zoning By-law Amendment applications to the City to facilitate the creation of approximately 894 residential units, an elementary school, a neighbourhood park, a parkette, part of a community park, an open space block, two stormwater management blocks, and the supporting road/lane network on the subject

property known municipally as 10348 Warden Avenue (See Figure 2: Berczy Glen Land Use Plan - Draft Plans of Subdivision Received to Date Overlay).

## **DISCUSSION**

- At the DSC Meeting on April 21, 2020, members of the Committee raised questions pertaining to both properties.
- No public comments were made and one written deputation was received with respect to the Berczy Warden Holdings Inc.
- The following subjects were discussed which necessitated further information: Heritage; Zoning; Senior Friendly Housing; Section 37; Purpose Built Rental Housing; Community Mailboxes; Tree Replacement; Sprinkler Requirements; Cycling Facilities; Fencing; and, Back to Back Townhouses.
- Table 1 attached outlines the questions raised pertaining to each subject, the applicant's response to those questions and Staffs comments providing explanations and/or indicating how the matters have been addressed, based on input received from the applicant and other City departments and external agencies.

## **NEXT STEPS**

- If approved, the Owner can clear conditions of Draft Plan of Subdivision approval attached in Appendix B, enter into a subdivision agreement with the City and register the draft plan.

## **ATTACHMENTS:**

- A. Figure 1: Location Map
- B. Figure 2: Berczy Glen Land Use Map - Draft Plans of Subdivision Received to Date Overlay
- C. Table 1: April 21 Development Services Committee Comments Response Matrix
- D. Berczy Elgin Holdings Inc. Conditions of Draft Plan of Subdivision Approval
- E. Berczy Warden Holdings Inc. Conditions of Draft Plan of Subdivision Approval

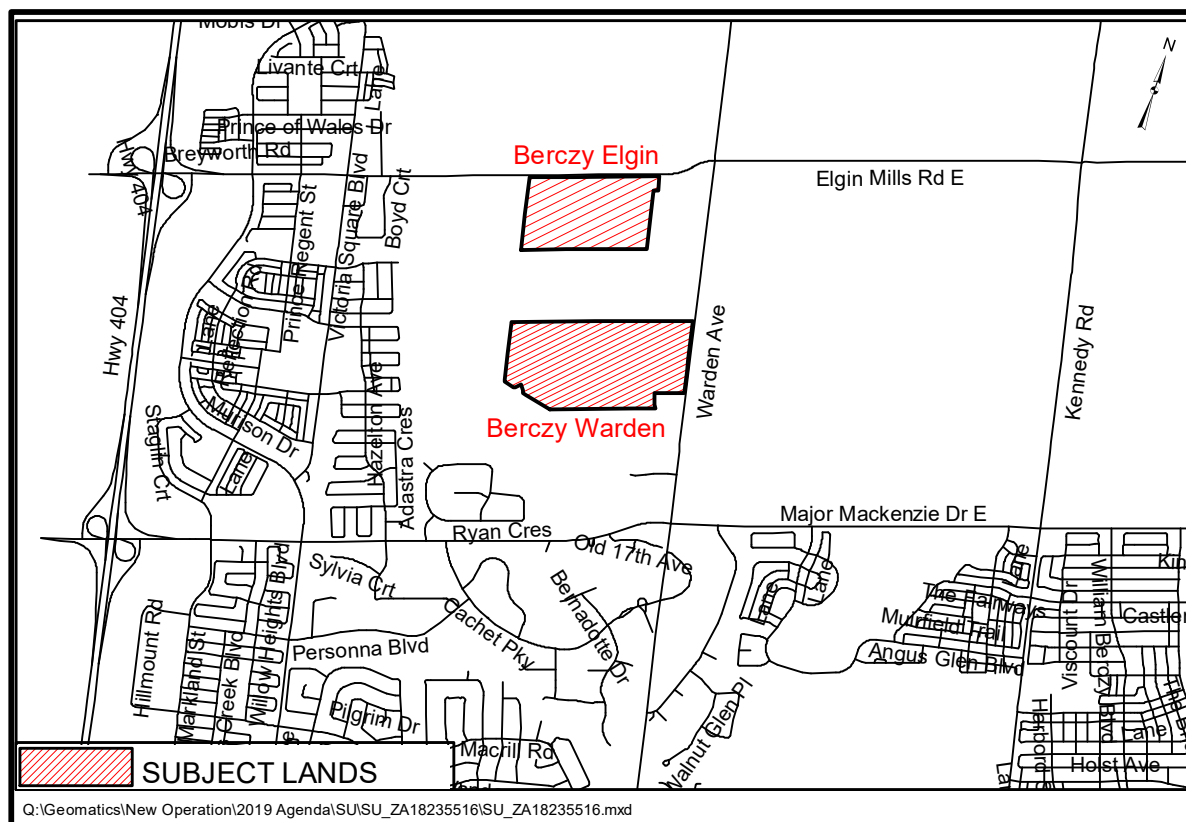
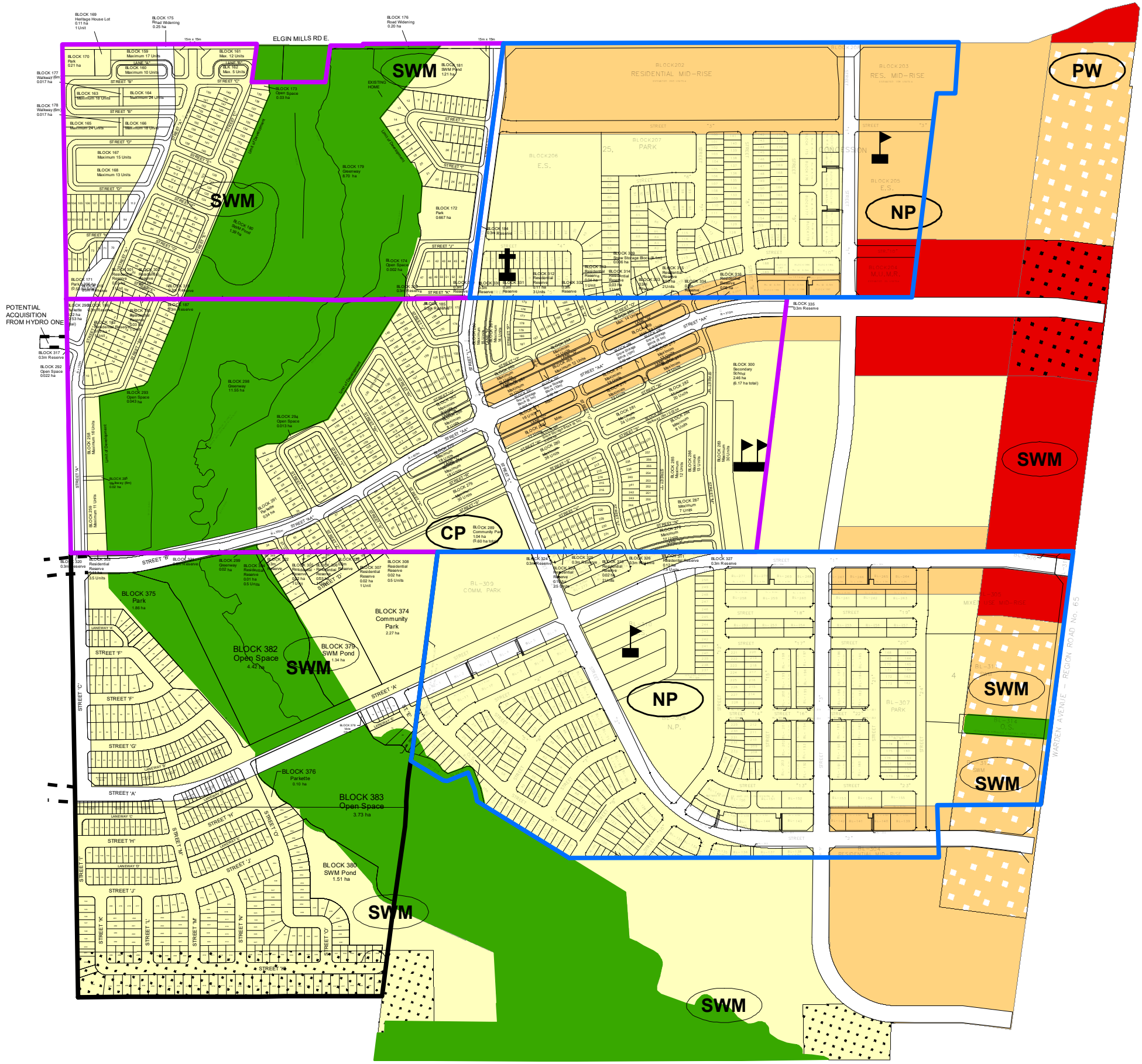


Figure 2: Berczy Glen Land Use Plan - Draft Plans of Subdivision Received to Date Overlay



MAP SP1  
DETAILED LAND USE  
BERCZY GLEN SECONDARY PLAN  
(Official Plan Amendment XXX)

- Boundary of Secondary Plan Area
- RESIDENTIAL**
- Residential Low Rise
  - See Section 8.2.1.6
  - Residential Mid Rise I
  - Residential Mid Rise II
- MIXED USE**
- Mixed Use Mid Rise
  - See Section 8.3.1.6
- GREENWAY SYSTEM**
- Greenway
- PARKS AND OPEN SPACE**
- Community Park / Neighbourhood Park
  - Stormwater Management Facility
- COMMUNITY INFRASTRUCTURE, SERVICE FACILITIES**
- Public Elementary School
  - Public Secondary School
  - Catholic Elementary School
- OTHER**
- Place of Worship
- DRAFT PLANS OF SUBDIVISION**
- Berczy Elgin Holdings Inc. (SU/ZA-18-235512)
  - Berczy Warden Holdings Inc. (SU/ZA-18-235516)
  - Mattamy-Roman (SU/ZA-18-181743-001)
  - Mattamy-Rinas (SU/ZA-18-181743-002)
  - 1212763 Ontario Ltd. (PLAN-19-142694)



**Berczy Elgin (ZA/SU 18 235522) and Berczy Warden (ZA/SU 18 235516) April 21 Development Services Committee (DSC) Comments Response Matrix**

| Issue  | Comment   | Applicants Response  | Staff Comments   |
|--|---|--|--|
| <b>Heritage</b><br>(Matter considered resolved)                | <ul style="list-style-type: none"><li>For Berczy Elgin, DSC would like to see assurances (financial or otherwise) that barn wood will be repurposed</li></ul>   | This matter was approved at Heritage Markham in May 2019, where Staff accepted a letter from Charlotte Frisby confirming her family’s intention to salvage the barn material for their new home.   | <p>For the Berczy Elgin Holdings Inc. application, the following draft plan condition has been added:</p> <p>“14.9 The Owner shall covenant and agree in the subdivision agreement to arrange and implement the salvage of the lumber from the 1912 Frisby Barn, preferably by the Frisby family for a future new residence, secured through the Letter of Credit provided for in 14.5 (d);”</p> <p>This condition has the effect of securing the reuse of the barn wood through a Letter of Credit required to be posted by the Owner before execution of the subdivision agreement.</p>  |
| <b>Zoning</b><br>(Matter considered resolved)                  | <ul style="list-style-type: none"><li>Seeking increase in townhouse minimum lot frontages from 13ft to 15 ft. (i.e. 4.15m to 4.5m)</li><li>Seeking increase in side yard and front yard setbacks</li></ul>                    | <p>The Zoning By-law amendment is subject to further refinement and will come back to Council for approval in the future, separate from the draft plan of subdivision.</p> <p>Units within both draft plans of subdivision are no less than 4.5m wide. However, tolerance is needed in the by-law since townhouse lots are not subdivided until after they are partially constructed (through part-lot control exemption). The minimum can be increased to 4.4m, to provide less tolerance. The front yard setback of 0.6m and side yard setbacks for townhouse units are consistent with the parent City of Markham Zoning By-law 177-96 for laneway accessed townhouse dwellings.</p> <p>Overall, in order to meet the density requirements of the Council approved Secondary Plan and maintain affordability, units need to be sized accordingly.</p> | <p>For both applications, the zoning by-laws will include the following:</p> <p><u>Minimum Lot Frontage</u><br/>A minimum 4.5m lot frontage for all townhouses, as shown on the draft plans.</p> <p><u>Side Yard Setbacks</u><br/>No amendments to the side yard setbacks for townhouses and single detached dwellings.</p> <p>For single detached dwellings, the minimum side yard setbacks are 1.2m and 0.6m.</p> <p>For townhouse dwellings, the minimum side yard setbacks are 0m for an interior unit, 1.2m for an end unit and 2.4m for the exterior side yard.</p> <p><u>Front Yard Setbacks</u><br/>No amendments to the required front yard setbacks for townhouses or single-detached dwellings. For single detached dwellings, the minimum front yard setback is 3.0m. For the lane based townhouses, the minimum front yard setback is 0.6m.</p> |
| <b>Senior Friendly Housing</b><br>(Matter considered resolved) | Securing age-friendly and accessible design housing within the proposed subdivisions, including requirements for a minimum percentage of walk-out units, purpose-built second suites, and units with master bedrooms at grade | In other examples of senior-friendly housing, access requirements have been limited to a maximum of 2 risers. Due to the average finished grade of both properties, and requirements for windows in basements under the Ontario Building Code, the level of the main floor is typically a minimum of approximately 0.55 metres above the average finished lot grade on a split-draining lot (this requires up to 2 risers at the entrance). On front-draining lots, the level of the main floor is even higher relative to the lot elevation at the front of the house. This means that a minimum of 2 risers  | <p>For both applications, the following draft plan condition have been added:</p> <p>“The Architectural Control Guidelines shall include provisions requiring a minimum of 5% of the low rise product be limited to having 2 risers or less at the front entrance.”</p> <p>This condition will imbed the riser requirement in the Architectural Control Guidelines. It will be incumbent on the Control Architect to ensure this</p>   |

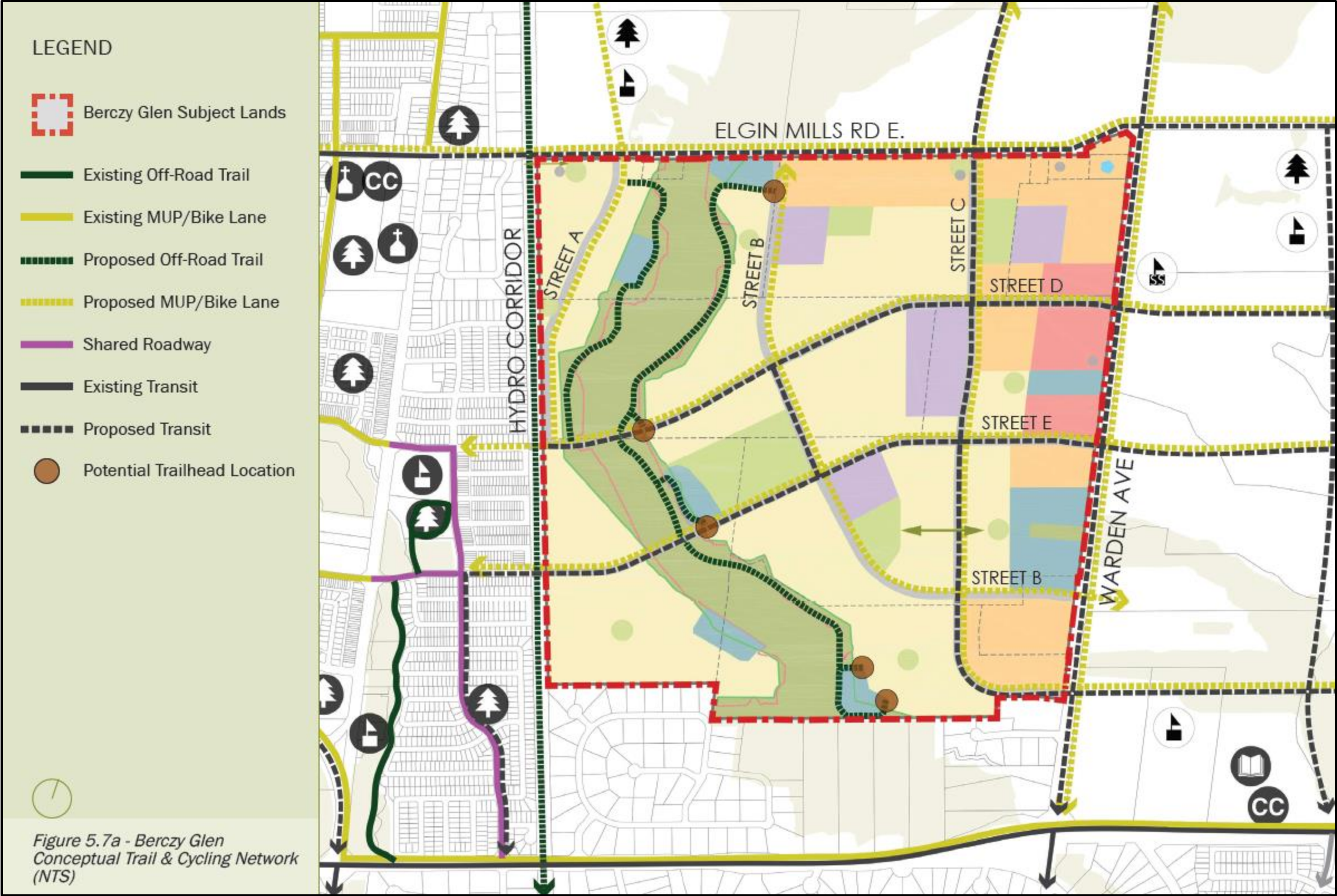
|  |  |  |   |
|--|--|--|---|
|  |  | <p>would be required to get to the main floor level, making front draining lots not feasible for accessibility options.</p> <p>We can also advertise the senior's friendly options for different unit types in the sales office. Providing rough-ins in every unit is not a feasible solution, as it will significantly decrease affordability. In order to be inclusive we need to provide a multitude of options for purchasers (including main floor bedrooms and rough-ins for retrofits), so that they may customize to their individual needs.</p>                       | <p>requirement is being met before stamped plans are submitted to the City for building permit approval.</p> <p>In addition, the applicant will advertise the senior friendly options for different unit types in the sales office (including main floor bedrooms and rough-ins for retrofits such as elevators).</p>   |
| <b>Section 37</b><br><u>(Matter considered resolved)</u>                   | <ul style="list-style-type: none"> <li>Leveraging section 37 contributions for public leisure space such as seniors recreation facilities and day-care centres</li> </ul>        | <p>Recreation facilities are programmed by the City of Markham and have been planned block wide as part of the North Markham FUA. A large community facility (over 100,000 sq. ft.) exists within the Angus Glen Block to the east, within 2.5km or less of both draft plans, as shown in the Council Approved North Markham FUA Conceptual Master Plan and the 2019 Integrated Leisure Master Plan.</p>   | <p>The City has a Council approved public art policy. A Council resolution was passed which allows the City to use Section 37 to collect financial contributions from low rise developments, for the sole purpose of funding public art.</p> <p>Planning for community facilities and amenities was done through the Future Urban Area Conceptual Master Plan process. Staff's preference is for community facilities to be planned and coordinated to concentrate amenities, as opposed to having smaller facilities dispersed throughout the City.</p>  |
| <b>Purpose Built Rental Housing</b><br><u>(Matter considered resolved)</u> | <ul style="list-style-type: none"> <li>Securing a minimum percentage of purpose-built rental housing units within the proposed subdivisions</li> </ul>                           | <p>DG Group has confirmed that 5% of low rise units (excluding medium density and mixed-use blocks) will have built-in secondary suites, in addition to the fact that they are permitted as of right in the zoning for all homebuyers and offered as options in all units which can accommodate the requirements such as a second access and parking, so that the buyer has the power to choose.</p> <p>Options to include purpose-built rental units can be re-visited in the residential mid-rise and mid-rise mixed-use blocks which are subject to site plan approval.</p> | <p>To secure 5% of low rise units containing a secondary suite in both plans (53 secondary suites total), for both applications, the following draft plan condition has been added:</p> <p>"That the Owner covenants and agrees to provide 5% of the low rise units with built-in secondary suites, to the satisfaction of the Director of Planning and Urban Design."</p> <p>The applicant has indicated that purpose-built rental units can be re-visited in the residential mid-rise and mid-rise mixed-use blocks during Site Plan Approval.</p>  |
| <b>Canada Post</b><br><u>(Matter considered resolved)</u>                  | <ul style="list-style-type: none"> <li>Concerned with location of mailboxes within the subdivisions. Preference would be to have them at the entrance to subdivisions</li> </ul> | <p>The City in consultation with Canada Post selects the most appropriate locations for centralized mail facilities.</p>   | <p>Staff have met with Canada Post to discuss the location guidelines and approval process with respect to community mailboxes.</p> <p>The developer consults with Canada Post to determine the appropriate locations based on Canada Post Site Selection Guide. When the locations are determined, they are indicated on the composite utility plan, which is then submitted to the City for final approval. This process is reflected in the draft plan of subdivision conditions for each of the respective plans.</p> <p>Generally, Canada Post is able to provide 48 addresses per mailbox. For Berczy Elgin this would require +/- 16 mailboxes and +/- 18 mailboxes for Berczy Warden. Locating this many mailboxes at community entrances would prove challenging.</p> <p>Based on these estimates and discussions with Canada Post, Staff recommend the mailboxes be dispersed throughout the community in close</p> |

|   |   |   |   |
|---|---|---|---|
|   |   |   | proximity to the dwellings they are serving in accordance with the Canada Post Site Selection Guide. Staff will continue to work with Canada Post to review the locations when approving the composite utility plan.  |
| <b>Tree replacement</b><br><u>(Matter considered resolved)</u>              | Increasing compensation requirements for the loss of mature trees, including the planting of backyard trees where feasible  | <p>Tree replacement is being undertaken in accordance with City of Markham standards or higher. Tree removal and replacement have been determined based on the City of Markham’s Trees for Tomorrow (2009) document following the Council of Tree and Landscape Appraisers (CTLA) Guide for Plant Appraisers (2000). A detailed Arborist Report was prepared by a Certified Arborist for each site. Recommendations for removals and compensation are made within these reports in accordance with the aforementioned City standards.</p> <p>In addition to trees being located within boulevards, trees and various other plantings will be provided within the stormwater management blocks, contributing to the overall number of trees planted within the draft plans.</p> <p>The only opportunity to accommodate a tree in a backyard is in the middle of the backyard due to the location of drainage infrastructure, and this location is not practical for many residents who want to enjoy the outdoor amenity space. Residents may not wish to have a large tree located in their backyard, particularly in denser neighbourhoods where yards are typically smaller. It is ultimately a homeowner’s preference whether they would like trees in their back yard or not.</p> | <p>Based on the Arborist Report submitted for Berczy Warden and using the subdivision compensation method of 2:1 + the appraisal value for trees over 40 DBH, the compensation value would be approximately \$530,000. Conversely using the infill development replacement method, the compensation value drops to \$316,800. Staff therefore recommend the subdivision compensation method continue to apply. Staff will continue to work with the Owner to determine the appropriate locations for compensation plantings.</p> <p>The City, led by the Operations department, is currently undertaking an update to the tree by-law and consolidation of tree compensation requirements to ensure all City departments use the same tree compensation method.</p> |
| <b>Fire (Sprinkler Requirements)</b><br><u>(Matter considered resolved)</u> | <ul style="list-style-type: none"><li>Investigating opportunities for the installation of residential fire sprinkler protection systems</li></ul>                         | Ontario Building Code requirements guide the use of sprinkler systems.  | <p>Typically, 2 storey single detached dwellings do not require sprinkler systems based on the Ontario Building Code (OBC) requirements. Outfitting these types of units with sprinkler systems is usually considered an alternative compliance solution due to changes in design (i.e. limited access, principal entrances facing a park/ amenity space, longer lane lengths, detached garages, etc.)</p> <p>The applicant has advised the townhouse blocks have attached garages, and lane lengths generally appear ~90m long with principal entrances facing public streets, which does not require automatic sprinkler systems installed for alternative compliance.</p> <p>It is the Owners responsibility to design in conformance with the OBC.</p>          |
| <b>Cycling Facilities</b><br><u>(Matter considered resolved)</u>            | <ul style="list-style-type: none"><li>Clarification as to where they will be located and whether they would be separated or contained within Multi Use Pathways</li></ul> | All cycling facilities are shown on Appendix D of the Council approved Berczy Glen Secondary Plan (cycling facilities provided on all collector roads).   | <p>The City requires in-boulevard multiuse pathway (MUP) on both sides of all collector roads, as per Map SP6 of the Secondary Plan, to connect directly to various community amenities, parks and schools; trails and pathways in the greenways; as well as future cycling facilities in the boundary roads (namely Elgin Mills Road East and Warden Avenue).</p> <p>In addition, the City will require that all local roads adjacent to the Berczy Creek are connected to the trail system within the greenways. A local road</p>   |

|   |  |  |   |
|---|--|--|---|
|   |  |  | <p>within the Berczy Warden draft plan will also be upgraded to include MUP as it provides a continuous interconnection between Warden Avenue and two parks.</p> <p>Figure 5.7a below from the Berczy Glen Community Design Plan identifies the conceptual trail and cycling network.</p>   |
| <p><b>Fences</b><br/><u>(Matter considered resolved)</u></p>                  | <ul style="list-style-type: none"><li>Clarifying ownership details for fences abutting private properties through Agreements of Purchase and Sale to mitigate potential confusion regarding maintenance responsibilities</li></ul> | <p>We will adhere to the approved City of Markham standard on fencing.</p>   | <p>Following internal discussion, including staff from Operations, the draft plan condition relating to fencing backing onto or flanking Open Space Blocks, Greenway, Park Blocks, School Blocks, or Stormwater Management Blocks, has been revised to require fencing to be placed, two (2”) inches from the property line, on the public property.</p> <p>It now reads as follows:</p> <p>“For all lots backing or flanking onto an Open Space Block , Greenway, Park Block, School Block or SWM Block, provide 1.5m high galvanized steel chain-link fence to be placed on the public property, two (2”) inches from the property line, as determined appropriate by the Director Planning;”</p> <p>This condition has the effect of controlling access to publicly owned lands and avoiding confusion over whose responsibility maintenance of the fence is. In addition, the type of material required has been changed from black vinyl chain-link to galvanized steel chain-link for improved durability and longevity.</p>  |
| <p><b>Back-to-Back Townhouses</b><br/><u>(Matter considered resolved)</u></p> | <ul style="list-style-type: none"><li>Where are the back-to-back units proposed, and will they come back to Council prior to approval?</li></ul>   | <p>Back-to-back units are located within the Berczy Warden plan. There are a total of 72 back-to-back units accommodated in 6 blocks, located one block south of Street ‘1’, immediately west of the Mixed-Use Mid-Rise block that is located at Street ‘1’ and Warden Avenue. These units are subject to a future “townhouse siting approval process” led by the Urban Design Department. It is a detailed internal review process which does not go back to Council. All townhouses, including back-to-back townhouses, are subject to the North Markham Urban Design Guidelines, the Berczy Glen Community Design Plan, and an architectural control process to ensure the built form is appropriate based on the Council approved vision for this community.</p> | <p>The 72 back-to-back townhouse units in the Berczy Warden draft plan are proposed in the ‘Residential Low Rise’ designation, as permitted in the Secondary Plan (via an amendment prior to final approval). The Berczy Glen Secondary Plan outlines a set of criteria for back-to-backs in the low-rise designation. The Secondary Plan criteria and Staff’s evaluation of each is outlined below:</p> <ul style="list-style-type: none"><li><b>Appropriate site location in terms of proximity to transit</b><br/>The back-to-back blocks (Blocks 252-257) are located less than 100m from collector road Street ‘1’, which will have transit, as well as in close proximity to Warden Avenue.</li><li><b>Appropriate lot widths to ensure the provision of on-street parking, street trees, and private amenity space</b><br/>The by-law proposes a minimum lot frontage of 6.7m for interior units and 8.1m for exterior units. Planning and Urban Design Staff are satisfied that these standards will provide for adequate on-street parking, street trees and private amenity space.</li><li><b>The proposed built form fronts on to a public road</b><br/>All 72 units’ front on to a public road.</li><li><b>The density of the proposal is consistent with the density range established in Section 8.2.1.4 of this Secondary Plan</b></li></ul> |

|  |  |  |   |
|--|--|--|---|
|  |  |  | <p>The back-to-back units are included within the ‘Residential Low Rise’ density calculation. The proposed density is 44.84 units per net hectare and the Secondary Plan density range is 25-45 units per net hectares.</p> <p>- <b>The proposed back to back townhouses are located in close proximity to public parks, where feasible</b></p> <p>The back-to-back units are all within 500m of the Neighbourhood Park (Block 308). The units closest to the Neighbourhood Park are located less than 100m from the Park. The units farthest from the Neighbourhood Park are located ~100m from a smaller park (Block 307).</p> <p>The back-to-back townhouses will be required to go through the Townhouse Siting Approval process as governed by the Site Plan Control By-law 262-94. The Townhouse Siting Approval process is administered by the Urban Design Department, and does not require Council approval.</p> |
|--|--|--|---|





**THE CONDITIONS OF THE CITY OF MARKHAM TO BE SATISFIED PRIOR TO RELEASE FOR REGISTRATION OF PLAN OF SUBDIVISION 19TM-18010 (BERCZY ELGIN HOLDINGS INC.) ARE AS FOLLOWS:**

**1.0     General**

- 1.1     Approval shall relate to a draft plan of subdivision prepared by KLM Planning Partners Inc., identified as Project No. P-2992, Drawing Number 19:4 dated March 24, 2020 subject to outstanding City comments being addressed including, but not limited the following redline conditions. The draft plan may be further redlined revised, if necessary, in order to meet the City's requirements:
  - To ensure reliability of access for Fire Department vehicles under all conditions two means of street access, independent of each other are to be provided into the development. The following access into the subdivision are to be completed:
    - Street '2' to Elgin Mills Road East identified as Fire Department access into the development.
  - A block of townhouses shall not exceed a distance of 45m. Alternative compliance may be proposed and will be subject to the approval of the Fire Chief.
  - 9 m inside turning radius be provided for all changes in direction of the fire route.
  - Minimum 12.0 m centerline turning radius provided throughout the site.
- 1.2     This draft approval shall apply for a maximum period of three (3) years from date of issuance by the City, and shall accordingly lapse on May, XX 2023 unless extended by the City upon application by the Owner.
- 1.3     The Owner acknowledges and understands that prior to final approval of this draft plan of subdivision, an amendment to the city's zoning by-laws to implement the plan shall have come into effect in accordance with the provisions of the Planning Act.
- 1.4     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 to the satisfaction of the City Solicitor.
- 1.5     The Owner agrees to obtain required approvals from York Region, the Toronto and Region Conservation Authority (TRCA) and any other applicable public agencies to the satisfaction of the Commissioner of Development Services.
- 1.6     Prior to the release for registration of any phase within this draft Plan of Subdivision, the Owner agrees to prepare and submit to the satisfaction of the City of Markham, all technical reports, studies, and drawings, including but not limited to, the master environmental servicing plan, transportation studies, functional

traffic designs, stormwater management reports, functional servicing reports, design briefs, detailed design drawings, noise studies, servicing and infrastructure phasing plan, etc., to support the draft Plan of Subdivision. The Owner agrees to revise the draft Plan(s) of Subdivision as necessary to address all outstanding comments and incorporate the design and recommendations of the accepted technical reports, studies, and drawings.

- 1.7 The Owner agrees not to register the draft Plan of Subdivision until such time the Class Environmental Assessment (Class EA) Study for the collector roads in the Future Urban Area (FUA) currently being carried out by the FUA participating landowners has been completed and approved. The Owner agrees to revise this draft Plan of Subdivision as necessary to incorporate the recommendations of the Class EA Study. The Owner further agrees that, notwithstanding the maximum right-of-way width for minor collector roads, if it is determined through further review and studies that additional right-of-way width is required to accommodate additional lanes, then the required right-of-way width shall be provided without compensation and without requiring an amendment to the Berczy Glen Secondary Plan.

- 1.8 The Owner acknowledges that the Class EA Study for Elgin Mills Road E is currently being carried out by the City. The Owner agrees to revise this draft Plan of Subdivision as necessary to incorporate the recommendations of the Class EA Study.

The Owner further agrees not to register any phase of the subdivision until such time a phasing assessment is completed, detailing the timing of road widening and intersection improvements required on Elgin Mills Road East to support the phasing plan for the Berczy Glen Community area.

- 1.9 Prior to registration of any phase in the subdivision, the Owner agrees that the City will require a phasing plan accepted by the City for the Berczy Glen Community area (the "Phasing Plan"). The Owner agrees to develop the lands in accordance with the Phasing Plan to the satisfaction of the Director of Engineering.
- 1.10 The Owner agrees to design and construct all required relocations of, and modifications to existing infrastructure, including but not limited to, sewers, watermain, light standards, utilities, stormwater management facilities, and roads to the satisfaction of, and at no cost to, the City of Markham.
- 1.11 The Owner agrees to pay to the City, all required fees, in accordance with the City's By-Law No. 211-83, as amended by Council from time to time.
- 1.12 The Owner agrees in the Subdivision Agreement or the Pre-Servicing Agreement, whichever comes first, to submit financial security for each phase of the draft Plan of Subdivision as required by the City of Markham, prior to the construction of any municipal infrastructure required to service that phase of development.



- 1.13 The Owner agrees to enter into a construction agreement and/or an encroachment agreement and/or any other agreement deemed necessary to permit the construction of municipal services, roads, stormwater management facilities or any other services that are required external to the draft Plan of Subdivision and that are required to service the proposed subdivision to the satisfaction of the Director of Engineering and the City Solicitor (the “External Works”). The Owner agrees to obtain a road occupancy permit if required and/or permission or license to enter, from the external land owners prior to commencing the External Works to the satisfaction of the Director of Engineering, Director of Operations and City Solicitor. The Owner further agrees to pay all costs associated with the construction of the External Works on lands owned by the City, to the satisfaction of the Director of Engineering.
- 1.14 The Owner agrees to include in the building permit application all mitigation recommendation from the geotechnical consultant to waterproof basements, which are below the ground water to the satisfaction of the Chief Building Official on a lot specific basis. The Owner further covenants and agrees that the acceptance of these measures will be subject to approval from the Chief Building Official.

## 2.0 Roads

- 2.1 The Owner agrees to provide names of all road allowances within the draft plan of subdivision, to the satisfaction of the City and the Regional Municipality of York (“the Region”).
- 2.2 The Owner agrees to design and construct all municipal roads in accordance with City standards and specifications.
- 2.3 The Owner agrees to provide temporary turning circles where required at the Owners cost and remove them and restore the streets to their normal condition at the Owners cost when required by the City, to the satisfaction of the City of Markham. The Owner agrees that the design of the temporary turning circles, and any implications on surrounding land use, shall be addressed in the Subdivision Agreement to the satisfaction of the City.
- 2.4 The Owner acknowledges and agrees that prior to registration of any phase of development, to update and finalize the Transportation Impact Assessment Study to include a road infrastructure phasing assessment for different phases of development within the Berczy Elgin and Berczy Warden draft plans of subdivision, reflective of the proposed Phasing Plan (defined in 1.10) and proposed timeline for the boundary roads widening and collector roads construction. The road infrastructure phasing assessment will define the timing for the required road improvements (boundary roads, internal roads, and Berczy Creek crossing) to be in place to support the number of residential units proposed

for each phase of development to the satisfaction of the Director of Engineering. Accordingly, the Owner agrees to:

- a) Implement the recommendations of the accepted Transportation Impact Assessment Study and road infrastructure phasing assessment; and
  - b) Convey to City, free of all costs and encumbrances, all property required for external roads to complete the road infrastructure as recommended in the accepted Transportation Impact Assessment Study and road infrastructure phasing assessment (the “External Roads”), or to make alternate arrangements for the External Roads to the satisfaction of the Director of Engineering and the City Solicitor; and
  - c) Enter into an agreement with the City and external landowners to permit construction of roads infrastructure and related services, that are required external to the draft Plan of Subdivision and that are required to service the proposed development, to the satisfaction of the Director of Engineering and the City Solicitor.
- 2.5 Prior to the registration of any phase of the subdivision, the Owner agrees to provide a basic 36 metre right-of-way for Elgin Mills Road East. All property lines shall be referenced from a point 18 metres from the centerline of construction on Elgin Mills Road and any lands required for additional turn lanes at the intersections will be conveyed to the City for public highway purposes, free of all costs and encumbrances, to the satisfaction of the Director of Engineering and the City Solicitor.
- 2.6 Prior to registration, the Owner acknowledges that revisions to Street 7 road geometry may be required to address related design and operational comments to the satisfaction of the Director of Engineering. The Owner further acknowledges that such revision will impact the immediate lot layout, which may require redline revisions.
- 2.7 Prior to registration, the Owner acknowledges and agrees that accesses to the residential mid-rise blocks shall be restricted to Street 3 and that the Owner shall determine the appropriate locations for future driveways along Street 3 within the context of the subject draft plan, to the satisfaction of the Director of Engineering.
- 2.8 Prior to registration, the Owner acknowledges and agrees that as part of the Transportation Impact Assessment Study, to identify locations where pedestrian crossovers are appropriate to support and maintain continuity of active transportation network to the satisfaction of the Director of Engineering. Furthermore, the Owner agrees to design and construct pedestrian crossovers, where required, to the satisfaction of the Director of Engineering. The pedestrian crossovers shall be constructed at the Owner’s sole cost.
- 2.9 Prior to registration, the Owner acknowledges and agrees that as part of the Transportation Impact Assessment Study, to confirm the timing to implement

traffic control signals at the Elgin Mills Road East / Street 2 intersection and the Elgin Mills Road East / Street 1 intersection, within the context of the subject development phasing and the Elgin Mills Road East widening, to the satisfaction of the Director of Engineering. Furthermore, should it be determined that traffic signals are required as part of any phase of development but before the widening of Elgin Mills Road East, the Owner agrees to design and construct traffic control signals including turn lane requirements for the said intersections to the satisfaction of the Director of Engineering. The traffic control signals and required turn lanes shall be constructed at the Owner's sole cost.

#### 2.10 Street '2':

- a) The Owner acknowledges that Street 2 within the Owner's subdivision constitutes approximately the east half of the right-of-way of Street 2 and the remainder of Street 2 right-of-way (the "Remainder Right-of-Way") is located on the adjacent lands with municipal address of 3319 Elgin Mills Road E owned by Monarch Berczy Glen Development Ltd. (the "Adjacent Lands"). Upon registration of the plan of subdivision, the Owner agrees to convey to City, free of all costs and encumbrances, all property required for the entire right-of-way of Street 2, or to make alternate arrangements for Street 2 to the satisfaction of the Director of Engineering and the City Solicitor.
- b) The Owner covenants and agrees to enter into an agreement with the City and the owner of the Adjacent Lands to permit construction of services, roads, stormwater management facilities or any other services that are required external to the draft Plan of Subdivision (or site plan) and that are required to service the proposed development, to the satisfaction of the Director of Engineering and the City Solicitor.

### 3.0 Tree Inventory and Tree Preservation Plan

- 3.1 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.
- 3.2 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, Site Alteration Permit or Pre-Servicing Agreement to the satisfaction of the Director of Planning and Urban Design.
- 3.3 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.

- 3.4 The Owner shall submit for approval from the Director of Planning and Urban Design, as part of the tree inventory and tree preservation plan and 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 require cash in lieu for tree replacement based on valuation of section b).
  - d) The requirement for the replacement or equivalent economic value following unauthorized tree removal or damage shall be determined by the City.
- 3.5 The owner acknowledges and agrees to implement the tree compensation schedule on a phase by phase basis, including submission of an updated Tree Inventory and Preservation Plan and Landscape Plans for each phase of development.

#### 4.0 Community Design

- 4.1 The Owner shall implement and incorporate all requirements of the approved Berczy Glen Community Design Plan into all landscape plans, architectural control guidelines, engineering plans and any other required design documents.
- 4.2 The Owner shall retain a design consultant to prepare architectural control guidelines to be submitted to the Director of Planning and Urban Design for approval prior to execution of the subdivision agreement.
- 4.3 The Architectural Control Guidelines shall include provisions requiring buildings to comply with the City's Bird Friendly Guidelines.
- 4.4 The Architectural Control Guidelines shall include provisions requiring a minimum of 5% of the low rise product be limited to having 2 risers or less at the front entrance.
- 4.5 The Owner shall retain a design consultant acceptable to the City's Director of Planning and Urban Design to implement the Architectural Control Guidelines.
- 4.6 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 control guidelines.

- 4.7 The Owner shall ensure that the design architect for any buildings within this draft plan of subdivision shall not also assume the role of control architect for this draft plan of subdivision.
- 4.8 The Owner acknowledges and agrees to submit townhouse siting applications for all lane-based townhouses in accordance with the City Site Plan Control By-Law 262-94, as amended, to the satisfaction of the City's Director of Planning and Urban Design.

## 5.0 Parks and Open Space

- 5.1 The Owner covenant and agrees that the parkland dedication requirement is 2.63 hectares, calculated at a rate of 1 hectare per 300 units, as specified in the Parkland Dedication By-law 195-90, and calculated as follows:

- Number of units  $788/300 = 2.63$  ha.

- 5.2 The Owner acknowledges and agrees that the parkland dedication for this draft plan of subdivision shall be a minimum of 2.63 ha, and that this satisfies the parkland dedication requirements for a total of up to but not exceeding the approved draft plan of subdivision unit count.
- 5.3 The Owner covenants and agrees to convey Park Block 207 to the City, free of all costs and encumbrances to the satisfaction of the Director of Planning and Urban Design, upon registration of the plan of subdivision.

| <b>Block Number</b> | <b>Area</b>     |
|---------------------|-----------------|
| Block 207           | 1.000 ha.       |
| <b>Total</b>        | <b>1.000 ha</b> |

- 5.4 Conveyance of Park Block 207 will satisfy a portion (1.000 ha.) of the parkland dedication for this development. Prior to registration, the remaining parkland dedication requirement (1.63 ha.) will be reconciled through one of the approaches listed below. The City reserves the right to require any one of these approaches or a combination thereof, at the discretion of the City's Director of Planning and Urban Design:
  - a) A Master Parkland Agreement entered into between the Berczy Glen land owner group and the City;
  - b) A redlined Draft Plan of subdivision providing additional land dedication;

- c) Any alternative arrangement at the sole discretion of the Director of Planning and Urban Design.
- 5.5 A letter of credit may be held for the remaining parkland dedication until an approach has been approved by the City's Director of Planning and Urban Design.
- 5.6 The Owner shall post approved copies of the Natural Heritage Restoration Plans for the Greenway and Open Space Blocks and Conceptual Park Development Master Plans for the parks in all sales offices for dwelling units within the draft plan of subdivision.

## 6.0 Landscape Works

- 6.1 Prior to the release for registration of every phase within this Draft Plan of Subdivision, the Owner shall submit landscape plans prepared by a qualified landscape architect based upon: the City of Markham FUA Urban Design Guidelines, the approved Architectural Control Guidelines, the approved Natural Heritage Restoration Plan, and the approved Berczy Glen Community Design, to the satisfaction of the Director of Planning and Urban Design and including the following:
  - a) For all public streets, streetscape plan and street tree planting in accordance with the City of Markham Streetscape Manual dated June 2009;
  - b) A specialized depth of topsoil (200mm) in the entire municipal boulevard to appropriately plant boulevard trees in accordance with the City of Markham Streetscape Manual dated June 2009;
  - c) For all corner lots provide privacy wood screen corner lot fencing as required;
  - d) Noise attenuation fencing as required;
  - e) For all lots backing or flanking onto an Open Space Block, Greenway, Park Block, School Block or SWM Block, provide 1.5m high galvanized steel chain-link fence to be placed on the public property, two (2") inches from the property line, as determined appropriate by the Director Planning and Urban Design;
  - f) For all open space, stormwater and walkway blocks provide landscaping;
  - g) A trail network;
  - h) Restoration works identified in the Natural Heritage Restoration Plan;
  - i) Any other landscaping as determined in the Community Design Plan, Architectural Control Guidelines and the Tree Inventory and Compensation Schedule.

- 6.2 The Owner shall construct all landscape works referred to in condition 6.1 in accordance with the approved plans at no cost to the City. The construction of trail network, item 6.1 g), may be eligible for Development Charge credits at the discretion of the Director of Planning and Urban Design.
- 6.3 The Owner shall not permit their builders to charge home purchasers for the items listed in condition 6.1.
- 6.4 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 6.1a)
- FENCING AS REQUIRED BY THE CITY
- 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 PARKS, WALKWAYS AND STORMWATER MANAGEMENT POND BLOCKS
- BUFFER PLANTING FOR OPEN SPACE, WALKWAY AND STORMWATER MANAGEMENT POND BLOCKS AND SINGLE LOADED STREET ALLOWANCES
- 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.”

## 7.0 Parkland Servicing

- 7.1 The Owner shall covenant and agree to rough grade, topsoil, seed and maintain, free of stock piles and debris, all, park blocks within the subdivision to the satisfaction of the Director of Planning & Urban Design. The park blocks shall be maintained until such time as the parks have been constructed and formally assumed by the City.
- 7.2 The Owner shall submit grading, servicing and survey plans by a qualified person for all park blocks, to the satisfaction of the Director of Planning & Urban Design.

- 7.3 The Owner shall provide a current geotechnical report by a qualified person all park blocks, to the satisfaction of the Director of Planning & Urban Design.

8.0 Trail System

- 8.1 The Owner acknowledges and agrees to implement a trail system in the Open Space and Greenway blocks as per the requirements of the Community Design Plan to the satisfaction of the City's Director of Planning and Urban Design and the City's Director of Engineering. The trail system may be implemented corresponding to the time of the conveyance of the Open Space and Greenway blocks containing sections of the associated Greenway restoration works, and/or the time of construction of restoration works, to the City's Director of Planning and Urban Design's satisfaction. The Owner agrees that the trail system shall be implemented and constructed through an agreement between the owners of this draft plan, the other land owners within Berczy Glen Secondary Plan area, and the City.

9.0 Financial

- 9.1 Prior to execution of the subdivision agreement, the Owner shall provide a letter of credit, in an amount to be determined by the Director of Planning and Urban Design, to ensure compliance with applicable tree preservation, ecological restoration landscape works and the under-dedicated portion of the parkland dedication requirement.
- 9.2 The Owner shall provide a Land Appraisal Report to the Manager of Real Property for the purpose of determining the required letter of credit amount contribution for the under-dedicated portion of the required parkland dedication. The Land Appraisal Report is subject to the City's terms of reference and conformance with the *Parkland Dedication By-law 195-90* and with the *Planning Act*.
- 9.3 That the Owner covenants and agrees to enter into a Section 37 Agreement to secure the provision of Public Art by the City, as required by implementing zoning by-law.

10.0 Municipal Services

- 10.1 The Owner agrees to design and construct all municipal services in accordance with City standards and specifications.
- 10.2 The Owner agrees to design the watermain system to service the development will have a minimum of two independent water supply points to provide for adequate system redundancy and looping for domestic and fire protection purposes to the satisfaction of the Director of Engineering.



- 10.3 The Owner agrees not to apply for any building permits until the City is satisfied that adequate road access, municipal water supply, sanitary sewers, and storm drainage facilities are available to service the proposed development.
- 10.4 The Owner agrees to revise and/or update the accepted functional servicing and stormwater management reports, if directed by the Director of Engineering in the event that field conditions show that the implementation of the servicing and stormwater management strategies recommended in the previously accepted functional servicing and stormwater management reports need to be modified.
- 10.5 The Owner acknowledges that the servicing of the lands requires construction of new sanitary sewers and, upgrades to the existing downstream sanitary sewer system that eventually connects to the York-Durham Sanitary Sewer on 16<sup>th</sup> Avenue. For this clause the construction of the new sanitary sewers and the upgrade to the existing downstream sanitary sewers are collectively referred to as the “Sanitary Upgrades”. The Owner agrees to pay the City upon execution of the subdivision agreement, the Owners’ share for the cost of the Sanitary Upgrades in accordance with the City’s’ Area Specific Development Charge to the satisfaction of the Director of Engineering.

Alternatively, the City may at its discretion permit the Owner to enter into a developers’ group agreement for the construction of the Sanitary Upgrades. The Owner agrees that any developers’ group agreement relating to the construction of the said upgrades shall be to the satisfaction of the Director of Engineering and City Solicitor, and that its costs to undertake such upgrades will be financially secured in the Owner’s subdivision agreement.

- 10.6 The Owner agrees, if the proposed sewers connect to existing downstream sewers that are not assumed by the City, to undertake and pay for a sewer video inspection program for the existing sewers to the satisfaction of the Director of Engineering. The Owner further agrees to do the sewer video inspection:
- a) Prior to the connection being made;
  - b) Upon the removal of the temporary bulkhead or as directed by the Director of Engineering; and
  - c) Upon all roads, parking lots, driveways in the Owners Subdivision having been paved to the final grades, sidewalks, walkways, multi-use paths constructed and boulevards sodded.

The Owner further agrees to provide securities for the video inspection and for flushing and cleaning the existing downstream sewers to the satisfaction of the Director of Engineering.

- 10.7 The Owner agrees that major overland flows from the subdivision will traverse through external lands not owned by the Owner. The Owner agrees to make the necessary arrangements with the adjacent property owner to construct the overland flow route(s) on the external lands to the downstream receiving stormwater management pond, and convey lands or easement required for the conveyance of overland flows to the satisfaction of the Director of Engineering.
- 10.8 The Owner acknowledges that the stormwater management pond shown as Pond # 2 in the Functional Servicing Report dated October 2019 prepared by SCS Consulting are on lands not owned by the Owner. Upon Registration of the plan of subdivision the Owner agrees to convey all property required for SWM Pond 2, free of all costs and encumbrances, to the City or make alternate arrangements to the satisfaction of the Director of Engineering and City Solicitor.

The Owner further agrees that should the Owner wish to proceed with the underground servicing work within the internal subdivision including works on the SWM Pond Land as a part of a pre-servicing agreement, the City at its discretion may permit subject to the Owner making necessary arrangements with any neighboring landowner for the works on the SWM Pond Land, and provide evidence indicating the Owner has permission to access the lands and construct the works on the SWM Pond Land, to the satisfaction of the City Solicitor and Director of Engineering, or their respective designates.

- 10.9 The Owner acknowledges that the sanitary sewer required to service the Owner's development will be required to be extended either along Warden Avenue and Major Mackenzie Drive east, or, through external lands east of Warden Avenue (the "External Lands") owned by the City and other property owner (s (the "External Owners"). In the event the Owner is required to advance the construction of the sanitary sewer extension through the External Lands to service the Owner's development, the Owner agrees to coordinate the design and alignment of the sanitary sewer extension with the External Owners and use best efforts to ensure the alignment of sanitary sewer extension will be in its ultimate location, to the satisfaction of the Director of Engineering. The Owner further agrees that any sewers not in its ultimate will be considered a temporary sewer ("Temporary Sewer") and will not be assumed by the City.

#### 11.0 Lands to be Conveyed to the City Easements

- 11.1 The Owner agrees to grant required easements to the appropriate authority for public utilities, drainage purposes or turning circles, upon registration of the Plan of Subdivision. The Owner also agrees to provide for any easements and works external to the draft Plan of Subdivision, including works within Hydro One Lands, necessary to connect watermain and storm and sanitary sewers to existing watermain, stormwater management facilities and sanitary sewers to the satisfaction of the City. The Owner agrees to construct the lands within the limit of the easement in a manner satisfactory to the Director of Engineering to

allow the municipal services within the easement to be properly maintained by the City.

- 11.2 The Owner agrees to convey 0.3 metre reserves at the end(s) of Streets 1, 3, 6, 7, 8, 10 and along south limit of Street 5 if required, to the City, and any additional reserves if requested, free of all costs and encumbrances, upon registration of the Plan of Subdivision.

## 12.0 Utilities

- 12.1 The Owner agrees that hydro-electric, telephone, District Energy System, gas and television cable services, and any other form of telecommunication services shall be constructed at no cost to the City as underground facilities within the public road allowances or within other appropriate easements, as approved on the Composite Utility Plan, to the satisfaction of the City of Markham and authorized agencies.
- 12.2 The Owner agrees to enter into any agreement or agreements required by any applicable utility companies, including Powerstream, Enwave, Enbridge, telecommunications companies, etc.
- 12.3 The Owner agrees 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.
- 12.4 The Owner agrees to include on all offers of purchase and sale a statement that advises prospective purchasers that mail delivery will be from a designated Community Mailbox. The Owners will further be responsible for notifying the purchasers of the exact Community Mailbox locations prior to the closing of any home sale.
- 12.5 The Owner covenants and agrees to provide a suitable temporary Community Mailbox location(s), which may be utilized by Canada Post until the curbs, sidewalks and final grading have been completed at the permanent Community Mailbox locations. This will enable Canada Post to provide mail delivery to new residents as soon as homes are occupied.
- 12.6 The Owner acknowledges and agrees that standard community mailbox installations are to be done by Canada Post at locations approved by the municipality and shown on the Composite Utility Plan. The Owner agrees that should it propose an enhanced community mailbox installation, any costs over and above the standard installation must be borne by the Owner, and be subject to approval by the City in consultation with Canada Post.

- 12.7 The owner shall covenant and agree in the subdivision agreement to be responsible for notifying the purchaser of the exact Community Mailbox locations prior to the closing of any unit sale.
- 12.8 The Owner shall covenant and agree in the subdivision agreement to provide the following for each Community Mailbox site and include these requirements on the appropriate servicing plans:
  - a) An appropriately sized sidewalk section (concrete pad) to place the Community Mailboxes on.
  - b) Any required walkway across the boulevard.
  - c) Any required curb depressions for wheelchair access.
- 12.9 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.
- 12.10 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.

### 13.0 Environmental Clearance

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

- 13.4 The Owner agrees that if, during construction of a phase within the draft Plan of Subdivision, contaminated soils or materials or groundwater are discovered, the Owner shall inform the City of Markham immediately, and undertake, at its own expense, the necessary measures to identify and remediate the contaminated soils or groundwater, all in accordance with the Environmental Protection Act and its regulations, to the satisfaction of the City of Markham and the Ministry of the Environment, Conservation and Parks.
- 13.5 The Owner agrees to assume full responsibility for the environmental condition of the lands comprising the draft Plan of Subdivision. The Owner further agrees to indemnify and save harmless the City, its directors, officers, Mayor, councilors, employees and agents from any and all actions, causes of action, suite, claims, demands, losses, expenses and damages whatsoever that may arise either directly or indirectly from the approval and assumption by the City of the municipal infrastructure, the construction and use of the municipal infrastructure or anything done or neglected to be done in connection with the use or any environmental condition on or under lands comprising the draft Plan of Subdivision, including any work undertaken by or on behalf of the City in respect of the lands comprising the draft Plan of Subdivision and the execution of this Agreement.

#### 14.0 Heritage

- 14.1 Prior to final approval of the draft plan of subdivision or any phase thereof, the Owners shall carry out a cultural heritage resource assessment for the lands within the draft plan to ensure the assessment and identification of appropriate treatment of built heritage and archaeological resources, and further to mitigate any identified adverse impacts to significant heritage resources to the satisfaction of the City (Commissioner of Development Services) and the Ministry of Culture. Demolition, grading, filling or any form of soil disturbances shall not take place on the lands within the draft plan which have not been assessed and cleared of archaeological potential through the issuance of a letter from the Ministry of Culture and acceptance of said letter by the City's Director of Planning and Urban Design, indicating that all matters relating to heritage resources on those specific lands have been addressed in accordance with licensing and resource conservation requirements.

- 14.2 The Owner shall covenant and agree in the subdivision agreement to implement any measures recommended by the heritage resource assessment, to the satisfaction of the City and the Ministry of Culture.
- 14.3 The Owner covenants and agrees to retain the Heritage Building (Lyon-Schell-Frisby House), known municipally as 3575 Elgin Mills Road, *in situ* or in another location within the Plan of Subdivision to be determined prior to Registration through consultation with the Heritage Markham committee and Heritage Section staff, to the satisfaction of the Director of Planning and Urban Design;
- 14.4 The Owner covenants and agrees to protect and conserve the Heritage Building through the following means:
- a) To keep the Heritage Building occupied for as long as possible prior to commencement of site/construction work to prevent vandalism and deterioration;
  - b) To maintain the Heritage Building in good and sound conditions at all times prior to and during the development of the property;
  - c) Once the Heritage Building is unoccupied, to undertake the following to prevent vandalism and deterioration:
    - secure and protect the building from damage through the requirements outlined in the City of Markham's Property Standards By-law (Part III – Heritage Buildings), and the Keep Markham Beautiful (Maintenance) By-law including Section 8 – Vacant Heritage Property;
    - erect a "No-trespassing" sign in a visible location on the property indicating that the Heritage Building is to be preserved onsite and should not be vandalized and/or scavenged; and
    - install an 8 ft. high fence around the perimeter of the house to protect the dwelling until the completion of construction in the vicinity or the commencement of long-term occupancy of the dwelling as confirmed by City (Heritage Section) staff.
- 14.5 Prior to final approval of the plan of subdivision or any phase thereof, the Owner is to implement the following measures to protect the Heritage Building:
- a) The Owner is to provide at its expense a legal survey of the Heritage Building to facilitate the registration of the designation by-law and Heritage Easement Agreement on the created/proposed lot(s);
  - b) The Owner is to enter into a Heritage Easement Agreement for the Heritage Building with the City;
  - c) The Owner is to permit the designation of the property under Part IV of the Ontario Heritage Act;
  - d) The Owner is to provide a Letter of Credit for the Heritage Building to ensure the preservation of the existing building within its lot (total

\$250,000). The letter of credit shall be retained for use by the City and shall not be released until the following has been addressed:

- construction and grading on the subject lands and adjacent lots, and roads have been completed to the satisfaction of the City (Commissioner of Development Services),
  - the building has been connected to municipal services,
  - the exterior restoration of the Heritage Building is complete,
  - the buildings meet the basic standards of occupancy as confirmed by the Building Standards Department, and
  - all other heritage requirements of the Subdivision Agreement have been completed;
- e) The Owner is to enter into a site plan agreement with the City for the Heritage Building, containing details on the site plan such as driveway, grading, connections to municipal services, trees to be preserved and detailed elevations outlining the proposed restoration plan, any additions and alterations, and any proposed garage.

14.6 The owner shall covenant and agree in the subdivision agreement to preserve the Heritage Building through the following means:

- a) to provide and implement a traditional restoration plan for the Heritage Building, prepared by a qualified architect with demonstrated experience in heritage restoration projects, that would be reviewed and approved by the City (Heritage Section). The restoration plan is to be included in a site plan agreement for the property and the work secured through a \$250,000 Letter of Credit as mentioned in clause 15.5 (d);
- b) to complete the exterior restoration of the Heritage Building, connection of all municipal services to the allocated lot (water, gas, hydro, cable, telephone etc.) and ensure basic standards of occupancy as confirmed by Building Standards Department within two years of registration of the plan of subdivision;
- c) to ensure that the architectural design and elevations of dwellings proposed for adjacent lots is compatible with the restored heritage dwelling;
- d) to ensure that the final proposed grading on the lots adjacent to Heritage Building is consistent with the existing historic grading of the Heritage Building lot;
- e) To ensure that the historic front of the Heritage Building retains a front yard appearance, the type of fencing should be limited to a low residential picket fence rather than privacy fencing;

14.7 The Owner shall covenant and agree in the subdivision agreement to prepare and implement a marketing plan, to the satisfaction of the Commissioner of Development Services, which details the ways and means the Heritage Building(s) will be marketed to prospective purchasers;

14.8 The Owner shall covenant and agree in the subdivision agreement to provide notice and commemoration of the Heritage Building through the following means:

- a) to provide and install at its cost, an interpretative baked enamel plaque for each Heritage Building(s), in a publicly visible location on the property. The plaque is to be designed according to the specifications of the "Markham Remembered" program, and outline the history of the house. Details of the design and location of the plaque are to be submitted for review and approval of the City (Heritage Section);
- b) to include the following notice in each Offer of Purchase and Sale for the Heritage Building:

“Purchasers are advised that the existing building on this property is designated pursuant to the Ontario Heritage Act, and is subject to a heritage easement agreement with the City of Markham. Any proposed additions or alterations to the exterior of the existing dwelling shall be subject to review and approval of plans by the City.”

14.9 The Owner shall covenant and agree in the subdivision agreement to arrange and implement the salvage of the lumber from the 1912 Frisby Barn, preferably by the Frisby family for a future new residence, secured through the Letter of Credit provided for in 14.5 (d);

14.10 Prior to final approval of the plan of subdivision or any phase thereof, the Manager of Heritage Planning shall advise that Conditions 14.1 to 14.9, inclusive, have been satisfied.

#### 15.0 Well Monitoring Program and Mitigation Plan

15.1 Prior to the finalizing of pre-servicing agreement or subdivision agreement, whichever is earlier, the Owner agrees to complete a hydrogeological assessment report to ensure there is no impacts to the shallow and/or deep groundwater and to any of the existing active wells found within the Zone of Influence (ZOI) as determined by the consultant. The Owner further agrees to implement any mitigation measures recommended in the hydrogeological assessment report to the satisfaction of the Director of Engineering.

#### 16.0 Streetlight Types

16.1 The Owner agrees to contact the Engineering Department 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.

#### 17.0 Development Charges

17.1 The City acknowledges and agrees that the portion of collector road right-of-way exceeding 23.5 metres width in the draft plan of subdivision are eligible for City Wide Development Charge Credits and agrees to reimburse the Owner for their



portion of the construction and property costs associated with roads identified as Street 2 (from Elgin Mills Road to south limit of subdivision) and Street 1 (Elgin Mills Road to south limit of subdivision) within the plan of subdivision. The maximum Development Charge Credits available to the Owner shall be the lesser of the Actual Capital Cost of the Works or the cost of the Works as established in the 2017 Development Charges Background Study and, shall be in accordance with the City's Development Charges Credit and Reimbursement Policy. The Owner and City acknowledge and agree that the cost included in the 2017 Development Charges Background Study for this portion of the works is nine hundred and sixty-nine thousand, four hundred and eighty dollars (\$1,560,196.00) and represents the maximum development charge credits to be granted.

- 17.2 The Owner further acknowledges and agrees that a collector road, Street 2, in the Owner's draft plan of subdivision has a right-of-way partially within lands not owned by the Owner. The Development Charge Credit for Street 2 will be applied to the landowner that has acquired and owns the lands that comprise the full right-of-way of the collector roads and advances the construction of such collector roads.

#### 18.0 Other City Requirements

- 18.1 Prior to final approval of the draft plan or any phase thereof, the Owner shall enter into a Developers Group Agreement(s) to ensure the provision of community and common facilities such as school sites, municipal services, parks and public roads in the Berczy Glen Secondary Plan area, to the satisfaction of the City (Commissioner of Development Services and City Solicitor), and a certificate confirming completion of such agreement(s) shall be provided to the City by the Developers Group Trustee to the satisfaction of the City Solicitor.
- 18.2 That the Owner covenants and agrees to provide written clearance from the Trustee of the Berczy Glen Secondary Plan Landowners Group respecting all of the lands within the draft plan, prior to registration of the draft plan for the proposed development or any portion of the subject lands within the draft plan, to the satisfaction of the Director of Planning and Urban Design.
- 18.3 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:

Parks 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 sites by type; commercial sites 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.

- 18.4 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.
- 18.5 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.
- 18.6 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.
- 18.7 The Owner shall acknowledge and agree in the subdivision agreement that to ensure reliability of access for Fire Department vehicles under all conditions, two means of street access, independent of one another are to be provided into the development. The following access into the subdivision are to be completed:
  - Street '2' to Elgin Mills Road East identified as Fire Department access into the development.

At no time shall either approved Fire Department vehicle access into the development be obstructed by any means (fencing, concrete barriers or other). This provision includes during daily construction, afterhours, weekends and holidays. It shall be the Owners responsibility to secure the site without obstructing these access points.
- 18.8 The Owner shall acknowledge and agree that single detached dwelling laneways shall not exceed 120.0 metres and townhouse and Single detached laneways with detached garages shall not exceed 90.0 metres.
- 18.9 The Owner shall covenant and agree in the subdivision agreement to include warning clauses in agreements of purchase and sale for all units with single car garages advising purchasers of the following:
  - a) the City's parking by-law requires a minimum of two parking spaces, one in the driveway and one in the garage;

- b) the City's zoning by-law restricts the width of the driveway, this width does not allow two cars to park side by side; and,
  - c) overnight street parking will not be permitted unless an overnight street parking permit system is implemented by the City
- 18.10 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.
- 18.11 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.
- 18.12 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.
- 18.13 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.
- 18.14 The Owner covenant and agrees in the subdivision agreement to implement the strategy and actions of the Community Energy Plan in support of the City's net zero emissions by 2050 objective, to the satisfaction of the Director of Sustainability and Asset Management and the Director of Planning and Urban Design.
- 18.15 That the Owner covenants and agrees to provide 5% of the low rise units with built-in secondary suites, to the satisfaction of the Director of Planning and Urban Design.

## 19.0 York Region

- 19.1 The following conditions shall be included in the Subdivision Agreement:

- a) The Owner shall save harmless the City of Markham and York Region from any claim or action as a result of water or sanitary sewer service not being available when anticipated.
- b) The Owner shall agree that the proposed direct connection of the 600mm diameter watermain on Warden Avenue to the Region's 1050mm diameter watermain on Major Mackenzie Drive shall be designed, installed and commissioned to the satisfaction of the Region.
- c) The Owner shall agree to provide a vehicular and pedestrian interconnection from Block 203 (as shown on DWG.No.-19:4) to the properties located at 3655, 3693, 3695 Elgin Mills Road, 10726 Warden Avenue and the lands located at the southwest corner of the Elgin Mills Road and Warden Avenue intersection.
- d) The Owner shall agree to include the following clause in the subsequent Purchase and Sale Agreement, Site Plan Agreement, Condominium Agreement and Declaration of Condominium Agreement:  
  

“THE OWNER UNDERSTANDS AND ACKNOWLEDGES THAT A VEHICULAR INTERCONNECTION WILL BE PROVIDED TO THE PROPERTIES LOCATED AT 3655, 3693, 3695 ELGIN MILLS ROAD AND 10726 WARDEN AVENUE. THE VEHICULAR INTERCONNECTION WILL BE PROVIDED EITHER AT THE TIME WHEN IMPROVEMENTS ARE MADE TO ELGIN MILLS ROAD AND AN ACCESS MANAGEMENT PLAN IS PROVIDED OR WHEN REDEVELOPMENT ON THESE LANDS OCCUR.”
- e) The Owner shall agree that private access to Elgin Mills Road will not be permitted. All private access shall be provided via local roads or lane-ways, where appropriate. This will apply to Block 202 & 203 (as shown on DWG.No.-19:4).
- f) The Owner shall agree to include the following clause in the subsequent Purchase and Sale Agreement, Site Plan Agreement, Condominium Agreement and Declaration of Condominium Agreement:  
  

“THE OWNER UNDERSTANDS AND ACKNOWLEDGES THAT A VEHICULAR ACCESS WILL NOT BE PERMITTED TO ELGIN MILLS ROAD FROM BLOCKS 202 & 203 (AS SHOWN ON DWG.No.-19:4)”
- g) The Owner shall agree, in wording satisfactory to Development Engineering, to implement the recommendations of the Transportation Mobility Plan Study, Transportation Demand Management and the Detailed Phasing Plan, to the satisfaction of the Region.

- h) The Owner shall agree to reserve an unobstructed location for the future construction of passenger standing areas/shelter pads identified below:

On Street: Elgin Mills Road East

At Street: Street 1

Location: SW corner

Standard Specifications: 1.01

Standard Specifications: 1.02

Landscaping should not interfere with the bus stops, passenger standing areas, shelters or corner sightlines. Bus stops located in front of the employment areas shall be incorporated into the landscape design.

- i) The Owner shall agree, in wording satisfactory to Development Engineering, to advise all potential purchasers of the existing and future introduction of transit services. The Owner/consultant is to contact YRT Contact Centre (tel. 1-866-668-3978) for route maps and the future plan maps.

19.2 The Owner covenants and agrees that prior to final approval of the plan, that:

- a) York Region shall confirm that adequate water supply and sewage 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.
- b) The road allowances included within the draft plan of subdivision shall be named to the satisfaction of the City of Markham and York Region.
- c) The Owner shall agree that the following lands will be conveyed to City of Markham for public highway purposes, free of all costs and encumbrances, to the satisfaction of City of Markham Solicitor:
- a widening across the full frontage of the site where it abuts Elgin Mills Road of sufficient width to provide a minimum of 18 metres from the centreline of construction of Elgin Mills Road and any lands required for additional turn lanes at the intersections, and
  - 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 Elgin Mills Road and adjacent to the above noted widening(s).
- c) The Owner shall provide a Master Environmental Servicing Plan Transportation Study, to the satisfaction of the Region.

- d) The Owner shall provide a detailed phasing plan for the Berczy Glen Secondary Plan, to the satisfaction of the Region.
- e) The Owner shall provide a Transportation Mobility Plan Study based on the updated Master Environmental Servicing Plan Transportation Study, to the satisfaction of the Region, to the satisfaction of the Region.
- f) Concurrent with the submission of the subdivision servicing application (MECP) to the area municipality, the Owner shall provide a set of engineering drawings, to Development Engineering, Attention: Manager, Development Engineering, that includes the following drawings:
  - i) Plan and Profile for the road and intersections;
  - ii) Grading and Servicing;
  - iii) Intersection/Road Improvements, including the recommendations of the Traffic Report;
  - iv) Signalization and Illumination Designs;
  - v) Requirements of York Region Transit/Viva;
  - vi) Sidewalk locations, concrete pedestrian access to existing and future transit services and transit stop locations as required by York Region Transit/Viva;
  - vii) Functional Servicing Report;
  - viii) Stormwater Management Report;
  - ix) Water supply and distribution report and model.
- g) The Owner shall provide a copy of the executed Subdivision Agreement to the Regional Corporate Services Department, outlining all requirements of the Corporate Services Department.
- h) 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.
- i) The Regional Corporate Services Department shall advise that Condition 20 has been satisfied.

## 20.0 Toronto and Region Conservation Authority

- 20.1 The Owner shall covenant and agree in the subdivision agreement that *prior to* any development, pre-servicing or site alteration, or registration of this plan or any phase thereof, the applicant shall submit and attain the approval of the TRCA for:
  - a) A comprehensive stormwater management report identifying all interim and permanent stormwater servicing and all associated phasing. This report must

identify all of the proposed stormwater management facilities to which the subject lands will drain and provide details with respect to the interim stormwater servicing that is to be employed prior to all of the ultimate facilities located off of the subject property being fully operational. This report shall identify phasing and sequencing of the transition from interim to permanent facilities, and identify all interim drainage routes between the subject property and all adjacent stormwater management ponds, which may be required prior to permanent infrastructure being available. Detailed design shall be provided for all interim stormwater management ponds that may be required to service the subject lands prior to permanent facilities being available.

- b) A final Environmental Impact Study (EIS), including detailed impact mitigation, restoration and enhancement recommendations and plans to the satisfaction of the TRCA. This report shall also outline measures to be taken to avoid contravention of the Migratory Birds Convention Act.
- c) Detailed engineering report and plans for the proposed development of the subject lands, and how it will comply with all related Master Environmental Servicing Plan and TRCA requirements, to the satisfaction of the TRCA. This report and plans shall include:
  - i) plans illustrating how this drainage system will tie into surrounding drainage systems and storm water management techniques which may be required to control minor or major flows. Confirmation must be provided with respect to how target flows as identified in the subwatershed study and within the approved MESP will be achieved during and post-development;
  - ii) appropriate Stormwater Management Practices (SWMP's) to be used to treat stormwater, to mitigate the impacts of development on the quality of ground and surface water resources (including thermal and turbidity impacts). This must include identification of potential construction and permanent impacts to impacted or receiving natural systems;
  - iii) proposed methods for controlling or minimizing erosion and sediment on-site in accordance with current Erosion and Sediment Control (ESC) guidelines utilized by the TRCA. ESC plans and an ESC report must address phasing and staging, demonstrate how impacts to the NHS will be mitigated. The report will also have specific plans for ESC monitoring and reporting, as required by TRCA. All areas to be protected must be effectively isolated through appropriate measures prior to any site alteration being initiated. The ESC report and strategy shall also integrate all relevant mitigation measures included in the EIS. As part of the Erosion and Sediment Control Report, the identification of vulnerable receiving features is required;

- iv) the integration of Low Impact Development (LID) measures and source and conveyance controls to mimic to the extent possible, pre-development hydrology and to reduce post-development runoff volumes. Multiple LID measures shall be used as part of an overall treatment train approach, consistent with the subwatershed study, to the satisfaction of the TRCA. the size and location of all LID measures associated with this development shall be confirmed to the satisfaction of the TRCA. Specific site water balance targets, and methods and locations for implementation of LIDs shall be provided;
- v) identification and quantification of the specific measures that are being employed to ensure that there will be no predicted erosion related impacts on downstream areas (during and post construction), which are to be integrated into the stormwater management plan to the satisfaction of the TRCA. The report must identify in detail, how downstream erosion associated with flows generated from this development is being avoided;
- vi) detailed design of all proposed infiltration and low-impact development measures that are to be employed, demonstrating that TRCA's requirements, which include but are not limited to quality and quantity requirements, have been satisfied. Demonstration of how the receiving stormwater management ponds are being managed during the construction phase while some or all of the LIDs are not in operation;
- vii) demonstrate how the pre-development drainage patterns are being preserved, post- development (to the greatest extent possible), in accordance with the approved MESP. The report shall include an impact mitigation report which demonstrates how construction and development shall minimize the potential impacts any flow diversion on the natural systems on or off the subject property, and including any broader impacts upon the sub watershed. Alterations to the approved drainage patterns in the Subwatershed Study (SWS) will require a reassessment of the SWS model utilized, and model calibration to demonstrate how the feature-based water balance is maintained;
- viii) all stormwater outfalls, outflow channels and/or flow dispersal measures associated with stormwater management discharge, be designed to incorporate TRCA's design guidelines. This includes regard for additional enhancements to water quality, quantity control, mitigation of thermal impacts to the receiving habitat, reduce potential erosion and maximize potential infiltration, and integrate naturalized outlet channels where applicable, to the satisfaction of the TRCA;
- ix) all applicable plans illustrating that all works, site alterations, construction staging, or materials associated with these activities, will



not encroach or be placed on lands to be conveyed to a public agency as part of this plan of subdivision;

- x) identification of any proposed FDCs, with an assessment of anticipated flow volumes, and potential opportunities to promote infiltration or appropriately convey the groundwater to the Natural Heritage Features. The FDC outlet locations shall be coordinated with adjacent landowners to minimize impacts and maximize potential benefits. The SWS model may need to be updated and the Feature Based Water Balance should be updated to account for any such measures;
- xi) a comprehensive assessment of the construction methodology, area of impact, phasing, impact mitigation, contingency measures, stabilization and restoration proposed for all infrastructure crossings proposed within the Greenway system for all such infrastructure being constructed by the developer.

20.2 The Owner shall covenant and agree in the subdivision agreement that *prior to* any development, pre-servicing or site alteration, the applicant shall demonstrate that suitable arrangements have been made with adjacent landowners on which all requisite stormwater management facilities have been proposed, to allow for the construction and operation of the proposed interim and/or permanent facilities. And, that the owner demonstrates that arrangements have been made for all requisite interim conveyance channels and measures to remain in place on external lands, until such time permanent infrastructure is available to convey stormwater from the subject lands to off-site stormwater management ponds.

20.3 The Owner shall covenant and agree in the subdivision agreement that *prior to* any development, pre-servicing or site alteration, the applicant shall submit and attain the approval of the TRCA for:

- a) An adequate hydrogeological assessment, demonstrating that the groundwater related requirements of the SWS and MESP are being met or exceeded. The report shall:
  - i) provide a ground water constraint assessment that will examine existing and proposed ground water levels in relation to the proposed development, underground construction and servicing and stormwater management infrastructure. Interactions between untreated (or insufficiently treated) surface and groundwater, shallow ground water, any necessary mitigation and dewatering requirements must be identified.
  - ii) Assess the need for liners associated with the stormwater management system, and suitable liners shall be provided where necessary. All underground construction and infrastructure must be designed to not

require permanent dewatering, and any potential impacts to the groundwater system that may result from the development must be assessed and mitigated;

- iii) Provide information detailing all anticipated temporary or passive dewatering that may be required during the construction phase, including anticipated volumes, duration, discharge locations, and filtration media - as required, to the satisfaction of the TRCA.
- b) Detailed water balance and feature-based water balance assessments that will identify measures that will be implemented during construction and post-construction to: mimic the pre-development surface and groundwater water balance to the greatest possible extent; maintain pre-development flow regimes and hydroperiods (e.g. quality, volume, rate, duration, timing, frequency and spatial distribution of water) to significant natural features - including but not necessarily limited to wetlands, watercourses, woodlands; provide for on- site retention of precipitation on-site in accordance with the SWS and MESP to the satisfaction of the TRCA; mitigate against any potential on-site or downstream erosion associated with the stormwater management system; maintain and not exceed target flows to downstream wetlands and watercourses, to the satisfaction of TRCA staff. This study must provide detailed design of the system(s), and implementation information and measures, including adaptive management and monitoring. A detailed terms of reference shall be provided to TRCA, and to the satisfaction of TRCA prior to the completion of the report.
- c) Provide a comprehensive monitoring plan to assess the functioning and effectiveness of proposed stormwater LID (in accordance with the MESP), FDC and source and conveyance measures.
- d) the applicant attains all Ontario Regulation 166/06 permits from the TRCA for all works proposed on the subject property for which permits would be required, and those related to any associated infrastructure or stormwater management works required to support this development. No grading, pre-servicing or temporary stormwater management works are to be initiated until such time as a permit from the TRCA and all requisite TRCA approvals are attained;
- e) To provide for all warning clauses and information identified in TRCA's conditions.
- f) That the applicant provide confirmation that they are aware of their responsibilities with respect to all necessary approvals under the Endangered Species Act, and that they commit to attain all necessary approvals.

- g) That the owner agrees in the subdivision agreement, in wording acceptable to the TRCA;
  - i) to carry out, or cause to be carried out, to the satisfaction of the TRCA, the recommendations of the technical reports and plans referenced in TRCA's conditions, including but not limited to the mitigation measures outlined in the Environmental Impact Study, completed to the satisfaction of TRCA;
  - ii) implement on-site erosion and sediment control plans as well as monitoring in accordance with current TRCA standards or MECP/MNRF Silt Smart as applicable;
  - iii) to protect LIDs during construction, and to maintain all stormwater management, and erosion and sedimentation control structures operating and in good repair during the construction period;
  - iv) to implement all water balance/infiltration measures identified in the water balance study and feature based water balance that is to be completed for the subject property to TRCA's satisfaction;
  - v) to implement the water balance, feature based water balance, LID and adaptive management monitoring programs and provide the requisite funding and securities for the full duration of the monitoring to the satisfaction of the TRCA;
  - vi) that prior to a request for registration of any phase of this subdivision – should registration not occur within 10 years of draft approval of this plan - that the owner consult with the TRCA with respect to whether the technical studies submitted in support of this development remain to meet current day requirements, and that the owner update any studies, as required, to reflect current day requirements.
  - vii) To implement or provide the funding required for the implementation of all restoration and enhancement plantings and works to the satisfaction of TRCA and City of Markham. And, to provide a three-year monitoring and warranty on all planted materials.
- h) That a warning clause be included in all agreements of purchase and sale, and information be provided on all community information maps and promotional sales materials for private lots or blocks on which infiltration related infrastructure such as LID's, rear yard swales and catch basins are located which identifies the following:
  - i) "That underground and/or surface stormwater management infrastructure is located on the subject property, which forms an integral

part of the stormwater management infrastructure for the community. It is the owner's responsibility for the long-term maintenance of this system by ensuring that proper drainage is maintained. Grading within the rear yard, such as swales which convey stormwater to this system must remain in their original form."

- i) That the size and location of all proposed stormwater management blocks - to which the subject lands drain - be confirmed to the satisfaction of the TRCA. And, if required to meet TRCA requirements, red-line revisions be made to the plan to expand these blocks, or modify their size or configuration into surrounding lands within this subdivision which are currently proposed for development.
- j) That the size and location of all Low Impact Development (LID) stormwater management measures associated with this development be confirmed to the satisfaction of the TRCA. And, if required to meet TRCA requirements, red-line revisions be made to the plan to provide for necessary blocks within the Plan, or modify their size or configuration into surrounding lands within this subdivision which are currently proposed for development.
- k) That the draft plan be red-line revised, if necessary, in order to meet the requirements of TRCA's conditions.
- l) That the owner acknowledges that should this draft approval expire prior to registration of all phases, that the owner may be asked to address any changes to the natural hazard conditions or established technical standards in place as of that date, which may necessitate the need for modifications to the plan.

#### 21.0 Ministry of Natural Resources (MNR)

21.1 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.

#### 22.0 York Catholic District School Board

22.1 That the Owner shall enter into an agreement satisfactory to the York Catholic District School Board for the transfer of Block 206.

22.2 That the Owner shall agree in the subdivision agreement in wording satisfactory to the York Catholic District School Board that prior to final approval:

- a)

- i. That the owner shall provide to the Board copies of its servicing, grading, drainage and landscape plans of Plan of Subdivision SU 18 235522 prior to their finalization for the Board's approval, such approval not to be unreasonably withheld or delayed.
  - ii. To grade the school site to conform to the overall grade plan of the subdivision and in doing so shall replace any topsoil disturbed in the grading process and at the same time sod/seed the same lands. If, in compliance with this clause, the addition of engineered fill, the removal of existing soil, or, in any way, the alteration of existing grading results in increased costs of construction to the Board, then, and in that event, the Owner shall, upon demand, reimburse the Board for such additional costs.
  - iii. That if the removal of existing soil is greater than 4 feet in depth, remediation will be monitored and inspected by a qualified 3rd party consultant.
- b) To remove all trees and structures on Block 206, as determined by the Board.
- c) That Block 206 shall not be used for any interim control measures, including, but not limited to stockpiling of topsoil and other materials, storage of construction equipment as well as environmental control measures such as storm water management and siltation ponds.
- d) The Owner will, at its expense:
  - i. Construct and maintain temporary post and wire fencing on all boundaries of the Lands no later than the date of application of the base coat of asphalt on such roads on which the Lands abut to the specifications outlined in "Schedule A";
  - ii. Prior to the occupancy of adjacent residential lands, replace the temporary post and wire fencing along the boundary between the Lands and such adjacent residential lands with a 6 gauge galvanized chain link fence 1.8 metres in height, the side of which fence facing such residential lands to be placed two (2") inches inside the Lands from the boundary thereof, with the mesh on the Board side of the property;
  - iii. Prior to Completion, replace the temporary post and wire fencing then remaining with a 6 gauge galvanized chain link fence 1.8 metres in height on all other boundaries of the Lands as the Board may, no less than 60 days prior to Completion, direct.

- e) To erect on the school site at such time as the school access street is constructed a visible sign with the dimensions and containing the words in the order, form and configuration as duly required. (Please refer to the attached "Schedule B")
- f) To post "No Dumping" signs with the by-law number posted along the perimeter fence as required by the Board.
- g) To provide the foregoing at no cost to the Board.

22.3 That the Owner shall submit, at no cost to the Board, a report from a qualified consultant concerning:

- a) The suitability of Block 206 for construction purposes relating to soil bearing factors, surface drainage and topography and or grading plan. There shall be a minimum of 12 boreholes on the school site, in locations as approved by the Board.
- b) Phase 1 Environmental Testing reports for the school site to ensure the site is clear and free of all contaminates and unfit soil, as well as Phase 2 if required.
- c) The availability of natural gas, electrical, water, storm sewer, sanitary sewer, telephone and cable television services in a location along the property line. The location and specification of the above services shall be approved by the Board prior to installation. If these services are to be installed following the initial phase(s) of development, the Owner shall submit a letter to the Board, stating that the Owner will consult the Board prior to installation of services and obtain Board approval.
- d) A complete Transportation Master Plan.

22.4 That the Owner shall submit, at no cost to the Board, a certificate from the City of Markham confirming the following as they relate to a new school facility:

- a) The availability of a satisfactory water supply (both domestic and fire).
- b) An acceptable method of sewage disposal.
- c) Adequacy of electrical services.
- d) The availability of a satisfactory natural gas supply.
- e) That an adequate storm water management facility has been designed to accommodate a school site and ensure that water retention will not be required on this site.

- 22.5 The Owner shall supply the Board a certificate, from the local hydro authority, confirming an adequate capacity for a new school and that the Board will not incur future upstream costs.
- 22.6 That the Owner shall agree in words acceptable to the York Catholic District School Board, that the services referred to in Condition 22.3, complete with inspection manholes shall be installed at the property line of said school site and positioned as designated by the Board, at no cost to the Board, allowing time for Board approval of the design of said services prior to the registration of the plan.
- 22.7 That the owner shall prior to closing, register a restrictive covenant running with all lands abutting Block 206 which shall prohibit installation in any fence constructed along any boundary of Block 206, of any gate or access point from such abutting lands to Block 206.
- 22.8 That the Owner covenants and agrees that a clause will be inserted in all Agreements of Purchase and Sale of residential lots and units within the Subdivision a clause providing as follows:
- “The construction of a Catholic School on a designated site is not guaranteed. Purchasers are advised that sufficient accommodation may not be available for students residing in this area, and you are notified that students may be accommodated in temporary facilities and/or bussed to existing facilities outside the area. The Board will in its discretion designate pick-up points for students who qualify for transportation”.
- 22.9 That the Owner covenants and agrees that a clause will be inserted in all Agreements of Purchase and Sale for residential lots and units abutting the Lands stating that:
- “TEMPORARY FACILITIES/PORTABLES MAY BE PLACED ON THE LANDS IN ORDER TO ACCOMMODATE STUDENTS IN EXCESS OF THE CAPACITY OF THE SCHOOL BUILDING”.
- 22.10 That in order to support walkable communities and School Travel Planning, sidewalks are to be provided throughout the community, at a minimum of 1 side of each municipal roadway within Plan of Subdivision SU 18 235522.
- 22.11 That roundabouts shall not be located adjacent to Block 206.
- 22.12 The Owner shall agree to include the following clause in the subsequent Purchase and Sale Agreement, Site Plan Agreement, Condominium Agreement and Declaration of Condominium Agreement:
- “THE OWNER UNDERSTANDS AND ACKNOWLEDGES THAT VEHICULAR ACCESS FROM BLOCK 202 ONTO STREET 3 ADJACENT TO BLOCK 206 SHALL ONLY CONSIST OF A SINGULAR ACCESS POINT / PRIVATE ROAD,

AND IS SUBJECT TO THE APPROVAL/CONSENT OF THE YORK CATHOLIC DISTRICT SCHOOL BOARD”

- 22.13 That prior to final approval, the owner agrees to coordinate a site walk with Board staff to visually inspect Block 206.

23.0 York Region District School Board

- 23.1 That prior to final approval, the owner shall have made Agreement satisfactory to the York Region District School Board for the transfer of a partial public elementary school site. The partial public secondary school site, Block 205, shall contain not less than 2.008 hectares (4.96 acres).

- 23.2 That the owner shall agree in the Subdivision Agreement in wording satisfactory to the York Region District School Board:

- a) to grade the school site and in doing so compact, fill with clean material, replace any topsoil disturbed in the grading process and at the same time sod/seed the same lands to specifications determined by the Board;
- b) to remove any buildings on the school site;
- c) to remove trees, as required to accommodate school layout;
- d) to provide a letter of credit pertaining to stockpiling and removal of topsoil, by taking the volume of topsoil to be stored upon the school site and multiplying such volume by 200% of the current market prices for waste material disposal, as set forth in the latest version of Hanscomb's Yardsticks for Costing, Cost Data for the Canadian Construction Industry, to the satisfaction of the York Region District School Board;
- e) to remove stockpiled topsoil within 30 days of written notice by the Board and in doing so compact, fill with clean material, replace any topsoil disturbed in the grading process and at the same time sod/seed the same lands to specifications determined by the Board;
- f) to construct a black vinyl coated chain link fence, Type II 1½“ mesh, 1.8 m high along all boundaries of the school blocks, including road frontage(s) at the discretion of the Board;
- g) to construct the fences prior to the issuance of building permits for Phase 1 of the subdivision;



- h) to erect and maintain a sign on the public school site at such time as the relevant access roads are constructed, indicating that the date has not been set for the construction of the school;
  - i) to provide a geotechnical investigation and Phase 1 and Phase 2 environmental site assessment conducted by a qualified engineer. For an elementary school site, a minimum of eight boreholes shall be required and for a secondary school site a minimum of sixteen boreholes shall be required;
  - j) to provide the foregoing at no cost to the Board; and,
  - k) to assume any upstream and downstream charges for hydro, natural gas, sanitary and storm drainage, and water supply.
- b) That the owner shall submit to the York Region District School Board, at no cost to the Board, a letter from a qualified consultant concerning:
- i) the suitability of the school site for school construction purposes, relating to soil bearing factors, surface drainage, topography and environmental contaminants; and,
  - ii) the availability of natural gas, electrical, cable, water, storm sewer and sanitary sewer services.
- c) That the Owner shall agree in the Subdivision Agreement, in wording acceptable to the York Region District School Board that the services referred to in Condition b) ii) shall be installed to the mid-point of the frontage of the school site and positioned as designated by the Board, at no cost to the Board.
- d) That prior to final approval, the Owner shall submit to the School Board an environmental impact study for the school block, initial set of engineering plans for review and approval, and subsequently, a copy of the final engineering plans as approved by the City of Markham which indicate the storm drainage system, utilities, and the overall grading plans for the complete subdivision area.
- e) That prior to final approval, the local hydro authority shall have confirmed in writing to the Board that adequate electrical capacity will be supplied to the school site frontage by the developer at no cost to the Board.
- f) That prior to final approval, the local hydro authority shall have confirmed in writing to the Board that they are satisfied that payment

for any upstream and downstream charges will be made by the original developer.

- g) That the subdivision agreement includes warning clauses advising the City of Markham, property owners and purchasers of lots within the draft plan that unless the provincial funding model provides sufficient funds to construct new schools, there can be no assurance as to the timing of new school construction nor a guarantee that public school accommodation will be provided within the subject plan notwithstanding the designation of the school site.
- h) That the York Region District School Board shall advise that conditions a) to g) inclusive have been met to its satisfaction. The clearance letter shall include a brief statement detailing how each condition has been satisfied or carried out.

#### 24.0 External Clearances

24.1 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) Canada Post shall advise that Conditions 12.3 to 12.9 have been satisfied.
- b) The Ministry of Culture shall advise that Conditions 14.1 and 14.2 have been satisfied.
- c) The Regional Municipality of York Planning Department shall advise that Conditions 19.1 to 19.2 have been satisfied.
- d) The Toronto and Region Conservation Authority shall advise that Conditions 20.1 and 20.3 have been satisfied.
- e) York Catholic District School Board shall advise that Conditions 22.1 – 22.13 have been satisfied.
- f) York Region District School Board shall advise that Conditions 23.1 – 23.2 have been satisfied.

Dated: May XX, 2020  
 Ron Blake, Senior Development Manager

|

**THE CONDITIONS OF THE CITY OF MARKHAM TO BE SATISFIED PRIOR TO RELEASE FOR REGISTRATION OF PLAN OF SUBDIVISION 19TM-18009 (BERCZY WARDEN HOLDINGS INC.) ARE AS FOLLOWS:**

**1.0     General**

- 1.1     Approval shall relate to a draft plan of subdivision prepared by KLM Planning Partners Inc., identified as Project No. P-2959, Drawing Number 20:9 dated March 24, 2020, subject to outstanding City comments being addressed including, but not limited the following redline conditions. The draft plan may be further redlined revised, if necessary, in order to meet the City's requirements:
- To ensure reliability of access for Fire Department vehicles under all conditions two means of street access, independent of each other are to be provided into the development. The following access into the subdivision are to be completed:
    - Street 1 to Warden Avenue identified as Fire Department access into the development
    - Street 2 to Warden Avenue identified as Fire Department access into the development or Street 3 to Warden Avenue identified as Fire Department access into the development
 Each access into the subdivision shall be completed prior to commencing any construction.
  - A block of townhouses shall not exceed a distance of 45m. Alternative compliance may be proposed and will be subject to the approval of the Fire Chief.
  - 9 m inside turning radius be provided for all changes in direction of the fire route.
  - Minimum 12.0 m centerline turning radius provided throughout the site.
  - Reduce backlotting adjacent the Natural Heritage System to the satisfaction of the Director of Planning and Urban Design.
- 1.2     This draft approval shall apply for a maximum period of three (3) years from date of issuance by the City, and shall accordingly lapse on May, XX 2023 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 to the satisfaction of the City Solicitor.
- 1.4     The Owner acknowledges and understands that prior to final approval of this draft plan of subdivision, an amendment to the city's zoning by-laws to implement the plan shall have come into effect in accordance with the provisions of the Planning Act.

- 1.5 The Owner agrees to obtain required approvals from York Region, the Toronto and Region Conservation Authority (TRCA) and any other applicable public agencies to the satisfaction of the Commissioner of Development Services.
- 1.6 Prior to the release for registration of any phase within this draft Plan of Subdivision, the Owner agrees to prepare and submit to the satisfaction of the City of Markham, all technical reports, studies, and drawings, including but not limited to, the master environmental servicing plan, transportation studies, functional traffic designs, stormwater management reports, functional servicing reports, design briefs, detailed design drawings, noise studies, servicing and infrastructure phasing plan, etc., to support the draft Plan of Subdivision. The Owner agrees to revise the draft Plan(s) of Subdivision as necessary to address all outstanding comments and incorporate the design and recommendations of the accepted technical reports, studies, and drawings.
- 1.7 The Owner agrees not to register the draft Plan of Subdivision until such time the Class Environmental Assessment (Class EA) Study for the collector roads in the Future Urban Area (FUA) currently being carried out by the FUA participating landowners has been completed and approved. The Owner agrees to revise this draft Plan of Subdivision as necessary to incorporate the recommendations of the Class EA Study. The Owner further agrees that, notwithstanding the maximum right-of-way width for minor collector roads, if it is determined through further review and studies that additional right-of-way width is required to accommodate additional lanes, then the required right-of-way width shall be provided without compensation and without requiring an amendment to the Berczy Glen Secondary Plan.
- 1.8 The Owner acknowledges that the Class EA Study for Elgin Mills Road E is currently being carried out by the City. The Owner agrees to revise this draft Plan of Subdivision as necessary to incorporate the recommendations of the Class EA Study.  
  
The Owner further agrees not to register any phase of the subdivision until such time a phasing assessment is completed, detailing the timing of road widening and intersection improvements required on Elgin Mills Road East to support the phasing plan for the Berczy Glen Community area.
- 1.9 Prior to registration of any phase in the subdivision, the Owner agrees that the City will require a phasing plan accepted by the City for the Berczy Glen Community area (the "Phasing Plan"). The Owner agrees to develop the lands in accordance with the Phasing Plan to the satisfaction of the Director of Engineering.
- 1.10 The Owner agrees to design and construct all required relocations of, and modifications to existing infrastructure, including but not limited to, sewers, watermains, light standards, utilities, stormwater management facilities, and roads to the satisfaction of, and at no cost to, the City of Markham.

- 1.11 The Owner agrees to pay to the City, all required fees, in accordance with the City's By-Law No. 211-83, as amended by Council from time to time.
- 1.12 The Owner agrees in the Subdivision Agreement or the Pre-Servicing Agreement, whichever comes first, to submit financial security for each phase of the draft Plan of Subdivision as required by the City of Markham, prior to the construction of any municipal infrastructure required to service that phase of development.
- 1.13 The Owner agrees to enter into a construction agreement and/or an encroachment agreement and/or any other agreement deemed necessary to permit the construction of municipal services, roads, stormwater management facilities or any other services that are required external to the draft Plan of Subdivision and that are required to service the proposed subdivision to the satisfaction of the Director of Engineering and the City Solicitor (the "External Works"). The Owner agrees to obtain a road occupancy permit if required and/or permission or license to enter, from the external land owners prior to commencing the External Works to the satisfaction of the Director of Engineering, Director of Operations and City Solicitor. The Owner further agrees to pay all costs associated with the construction of the External Works on lands owned by the City, to the satisfaction of the Director of Engineering.
- 1.14 The Owner agrees to include in the building permit application all mitigation recommendation from the geotechnical consultant to waterproof basements, which are below the ground water to the satisfaction of the Chief Building Official on a lot specific basis. The Owner further covenants and agrees that the acceptance of these measures will be subject to approval from the Chief Building Official.

## 2.0 Roads

- 2.1 The Owner agrees to provide names of all road allowances within the draft plan of subdivision, to the satisfaction of the City and the Regional Municipality of York ("the Region").
- 2.2 The Owner agrees to design and construct all municipal roads in accordance with City standards and specifications.
- 2.3 The Owner agrees to provide temporary turning circles where required at the Owners cost and remove them and restore the streets to their normal condition at the Owners cost when required by the City, to the satisfaction of the City of Markham. The Owner agrees that the design of the temporary turning circles, and any implications on surrounding land use, shall be addressed in the Subdivision Agreement to the satisfaction of the City.
- 2.4 The Owner acknowledges and agrees that prior to registration of any phase of development, to update and finalize the Transportation Impact Assessment Study

to include a road infrastructure phasing assessment for different phases of development within the Berczy Elgin and Berczy Warden Draft Plans of Subdivision, reflective of the proposed Berczy Glenn Phasing Plan and proposed timeline for the boundary roads widening and collector roads construction. The road infrastructure phasing assessment will define the timing for the required road improvements (boundary roads, internal roads, and Berczy Creek crossing) to be in place to support the number of residential units proposed for each phase of development to the satisfaction of the Director of Engineering. Accordingly, the Owner agrees to:

- a) Implement the recommendations of the accepted Transportation Impact Assessment Study and road infrastructure phasing assessment; and
- b) convey to City, free of all costs and encumbrances, all property required for external roads to complete the road infrastructure as recommended in the accepted Transportation Impact Assessment Study and road infrastructure phasing assessment (the “External Roads”), or to make alternate arrangements for the External Roads to the satisfaction of the Director of Engineering and the City Solicitor; and
- c) Enter into an agreement with the City and external landowners to permit construction of roads infrastructure and related services, that are required external to the draft Plan of Subdivision and that are required to service the proposed development, to the satisfaction of the Director of Engineering and the City Solicitor.

2.5 Prior to registration, the Owner acknowledges and agrees that as part of the Transportation Impact Assessment Study, to identify locations where pedestrian crossovers are appropriate to support and maintain continuity of active transportation network to the satisfaction of the Director of Engineering. Furthermore, the Owner agrees to design and construct pedestrian crossovers, where required, to the satisfaction of the Director of Engineering. The pedestrian crossovers shall be constructed at the Owner’s sole cost.

2.6 Prior to registration, the Owner acknowledges and agrees that as part of the Transportation Impact Assessment Study, to confirm the timing to implement traffic control signals at the Elgin Mills Road East / Street 2 intersection and the Elgin Mills Road East / Street 1 intersection, within the context of the subject development phasing and the Elgin Mills Road East widening, to the satisfaction of the Director of Engineering. Furthermore, should it be determined that traffic signals are required as part of any phase of development but before the widening of Elgin Mills Road East, the Owner agrees to design and construct traffic control signals including turn lane requirements for the said intersections to the satisfaction of the Director of Engineering. The traffic control signals and required turn lanes shall be constructed at the Owner’s sole cost.

- 2.7 Prior to the registration, the Owner acknowledges and agrees to update and finalize the Transportation Demand Management Plan, to the satisfaction of the Director of Engineering.
- 2.8 Prior to registration, the Owner acknowledges and agrees that as part of the Transportation Impact Assessment Study, to confirm the timing to implement traffic control signals at the Warden Avenue / Street 1 intersection and the Warden Avenue / Street 2 intersection, within the context of the subject development phasing and the Warden Avenue widening, to the satisfaction of the Director of Engineering. Furthermore, should it be determined that traffic signals are required as part of any phase of development but before the widening of Warden Avenue, the Owner agrees to design and construct traffic control signals including turn lane requirements for the said intersections to the satisfaction of the Director of Engineering. The traffic control signals and required turn lanes shall be constructed at the Owner's sole cost.

### 3.0 Tree Inventory and Tree Preservation Plan

- 3.1 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.
- 3.2 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, Site Alteration Permit or Pre-Servicing Agreement to the satisfaction of the Director of Planning and Urban Design.
- 3.3 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.
- 3.4 The Owner shall submit for approval from the Director of Planning and Urban Design, as part of the tree inventory and tree preservation plan and 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 require cash in lieu for tree replacement based on valuation of section b).
  - d) The requirement for the replacement or equivalent economic value following unauthorized tree removal or damage shall be determined by the City.
- 3.5 The owner acknowledges and agrees to implement the tree compensation schedule on a phase by phase basis, including submission of an updated Tree Inventory and Preservation Plan and Landscape Plans for each phase of development.

#### 4.0 Community Design

- 4.1 The Owner shall implement and incorporate all requirements of the approved Berczy Glen Community Design Plan into all landscape plans, architectural control guidelines, engineering plans and any other required design documents.
- 4.2 The Owner shall retain a design consultant to prepare architectural control guidelines to be submitted to the Director of Planning and Urban Design for approval prior to execution of the subdivision agreement.
- 4.3 The Architectural Control Guidelines shall include provisions requiring buildings to comply with the City's Bird Friendly Guidelines.
- 4.4 The Architectural Control Guidelines shall include provisions requiring a minimum of 5% of the low rise product be limited to having 2 risers or less at the front entrance.
- 4.5 The Owner shall retain a design consultant acceptable to the City's Director of Planning and Urban Design to implement the Architectural Control Guidelines.
- 4.6 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 control guidelines.
- 4.7 The Owner shall ensure that the design architect for any buildings within this draft plan of subdivision shall not also assume the role of control architect for this draft plan of subdivision.
- 4.8 The Owner acknowledges and agrees to submit townhouse siting applications for all lane-based townhouses in accordance with the City Site Plan Control By-Law 262-94, as amended, to the satisfaction of the City's Director of Planning and Urban Design.

## 5.0 Parks and Open Space

5.1 The Owner covenant and agrees that the parkland dedication requirement is 2.98 ha, calculated at a rate of 1 hectare per 300 units, as specified in the Parkland Dedication By-law 195-90, and calculated as follows:

- Number of units (754 units + 140 units) / 300 = 2.98 ha

5.2 The Owner acknowledges and agrees that the parkland dedication for this draft plan of subdivision shall be a minimum of 2.98 ha, and that this satisfies the parkland dedication requirements for a total of up to but not exceeding the approved draft plan of subdivision unit count.

5.3 The Owner covenants and agrees to convey Park Blocks 307, 308, 309, 317, 318, 319, 320, 321, 322, 323, 324, 325, and 326 to the City, free of all costs and encumbrances to the satisfaction of the Director of Planning and Urban Design, upon registration of the plan of subdivision.

| <b>Block Number</b> | <b>Area</b>     |
|---------------------|-----------------|
| Block 307           | 0.418 ha        |
| Block 308           | 2.00 ha         |
| Block 309           | 2.350 ha        |
| Block 317           | 0.06 ha         |
| Block 318           |                 |
| Block 319           |                 |
| Block 320           |                 |
| Block 321           |                 |
| Block 322           |                 |
| Block 323           |                 |
| Block 324           |                 |
| Block 325           |                 |
| Block 326           |                 |
| <b>Total</b>        | <b>4.828 ha</b> |

5.4 Conveyance of Park Blocks 307, 308, 309, 317, 318, 319, 320, 321, 322, 323, 324, 325, and 326 (4.828) will satisfy the parkland dedication for this development. Prior to registration, parkland dedication requirements (2.98 ha) will be reconciled through one of the approaches listed below. The City reserves the right to require any of these approaches or a combination thereof, at the discretion of the City's Director of Planning and Urban Design:

- a) A Master Parkland Agreement entered into between the Berczy Glen land owner group and the City;

- b) Any alternative arrangement at the sole discretion of the Director of Planning and Urban Design.

5.5 The Owner shall post approved copies of the Natural Heritage Restoration Plans for the Greenway and Open Space Blocks and Conceptual Park Development Master Plans for the parks in all sales offices for dwelling units within the draft plan of subdivision.

## 6.0 Landscape Works

6.1 Prior to the release for registration of every phase within this Draft Plan of Subdivision, the Owner shall submit landscape plans prepared by a qualified landscape architect based upon: the City of Markham FUA Urban Design Guidelines, the approved Architectural Control Guidelines, the approved Natural Heritage Restoration Plan, and the approved Berczy Glen Community Design, to the satisfaction of the Director of Planning and Urban Design and including the following:

- a) For all public streets, streetscape plan and street tree planting in accordance with the City of Markham Streetscape Manual dated June 2009;
- b) A specialized depth of topsoil (200mm) in the entire municipal boulevard to appropriately plant boulevard trees in accordance with the City of Markham Streetscape Manual dated June 2009;
- c) For all corner lots provide privacy wood screen corner lot fencing as required;
- d) Noise attenuation fencing as required;
- e) For all lots backing or flanking onto an Open Space Block, Greenway, Park Block, School Block or SWM Block, provide 1.5m high galvanized steel chain-link fence to be placed on the public property, two (2") inches from the property line, as determined appropriate by the Director of Planning and Urban Design;
- f) For the portion of this Draft Plan of Subdivision located adjacent to an existing farm operation, provide a minimum 1.8m fence on the property line installed prior to occupancy, as determined appropriate by the Director of Planning and Urban Design;
- g) For all open space, stormwater and walkway blocks provide landscaping;
- h) A trail network;
- i) Restoration works identified in the Natural Heritage Restoration Plan;

j) Any other landscaping as determined in the Community Design Plan, Architectural Control Guidelines and the Tree Inventory and Compensation Schedule.

6.2 The Owner shall construct all landscape works referred to in condition 6.1 in accordance with the approved plans at no cost to the City. The construction of trail network, item 6.1 g), may be eligible for Development Charge credits at the discretion of the Director of Planning and Urban Design.

6.3 The Owner shall not permit their builders to charge home purchasers for the items listed in condition 6.1.

6.4 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 4.1a)
- FENCING AS REQUIRED BY THE CITY
- 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 PARKS, WALKWAYS AND STORMWATER MANAGEMENT POND BLOCKS
- BUFFER PLANTING FOR OPEN SPACE, WALKWAY AND STORMWATER MANAGEMENT POND BLOCKS AND SINGLE LOADED STREET ALLOWANCES
- 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.”

## 7.0 Parkland Servicing

7.1 The Owner shall covenant and agree to rough grade, topsoil, seed and maintain, free of stock piles and debris, all, park blocks within the subdivision to the satisfaction of the Director of Planning & Urban Design. The park blocks shall be

maintained until such time as the parks have been constructed and formally assumed by the City.

- 7.2 The Owner shall submit grading, servicing and survey plans by a qualified person for all park blocks, to the satisfaction of the Director of Planning & Urban Design.
- 7.3 The Owner shall provide a current geotechnical report by a qualified person all park blocks, to the satisfaction of the Director of Planning & Urban Design.

#### 8.0 Trail System

- 8.1 The Owner acknowledges and agrees to implement a trail system in the Open Space and Greenway blocks as per the requirements of the Community Design Plan to the satisfaction of the City's Director of Planning and Urban Design and the City's Director of Engineering. The trail system may be implemented corresponding to the time of the conveyance of the Open Space and Greenway blocks containing sections of the associated Greenway restoration works, and/or the time of construction of restoration works, to the City's Director of Planning and Urban Design's satisfaction. The Owner agrees that the trail system shall be implemented and constructed through an agreement between the owners of this draft plan, the other land owners within Berczy Glen Secondary Plan area, and the City.

#### 9.0 Financial

- 9.1 Prior to execution of the subdivision agreement, the Owner shall provide a letter of credit, in an amount to be determined by the Director of Planning and Urban Design, to ensure compliance with applicable tree preservation, ecological restoration landscape works and the under-dedicated portion of the parkland dedication requirement.
- 9.2 That the Owner covenants and agrees to enter into a Section 37 Agreement to secure the provision of Public Art by the City, as required by implementing zoning by-law.

#### 10.0 Municipal Services

- 10.1 The Owner agrees to design and construct all municipal services in accordance with City standards and specifications.
- 10.2 The Owner agrees to design the watermain system to service the development will have a minimum of two independent water supply points to provide for adequate system redundancy and looping for domestic and fire protection purposes to the satisfaction of the Director of Engineering.

- 10.3 The Owner agrees not to apply for any building permits until the City is satisfied that adequate road access, municipal water supply, sanitary sewers, and storm drainage facilities are available to service the proposed development.
- 10.4 The Owner agrees to revise and/or update the accepted functional servicing and stormwater management reports, if directed by the Director of Engineering in the event that field conditions show that the implementation of the servicing and stormwater management strategies recommended in the previously accepted functional servicing and stormwater management reports need to be modified.
- 10.5 The Owner acknowledges that the servicing of the lands requires construction of new sanitary sewers and, upgrades to the existing downstream sanitary sewer system that eventually connects to the York-Durham Sanitary Sewer on 16th Avenue. For this clause the construction of the new sanitary sewers and the upgrade to the existing downstream sanitary sewers are collectively referred to as the "Sanitary Upgrades". The Owner agrees to pay the City upon execution of the subdivision agreement, the Owners' share for the cost of the Sanitary Upgrades in accordance with the City's Area Specific Development Charge to the satisfaction of the Director of Engineering.

Alternatively, the City may at its discretion permit the Owner to enter into a developers' group agreement for the construction of the Sanitary Upgrades. The Owner agrees that any developers' group agreement relating to the construction of the said upgrades shall be to the satisfaction of the Director of Engineering and City Solicitor, and that its costs to undertake such upgrades will be financially secured in the Owner's subdivision agreement.

- 10.6 The Owner agrees, if the proposed sewers connect to existing downstream sewers that are not assumed by the City, to undertake and pay for a sewer video inspection program for the existing sewers to the satisfaction of the Director of Engineering. The Owner further agrees to do the sewer video inspection:
- a) Prior to the connection being made;
  - b) Upon the removal of the temporary bulkhead or as directed by the Director of Engineering; and
  - c) Upon all roads, parking lots, driveways in the Owners Subdivision having been paved to the final grades, sidewalks, walkways, multi-use paths constructed and boulevards sodded.

The Owner further agrees to provide securities for the video inspection and for flushing and cleaning the existing downstream sewers to the satisfaction of the Director of Engineering.

- 10.7 The Owner agrees that major overland flows from the subdivision will traverse through external lands not owned by the Owner. The Owner agrees to make the necessary arrangements with the adjacent property owner to construct the overland flow route(s) on the external lands to the downstream receiving stormwater management pond, and convey lands or easement required for the conveyance of overland flows to the satisfaction of the Director of Engineering.
- 10.8 The Owner acknowledges that the stormwater management pond shown as Pond # 5 and portion of stormwater management pond shown as SWM Pond #8 in the Functional Servicing Report dated October 2019 prepared by SCS Consulting are on lands not owned by the Owner (the "External SWM Ponds"). Upon Registration of the plan of subdivision the Owner agrees to convey all property required for the External SWM Ponds, free of all costs and encumbrances, to the City or make alternate arrangements to the satisfaction of the Director of Engineering and City Solicitor

The Owner further agrees that should the Owner wish to proceed with the underground servicing work within the internal subdivision including works on the SWM Pond Lands as a part of a pre-servicing agreement, the City at its discretion may permit subject to the Owner making necessary arrangements with any neighbouring landowners for the works on the SWM Pond Lands, and provide evidence indicating the Owner has permission to access the lands and construct the works on the SWM Pond Lands, to the satisfaction of the City Solicitor and Director of Engineering, or their respective designates.

- 10.9 The Owner acknowledges that the sanitary sewer required to service the Owner's development will be required to be extended either along Warden Avenue and Major Mackenzie Drive east, or, through external lands east of Warden Avenue (the "External Lands") owned by the City and other property owner(s) (the "External Owners"). In the event the Owner is required to advance the construction of the sanitary sewer extension through the External Lands to service the Owner's development, the Owner agrees to coordinate the design and alignment of the sanitary sewer extension with the External Owners and use best efforts to ensure the alignment of sanitary sewer extension will be in its ultimate location, to the satisfaction of the Director of Engineering. The Owner further agrees that any sewers not in its ultimate will be considered a temporary sewer ("Temporary Sewer") and will not be assumed by the City.
- 10.10 The Owner acknowledges that the Functional Servicing Report dated October 2019 prepared by SCS Consulting in support of the draft plan proposes oversized pipes including 3.0m x 1.5m box culvert to capture overland flows exceeding the hydraulic capacities of the municipal road right-of-ways (the "Oversized Storm Sewers"). The Owner covenants and agrees that the acceptance of the Oversized Storm Sewers will be at the discretion of the Director of Engineering, subject to the Owner having investigated all available options to reduce the size of the Oversized Storm Sewers to the satisfaction of the Director of Engineering.

## 11.0 Lands to be conveyed to the City/Easements

- 11.1 The Owner agrees to grant required easements to the appropriate authority for public utilities, drainage purposes or turning circles, upon registration of the Plan of Subdivision. The Owner also agrees to provide for any easements and works external to the draft Plan of Subdivision necessary to connect watermain and storm and sanitary sewers to existing watermain, stormwater management facilities and sanitary sewers to the satisfaction of the City. The Owner agrees to construct the lands within the limit of the easement in a manner satisfactory to the Director of Engineering to allow the municipal services within the easement to be properly maintained by the City.
- 11.2 The Owner agrees to convey 0.3 metre reserves at the end(s) of Streets 1, 2, 3, 8, 9, 10, 11, 25, 26 and along north limit of Street 1 along Passafiume lands, to the City, free of all costs and encumbrances, upon registration of the Plan of Subdivision.

## 12.0 Utilities

- 12.1 The Owner agrees that hydro-electric, telephone, District Energy System, gas and television cable services, and any other form of telecommunication services shall be constructed at no cost to the City as underground facilities within the public road allowances or within other appropriate easements, as approved on the Composite Utility Plan, to the satisfaction of the City of Markham and authorized agencies.
- 12.2 The Owner agrees to enter into any agreement or agreements required by any applicable utility companies, including Powerstream, Enwave, Enbridge, telecommunications companies, etc.
- 12.3 The Owner agrees 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.
- 12.4 The Owner agrees to include on all offers of purchase and sale a statement that advises prospective purchasers that mail delivery will be from a designated Community Mailbox. The Owners will further be responsible for notifying the purchasers of the exact Community Mailbox locations prior to the closing of any home sale.
- 12.5 The Owner covenants and agrees to provide a suitable temporary Community Mailbox location(s), which may be utilized by Canada Post until the curbs, sidewalks and final grading have been completed at the permanent Community



Mailbox locations. This will enable Canada Post to provide mail delivery to new residents as soon as homes are occupied.

- 12.6 The Owner acknowledges and agrees that standard community mailbox installations are to be done by Canada Post at locations approved by the municipality and shown on the Composite Utility Plan. The Owner agrees that should it propose an enhanced community mailbox installation, any costs over and above the standard installation must be borne by the Owner, and be subject to approval by the City in consultation with Canada Post.
- 12.7 The Owner shall covenant and agree in the subdivision agreement to be responsible for notifying the purchaser of the exact Community Mailbox locations prior to the closing of any unit sale.
- 12.8 The Owner shall covenant and agree in the subdivision agreement to provide the following for each Community Mailbox site and include these requirements on the appropriate servicing plans:
  - a) An appropriately sized sidewalk section (concrete pad) to place the Community Mailboxes on.
  - b) Any required walkway across the boulevard.
  - c) Any required curb depressions for wheelchair access.
- 12.9 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.
- 12.10 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.

### 13.0 Environmental Clearance

- 13.1 The Owner agrees to retain a "Qualified Person" to prepare all necessary Environmental Site Assessments (ESA) and file Record(s) of Site Condition with the Provincial Environmental Site Registry for all lands to be conveyed to the City. The "Qualified Person" shall be defined as the person who meets the qualifications prescribed by the *Environmental Protection Act* and O. Reg. 153/04, as amended. The lands to be conveyed to the City shall be defined as any land or

easement to be conveyed to the City, in accordance with the City's Environmental Policy and Procedures for Conveyance of Land to the City Pursuant to the Planning Act.

- 13.2 Prior to the earlier of the execution of a pre-servicing agreement or Subdivision Agreement, the Owner agrees to submit Environmental Site Assessment (ESA) report(s) prepared by a Qualified Person, in accordance with the Environmental Protection Act and its regulations and all applicable standards, for all lands to be conveyed to the City for peer review and concurrence.
- 13.3 Prior to the earlier of the execution of a pre-servicing agreement or Subdivision Agreement of a phase within the draft Plan of Subdivision, the Owner agrees to submit environmental clearance(s) and Reliance Letter(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 standard and will be signed by the Qualified Person and a person authorized to bind the Owner's company. The City will not accept any modifications to the standard Environmental Clearance and Reliance Letter, except as and where indicated in the template.
- 13.4 The Owner agrees that if, during construction of a phase within the draft Plan of Subdivision, contaminated soils or materials or groundwater are discovered, the Owner shall inform the City of Markham immediately, and undertake, at its own expense, the necessary measures to identify and remediate the contaminated soils or groundwater, all in accordance with the Environmental Protection Act and its regulations, to the satisfaction of the City of Markham and the Ministry of the Environment, Conservation and Parks.
- 13.5 The Owner agrees to assume full responsibility for the environmental condition of the lands comprising the draft Plan of Subdivision. The Owner further agrees to indemnify and save harmless the City, its directors, officers, Mayor, councilors, employees and agents from any and all actions, causes of action, suite, claims, demands, losses, expenses and damages whatsoever that may arise either directly or indirectly from the approval and assumption by the City of the municipal infrastructure, the construction and use of the municipal infrastructure or anything done or neglected to be done in connection with the use or any environmental condition on or under lands comprising the draft Plan of Subdivision, including any work undertaken by or on behalf of the City in respect of the lands comprising the draft Plan of Subdivision and the execution of this Agreement.

#### 14.0 Heritage

- 14.1 Prior to final approval of the draft plan of subdivision or any phase thereof, the Owners shall carry out a cultural heritage resource assessment for the lands within the draft plan to ensure the assessment and identification of appropriate treatment of built heritage and archaeological resources, and further to mitigate any

identified adverse impacts to significant heritage resources to the satisfaction of the City (Commissioner of Development Services) and the Ministry of Culture. Demolition, grading, filling or any form of soil disturbances shall not take place on the lands within the draft plan which have not been assessed and cleared of archaeological potential through the issuance of a letter from the Ministry of Culture and acceptance of said letter by the City's Director of Planning and Urban Design, indicating that all matters relating to heritage resources on those specific lands have been addressed in accordance with licensing and resource conservation requirements.

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

#### 15.0 Well Monitoring Program and Mitigation Plan

- 15.1 Prior to the finalizing of pre-servicing agreement or subdivision agreement, whichever is earlier, the Owner agrees to complete a hydrogeological assessment report to ensure there is no impacts to the shallow and/or deep groundwater and to any of the existing active wells found within the Zone of Influence (ZOI) as determined by the consultant. The Owner further agrees to implement any mitigation measures recommended in the hydrogeological assessment report to the satisfaction of the Director of Engineering.

#### 16.0 Streetlight Types

- 16.1 The Owner agrees to contact the Engineering Department 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.

#### 17.0 Development Charge (DC) Credits

- 17.1 The City acknowledges and agrees that the portion of collector road right-of-way exceeding 23.5 metres width in the draft plan of subdivision are eligible for City Wide Development Charge Credits and agrees to reimburse the Owner for their portion of the construction and property costs associated with roads identified as Street 2 (from North Limit of subdivision Road to 145m west of Warden Avenue) and Street 3 (from north limit of subdivision to south limit of subdivision) and Street 1 (from east limit of subdivision to west limit of subdivision) within the plan of subdivision. The maximum Development Charge Credits available to the Owner shall be the lesser of the Actual Capital Cost of the Works or the cost of the Works as established in the 2017 Development Charges Background Study and, shall be completed through an agreement and be consistent in accordance with the City's Development Charges Credit and Reimbursement Policy. The Owner and City acknowledge and agree that the cost included in the 2017 Development Charges Background Study for this portion of the works is four

million eight hundred and eighty-one thousand, five hundred and sixty-two dollars (\$4,881,562.00) and represents the maximum development charge credits to be granted.

#### 18.0 Other City Requirements

18.1 Prior to final approval of the draft plan or any phase thereof, the Owner shall enter into a Developers Group Agreement(s) to ensure the provision of community and common facilities such as school sites, municipal services, parks and public roads in the Berczy Glen Secondary Plan area, to the satisfaction of the City (Commissioner of Development Services and City Solicitor), and a certificate confirming completion of such agreement(s) shall be provided to the City by the Developers Group Trustee to the satisfaction of the City Solicitor.

18.2 That the Owner covenants and agrees to provide written clearance from the Trustee of the Berczy Glen Secondary Plan Landowners Group respecting all of the lands within the draft plan, prior to registration of the draft plan for the proposed development or any portion of the subject lands within the draft plan, to the satisfaction of the Director of Planning and Urban Design.

18.3 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:

Parks 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 sites by type; commercial sites 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.

18.4 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.

18.5 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.

18.6 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.

18.7 The Owner shall acknowledge and agree in the subdivision agreement that to ensure reliability of access for Fire Department vehicles under all conditions, two means of street access, independent of one another are to be provided into the development. The following access into the subdivision are to be completed:

- The North and South access points leading from Warden Avenue

At no time shall either approved Fire Department vehicle access into the development be obstructed by any means (fencing, concrete barriers or other). This provision includes during daily construction, afterhours, weekends and holidays. It shall be the Owners responsibility to secure the site without obstructing these access points.

18.8 The Owner shall acknowledge and agree that single detached dwelling laneways shall not exceed 120.0 metres and townhouse and single detached laneways with detached garages shall not exceed 90.0 metres.

18.9 The Owner shall covenant and agree in the subdivision agreement to include warning clauses in agreements of purchase and sale for all units with single car garages advising purchasers of the following:

- a) the City's parking by-law requires a minimum of two parking spaces, one in the driveway and one in the garage;
- b) the City's zoning by-law restricts the width of the driveway, this width does not allow two cars to park side by side; and,
- c) overnight street parking will not be permitted unless an overnight street parking permit system is implemented by the City

18.10 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.

18.11 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.

- 18.12 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.
- 18.13 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.
- 18.14 The Owner covenant and agrees to convey all Open Space and Natural Heritage System blocks to the City of Markham in a physical condition to the satisfaction of the City.
- 18.15 The Owner covenants and agrees to implement the recommendations of the Environmental Impact Study prepared by Beacon Environmental, dated October 2019.
- 18.16 That prior to final approval of the draft plan, the Owner agrees to prepare and implement ecological restoration plans for all Open Space and Natural Heritage System blocks. This shall consist of detailed landscape plans prepared to the satisfaction of the Director of Planning and Urban Design to address:
  - a) Restoration of the headwater drainage feature in accordance with LPAT Minutes of Settlement (OMB Case No PL140743);
  - b) Densely planted native tree and shrubs for NHS Block 316 and Open Space Block 315;
  - c) Design, alignment and construction of the Greenway trails; and,
  - d) Provision of rear and side yard fencing where the Greenway System abuts residential lands. No access gates shall be provided adjacent to Greenway System lands.
- 18.17 The Owner covenants and agrees to provide a Letter of Credit in the subdivision agreement to secure the works identified in the ecological restoration plans.
- 18.18 The Owner covenants and agrees to include warning clauses in all agreements of purchase and sale for any lot abutting a Natural Heritage System or Open Space Block providing notice that:

- a) “Lands adjacent to this property have been conveyed to the City of Markham for environmental protection purposes. These lands will be left in an untouched and naturalized state and may be planted by the City of Markham in the future. Purchasers are advised that building encroachments, dumping of yard waste and removal of grass/vegetation are not permitted on city-owned lands. No fence gates shall be permitted between private property and the natural heritage system. Purchasers are further advised that pedestrian trails are planned to be constructed within the natural heritage system which may result in pedestrian use and activity.”

18.19 The Owner covenants and agrees to prepare and distribute a natural heritage stewardship guide to all purchasers abutting a Natural Heritage System or Open Space Block.

18.20 The Owner covenant and agrees in the subdivision agreement to implement the strategies and actions of Community Energy Plan in support of the City’s net zero emissions by 2050 objective, to the satisfaction of the Director of Sustainability and the Director of Planning and Urban Design.

18.21 That the Owner covenants and agrees to provide 5% of the low rise units with built-in secondary suites, to the satisfaction of the Director of Planning and Urban Design.

## 19.0 York Region

19.1 The following conditions shall be included in the Subdivision Agreement:

- a) The Owner shall save harmless the City of Markham and York Region from any claim or action as a result of water or sanitary sewer service not being available when anticipated.
- b) The Owner shall agree that the proposed direct connection of the 600mm diameter watermain on Warden Avenue to the Region's 1050mm diameter watermain on Major Mackenzie Drive shall be designed, installed and commissioned to the satisfaction of the Region.
- c) The Owner shall agree that no direct private accesses are permitted onto Warden Avenue. All private access shall be provided via local roads or lane-ways, where appropriate. This will apply to BL-305, BL-311, BL-312 & BL-314 (as shown on DWG. No.-20:9).
- d) The Owner shall agree to reserve an unobstructed location for the future construction of the passenger standing areas/shelter pads identified below:

On Street: Street 1

At Street:

Location: Adjacent to BL-309 (on the west side away from Street 2)  
Standard Specifications: 1.01

On Street: Street 1  
At Street: Street 2  
Location: SW corner  
Standard Specifications: 1.01

On Street: Street 1  
At Street: Street 3  
Location: SW corner  
Standard Specifications: 1.01

On Street: Street 1  
At Street: Warden Avenue  
Location: SW corner  
Standard Specifications: 1.01

On Street: Warden Avenue  
At Street: Street 2  
Location: NW corner  
Standard Specifications: Require a bus bay (120 feet in length)

On Street: Street 2  
At Street: North of Street 12  
Location: Between BL-308 and BL-310  
Standard Specifications: 1.01

- e) The Owner shall agree to advise all potential purchasers of the existing and future introduction of transit services. The Owner/consultant is to contact YRT Contact Centre (tel. 1-866-668-3978) for route maps and the future plan maps.
- f) The Owner shall agree to implement the noise attenuation features as recommended by the noise study and to the satisfaction of Development Engineering.
- g) 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.
- h) The following warning clause shall be included in a registered portion of 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".

- i) Where noise attenuation features will abut a York Region right-of-way, the Owner shall agree, as follows:
  - that no part of any noise attenuation feature shall be constructed on or within the York Region right-of-way;
  - that noise fences adjacent to York Region roads may be constructed on the private side of the 0.3 metre reserve and may be a maximum 2.5 metres in height, subject to the area municipality's concurrence;
  - that maintenance of the noise barriers and fences bordering on York Region right-of-ways shall not be the responsibility of York Region.
- j) The Owner shall agree 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.
- k) The Owner shall agree to be responsible for determining the location of all utility plants within York Region right-of-way and for the cost of relocating, replacing, repairing and restoring any appurtenances damaged during construction of the proposed site works. The Owner must review, or ensure that any consultants retained by the Owner, review, at an early stage, the applicable authority's minimum vertical clearances for aerial cable systems and their minimum spacing and cover requirements. The Owner shall be entirely responsible for making any adjustments or relocations, if necessary, prior to the commencement of any construction.

19.2 The Owner covenants and agrees that prior to final approval of the plan, that:

- a) The Owner shall provide to the Region the following documentation to confirm that water and wastewater services are available to the subject development and have been allocated by the City of Markham:
  - i) a copy of the Council resolution confirming that the City of Markham has allocated servicing capacity, specifying the specific source of the capacity, to the development proposed within this site plan.
  - ii) a copy of an email confirmation by City of Markham staff stating that the allocation to the subject development remains valid at the time of the request for Regional clearance of this condition.
- b) The Owner shall provide an updated Transportation Mobility Study to address the comments provided, to the satisfaction of the Region.

- c) Prior to and concurrent with the submission of the subdivision servicing application (MECP ECA) to the area municipality, the Owner shall provide a set of engineering drawings, for any works to be constructed on or adjacent to the York Region road, to Development Engineering, Attention: Manager, Development Engineering, that includes the following drawings:
  - i) Plan and Profile for the York Region road and intersections;
  - ii) Cross Section on York Region right-of-way at 20m interval where the site is abutting;
  - iii) Grading and Servicing;
  - iv) Intersection/Road Improvements, including the recommendations of the Traffic Report;
  - v) Construction Access Design;
  - vi) Utility and underground services Location Plans based on SUE Investigation (Level A accuracy for all crossing locations and Level B accuracy for alignment);
  - vii) Signalization and Illumination Designs;
  - viii) Line Painting;
  - ix) Traffic Control/Management Plans;
  - x) Erosion and Siltation Control Plans;
  - xi) Landscaping Plans, including tree preservation, relocation and removals;
  - xii) Arborist Report;
  - xiii) Requirements of York Region Transit/Viva;
  - xiv) Sidewalk locations, concrete pedestrian access to existing and future transit services and transit stop locations as required by York Region Transit/Viva;
  - xv) Functional Servicing Report;
  - xvi) Stormwater Management Report;
  - xvii) Water supply and distribution report and model;
  - xviii) Noise Study;
  - xix) Detail cost estimates for all works within Region's ROW and on Region's infrastructure.
- d) The Owner shall submit a detailed Development Charge Credit Application to York Region, if applicable, to claim any works proposed within the York Region Right-of-Way. Only those works located in their ultimate location based on the next planning upgrade for this Right-of-Way will be considered eligible for credit, and any work done prior to submission without prior approval will not be eligible for credit.
- e) The location and design of the construction access for the subdivision work shall be completed to the satisfaction of Development Engineering and illustrated on the Engineering Drawings.

- f) The Owner shall demonstrate, to the satisfaction of Development Engineering, that all existing driveway(s) along the Regional road frontage of this subdivision will be removed as part of the subdivision work, at no cost to York Region.
- g) The Owner shall demonstrate, to the satisfaction of Development Engineering, that the streetline elevations shall maintain a minimum 2% cross slope within the boulevard from the streetline to the top of curb, unless otherwise specified by Development Engineering.
- h) The Owner shall submit drawings depicting the following to the satisfaction of York Region staff:
  - i) All existing woody vegetation within the York Region road right of way,
  - ii) Tree protection measures to be implemented on and off the York Region road right of way to protect right of way vegetation to be preserved,
  - iii) Any woody vegetation within the York Region road right of way that is proposed to be removed or relocated. However, it is to be noted that tree removal within York Region roads rights of way shall be avoided to the extent possible/practical. Financial or other compensation may be sought based on the value of trees proposed for removal.
  - iv) A planting plan for all new and relocated vegetation to be planted within the York Region road right of way, based on the following general guideline:
  - v) Tree planting shall be undertaken in accordance with York Region standards as articulated in Streetscaping Policy and using species from the York Region Street Tree Planting List. These documents may be obtained from the Forestry Section. If any landscaping or features other than tree planting (e.g. flower beds, shrubs) are proposed in the York Region right-of-way by the Owner or the area municipality for aesthetic purposes they must be approved by Development Engineering and shall be maintained by the area municipality with the exception of the usual grass maintenance,
  - vi) For landscape features not maintained to York Region's satisfaction, the area municipality will be responsible for the cost of maintenance or removal undertaken by the Region.
- i) The Owner shall engage the services of a consultant to prepare and submit for review and approval, a noise study to the satisfaction of Development Engineering recommending noise attenuation features.
- j) The Owner shall agree that the following lands will be conveyed to York Region for public highway purposes, free of all costs and encumbrances, to the satisfaction of York Region Solicitor:

- i) a widening across the full frontage of the site where it abuts Warden Avenue of sufficient width to provide a minimum of 21.5 metres from the centreline of construction of Warden Avenue and any lands required for additional turn lanes at the intersections, and
  - ii) a 15 metre by 15 metre daylight triangle at the northwest and southwest corners of Street 1 and Warden Avenue, and
  - iii) 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 Warden Avenue and adjacent to the above noted widening(s).
- k) The Owner shall provide a solicitor's certificate of title in a form satisfactory to York Region Solicitor, at no cost to York Region with respect to the conveyance of the above noted lands to York Region.
- l) 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.

- m) The Owner or the Owner's authorized representative shall submit a Statutory Declaration that no contaminant, 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, on, in or under lands to be conveyed to the Region (including soils, substrata, surface water and groundwater, as applicable): (i) at the time of conveyance, at a level or concentration that exceeds the Environmental Protection Act O. Reg. 153/04 (as amended) full depth generic site condition standards applicable to the intended use of such lands by the Region or any other remediation standards published or administered by governmental authorities applicable to the intended land use; and (ii) in such a manner, condition or state, or is emanating or migrating from such lands in a way, that would contravene applicable environmental laws.
- n) The Owner shall demonstrate, to the satisfaction of Development Engineering, that all local underground services will be installed within the area of the development lands and not within York Region's road allowance. If a buffer or easement is needed to accommodate the local services adjacent to York Region's Right of Way, then the Owner shall provide a satisfactory buffer or easement to the Area Municipality, at no cost to the Region.
- o) The Owner shall submit engineering plans for York Region's approval that identify on the plans the Transit requirements.
- p) The road allowances included within the draft plan of subdivision shall be named to the satisfaction of the City of Markham and York Region.
- q) The Owner shall provide a copy of the executed Subdivision Agreement to the Regional Corporate Services Department, outlining all requirements of the Corporate Services Department.
- r) 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.

- s) The Regional Corporate Services Department shall advise that Conditions 1 to 29 inclusive, have been satisfied.
- t) The Owner shall demonstrate that the southerly crossing of Berczy Creek Greenway will be constructed or shall cause to be constructed within an acceptable timeframe, to the satisfaction of the Region. This crossing is required to provide interconnection and relief to Elgin Mills Road and Major Mackenzie Drive, as well as other Regional intersections such as: Elgin Mills Road/Woodbine Avenue, Woodbine Avenue/Victoria Square Boulevard and Major Mackenzie Drive/Woodbine Avenue.

## 20.0 Toronto and Region Conservation Authority

20.1 That **prior to** any development, pre-servicing, or registration of this plan or any phase thereof, the applicant shall submit and attain the approval of the TRCA for:

- a) A comprehensive stormwater management report identifying all interim and permanent stormwater servicing and all associated phasing. This report must identify all of the proposed stormwater management facilities to which the subject lands will drain and provide details with respect to the interim stormwater servicing that is to be employed prior to all of the ultimate facilities located off of the subject property being fully operational. This report shall identify phasing and sequencing of the transition from interim to permanent facilities, and identify all interim drainage routes between the subject property and all adjacent stormwater management ponds, which may be required prior to permanent infrastructure being available. Detailed design shall be provided for all interim stormwater management ponds that may be required to service the subject lands prior to permanent facilities being available. All temporary outlets shall be designed to the satisfaction of TRCA.
- b) A final Environmental Impact Study (EIS), including detailed impact mitigation, restoration and enhancement recommendations and plans to the satisfaction of the TRCA. This report shall also outline measures to be taken to avoid contravention of the Migratory Birds Convention Act.
- c) Detailed engineering report and plans for the proposed development of the subject lands, and how it will comply with all related Master Environmental Servicing Plan and TRCA requirements, to the satisfaction of the TRCA. This report and plans shall include:
  - i) plans illustrating how this drainage system will tie into surrounding drainage systems and storm water management techniques which may

be required to control minor or major flows. Confirmation must be provided with respect to how target flows as identified in the subwatershed study and within the approved MESP will be achieved during and post-development;

- ii) an assessment that clearly demonstrates the existing floodplain and proposed floodplain associated with the watercourse upstream, downstream, and overtopping of Warden Avenue. This must compare the risk of flooding to the roadway, determining which design storm event results in overtopping of Warden Avenue in the existing condition and in the proposed condition, and a comparison of the depth and velocity associated with the flooding for pre-development and post-development conditions.
- iii) appropriate Stormwater Management Practices (SWMP's) to be used to treat stormwater, to mitigate the impacts of development on the quality of ground and surface water resources (including thermal and turbidity impacts). This must include identification of potential construction and permanent impacts to impacted or receiving natural systems.
- iv) proposed methods for controlling or minimizing erosion and sediment on-site in accordance with current Erosion and Sediment Control (ESC) guidelines utilized by the TRCA. ESC plans and an ESC report must address phasing and staging, demonstrate how impacts to the NHS will be mitigated. The report will also have specific plans for ESC monitoring and reporting, as required by TRCA. All areas to be protected must be effectively isolated through appropriate measures prior to any site alteration being initiated. The ESC report and strategy shall also integrate all relevant mitigation measures included in the EIS. As part of the Erosion and Sediment Control Report, the identification of vulnerable receiving features is required.
- v) location and description of all SWM and foundation drain collector outlets and other SWM infrastructure within and adjacent to the Greenway System, including a detailed analysis of any potential associated grade modifications and vegetation removal and all feasible mitigation measures to the satisfaction of the TRCA. This includes demonstrated consistency with the MESP with respect to location of outfalls to minimize the impacts to sensitive natural heritage features. Should red-line revisions to stormwater management pond blocks be necessary to meet the requirements of the TRCA, these alterations to expand blocks, or modify the size or configuration shall occur on lands within this subdivision which are currently proposed for development;

- vi) the integration of Low Impact Development (LID) measures and source and conveyance controls to mimic to the extent possible, pre-development hydrology and to reduce post-development runoff volumes. Multiple LID measures shall be used as part of an overall treatment train approach, consistent with the subwatershed study, to the satisfaction of the TRCA. the size and location of all LID measures associated with this development shall be confirmed to the satisfaction of the TRCA. Specific site water balance targets, and methods and locations for implementation of LIDs shall be provided;
- vii) identification and quantification of the specific measures that are being employed to ensure that there will be no predicted erosion related impacts on downstream areas (during and post construction), which are to be integrated into the stormwater management plan to the satisfaction of the TRCA. The report must identify in detail, how downstream erosion associated with flows generated from this development is being avoided;
- viii) detailed design of all proposed infiltration and low-impact development measures that are to be employed, demonstrating that TRCA's requirements, which include but are not limited to quality and quantity requirements, have been satisfied. Demonstration of how the receiving stormwater management ponds are being managed during the construction phase while some or all of the LIDs are not in operation.;
- ix) demonstrate how the pre-development drainage patterns are being preserved, post-development (to the greatest extent possible), in accordance with the approved MESP. The report shall include an impact mitigation report which demonstrates how construction and development shall minimize the potential impacts any flow diversion on the natural systems on or off the subject property, and including any broader impacts upon the sub watershed. Alterations to the approved drainage patterns in the Subwatershed Study (SWS) will require a reassessment of the SWS model utilized, and model calibration to demonstrate how the feature-based water balance is maintained;
- x) all stormwater outfalls, outflow channels and/or flow dispersal measures associated with stormwater management discharge, be designed to incorporate TRCA's design guidelines. This includes regard for additional enhancements to water quality, quantity control, mitigation of thermal impacts to the receiving habitat, reduce potential erosion and maximize potential infiltration, and integrate naturalized outlet channels where applicable, to the satisfaction of the TRCA;
- xi) all applicable plans illustrating that all works, site alterations, construction staging, or materials associated with these activities, will



not encroach or be placed on lands to be conveyed to a public agency as part of this plan of subdivision.

- xii) a detailed report identifying how the LPAT settlement obligations for replicating and enhancing the function of headwater feature HDF BR2-H15. This shall include identification of all proposed FDCs, with a detailed assessment of anticipated drainage areas, targets, proposed monitoring and adaptive management measures. This report shall also provide detailed design of Block 306, based upon the dimensions and parameters outlined in the LPAT settlement, with fluvial geomorphic design parameters, and a comprehensive planting and enhancement plan.
- xiii) a comprehensive assessment of the construction methodology, area of impact, phasing, impact mitigation, contingency measures, stabilization and restoration proposed for all infrastructure crossings proposed within the Greenway system for all such infrastructure being constructed by the developer.

20.2 That prior to any development, pre-servicing or site alteration, the applicant shall demonstrate that suitable arrangements have been made with adjacent landowners on which all requisite stormwater management facilities and/or infrastructure has been proposed, to allow for the construction and operation of the proposed interim and/or permanent facilities and/or infrastructure. And, that the owner demonstrates that arrangements have been made for all requisite interim conveyance channels and measures to remain in place on external lands, until such time as permanent infrastructure is available to convey stormwater from the subject lands to off-site stormwater management ponds.

20.3 That prior to any development, pre-servicing or site alteration, or registration of this plan or any phase thereof, the applicant shall submit and attain the approval of the TRCA for:

- a) Grading plans for the subject lands. These plans must indicate how grade differentials will be accommodated without the use of retaining walls within or adjacent to natural feature blocks and associated environmental buffers. Grading encroachment within the established environmental buffers (as determined on a site by site basis) shall not be permitted unless otherwise agreed upon by the Town and the TRCA.
- b) An adequate hydrogeological assessment, demonstrating that the groundwater related requirements of the SWS and MESP are being met or exceeded. The report shall:
  - i) provide a ground water constraint assessment that will examine existing and proposed ground water levels in relation to the proposed

development, underground construction and servicing and stormwater management infrastructure. Interactions between untreated (or insufficiently treated) surface and groundwater, shallow ground water, any necessary mitigation and dewatering requirements must be identified.

- ii) Assess the need for liners associated with the stormwater management system, and suitable liners shall be provided where necessary. All underground construction and infrastructure must be designed to not require permanent dewatering, and any potential impacts to the groundwater system that may result from the development must be assessed and mitigated;
  - iii) Provide information detailing all anticipated temporary or passive dewatering that may be required during the construction phase, including anticipated volumes, duration, discharge locations, and filtration media - as required, to the satisfaction of the TRCA.
- c) Detailed plans for any proposed trails within the NHS, identifying that potential impacts to the environmental buffers in which they are to be located have been minimized to the greatest possible extent. These shall include identification of how the impact has been minimized through location of the proposed trail, proposed grade modification and area of disturbance, proposed lighting impact mitigation, design and surfacing. As part of the supporting analysis, the applicant shall consider the integration of SiltSoxx for trail construction.
- d) Detailed water balance assessment that will identify measures that will be implemented during construction and post-construction to: mimic the pre-development surface and groundwater water balance to the greatest possible extent; maintain pre-development flow regimes and hydroperiods (e.g. quality, volume, rate, duration, timing, frequency and spatial distribution of water) to natural features; provide for on-site retention of precipitation on-site in accordance with the SWS and MESP to the satisfaction of the TRCA; mitigate against any potential on-site or downstream erosion associated with the stormwater management system; maintain and not exceed target flows to downstream wetlands and watercourses, to the satisfaction of TRCA staff. This study must provide detailed design of the system(s), and implementation information and measures, including adaptive management and monitoring.
- e) Adaptive management report and plan. This report must identify contingency measures and specific actions that may be taken within the development area to supplement and/or modify the quantity and quality of flows being directed to natural features, including HDF BR2-H15 on an on-going basis, outline feasible mitigation measures, and to address potential turbidity and thermal

impacts of SWM discharge.. The Adaptive Management Report must also include a specific section including an assessment of potential options for addressing unanticipated results of the monitoring – such as erosion downstream of the stormwater management outlet, or sediment discharge to natural features. The monitoring plan shall include monitoring data throughout construction and post-construction and provide funding securities for the long-term monitoring of this system to the satisfaction of the TRCA and the Town. Financing for the monitoring should be secured through the subdivision agreement. A detailed terms of reference shall be provided to TRCA, and to the satisfaction of TRCA prior to the completion of the report.

- f) Provide a comprehensive monitoring plan to assess the functioning and effectiveness of proposed stormwater LID (in accordance with the MESP), source and conveyance measures.
- g) If applicable, provide a monitoring plan to assess potential impacts associated with any thermal imbalance associated with the geothermal system on natural features on the site.
- h) If applicable, prepare an emergency response plan addressing any leaks and/or initial maintenance associated with the geothermal system.
- i) The applicant attain all Ontario Regulation 166/06 permits from the TRCA for all works proposed on the subject property for which permits would be required, and those related to any associated infrastructure or stormwater management works required to support this development. No grading, pre-servicing or temporary stormwater management works are to be initiated until such time as a permit from the TRCA and all requisite TRCA approvals are attained.
- j) The implementing zoning by-law recognize all natural features and environmental buffer blocks in an environmental protection or other suitable zoning category which has the effect of prohibiting development and structural encroachment, and ensuring the long term preservation of the lands in perpetuity, to the satisfaction of the TRCA.
- k) To provide for all warning clauses and information identified in TRCA's conditions.
- l) That the applicant provide confirmation that they are aware of their responsibilities with respect to all necessary approvals under the Endangered Species Act, and that they commit to attain all necessary approvals.
- m) That the owner agrees in the subdivision agreement, in wording acceptable to the TRCA;

- i) to carry out, or cause to be carried out, to the satisfaction of the TRCA, the recommendations of the technical reports and plans referenced in TRCA's conditions, including but not limited to the mitigation measures outlined in the Environmental Impact Study, completed to the satisfaction of TRCA;
- ii) implement on-site erosion and sediment control plans as well as monitoring in accordance with current TRCA standards or MECP/MNRF Silt Smart as applicable;
- iii) to protect LIDs during construction, and to maintain all stormwater management, and erosion and sedimentation control structures operating and in good repair during the construction period.
- iv) to erect a permanent fence to the satisfaction of the TRCA on all lots and blocks abutting lands to be conveyed to the public authority, prior to occupancy of any homes within that lot or block.
- v) to implement all water balance/infiltration measures identified in the water balance study and feature based water balance that is to be completed for the subject property to TRCA's satisfaction;
- vi) to implement the water balance, feature based water balance, LID and adaptive management monitoring programs and provide the requisite funding and securities for the full duration of the monitoring to the satisfaction of the TRCA;
- vii) to gratuitously dedicate all Greenway and Open Space blocks to TRCA or City of Markham, free of encumbrances. Should the lands be conveyed to TRCA, the owner shall demonstrate that all servicing and access easements provided for, as may be required by the City of Markham.
- viii) that prior to a request for registration of any phase of this subdivision – should registration not occur within 10 years of draft approval of this plan - that the owner consult with the TRCA with respect to whether the technical studies submitted in support of this development remain to meet current day requirements, and that the owner update any studies, as required, to reflect current day requirements.
- ix) To implement or provide the funding required for the implementation of all restoration and enhancement plantings and works to the satisfaction of TRCA and City of Markham. And, to provide a three-year monitoring and warranty on all planted materials.

- x) That the owner acknowledges that should this draft approval expire prior to registration of all phases, that the owner may be asked to address any changes to the natural hazard conditions or established technical standards in place as of that date, which may necessitate the need for modifications to the plan.
  
- n) That a warning clause be included in all agreements of purchase and sale, and information be provided on all community information maps and promotional sales materials for blocks and lots adjacent to Natural Heritage (Greenway) System Blocks which identifies the following:
  - i) The owners are advised that the rear lot lines are adjacent to environmental protection lands, which are regulated by the Toronto and Region Conservation Authority. These lands are considered to be part of the publicly owned environmental protection area, which is intended to remain naturalized, and will not be actively maintained. A future public trail may be located within all or a part of this area, however private uses such as picnic, barbeque or garden areas; storage of materials and/or the dumping of refuse or ploughed snow are not permitted on these lands. In addition, access to the adjacent TRCA lands through the subject property is not permitted. Private rear yard gates are prohibited.
  
- o) That a warning clause be included in all agreements of purchase and sale, and information be provided on all community information maps and promotional sales materials for private lots or blocks on which infiltration related infrastructure such as LID's, rear yard swales and catch basins are located which identifies the following:
  - i) That underground and/or surface stormwater management infrastructure is located on the subject property, which forms an integral part of the stormwater management infrastructure for the community. It is the owner's responsibility for the long-term maintenance of this system by ensuring that proper drainage is maintained. Grading within the rear yard, such as swales which convey stormwater to this system must remain in their original form.
  
- p) That the size and location of all proposed stormwater management blocks - to which the subject lands drain - be confirmed to the satisfaction of the TRCA. And, if required to meet TRCA requirements, red-line revisions be made to the plan to expand these blocks, or modify their size or configuration into surrounding lands within this subdivision which are currently proposed for development.

- q) That the size and location of all Low Impact Development (LID) stormwater management measures associated with this development be confirmed to the satisfaction of the TRCA. And, if required to meet TRCA requirements, red-line revisions be made to the plan to provide for necessary blocks within the Plan, or modify their size or configuration into surrounding lands within this subdivision which are currently proposed for development.
- r) That the owner agrees to not enter into any agreements of purchase and sale for the units within Blocks 1-6, located to the south of proposed Street “1” until such time as the environmental assessment for Street 1 has been completed and the detailed design of this proposed road and valley crossing has advanced to the satisfaction of TRCA. Should modifications be required to this plan of subdivision, based upon the approved Environmental Assessment, which impact upon, or cause to eliminate the subject blocks, this Plan shall be red-line revised to make any requisite changes.
- u) Plantings and restoration – that the owner provide a comprehensive planting and restoration strategy and plans for all Greenway and natural heritage system lands. This plan shall be consistent with the Natural Heritage Restoration Plan for the Berczy Glen Secondary Plan/MESP area. And, that the owner commits to funding the implementation of the restoration and enhancement plans and all associated monitoring to the satisfaction of TRCA.
- v) That the draft plan be red-line revised, if necessary, in order to meet the requirements of TRCA’s conditions.

## 21.0 Ministry of Natural Resources (MNR)

- 21.1 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.

## 22.0 York Region District School Board

- 22.1 That prior to final approval, the owner shall have made Agreement satisfactory to the York Region District School Board for the transfer of a public elementary school site. The public elementary school site, Block 310, shall contain not less than 2.619 hectares (6.47 acres).
- 22.2 That the owner shall agree in the Subdivision Agreement in wording satisfactory to the York Region District School Board:

- a) to grade the school site and in doing so compact, fill with clean material, replace any topsoil disturbed in the grading process and at the same time sod/seed the same lands to specifications determined by the Board;
- b) to remove any buildings on the school site;
- c) to remove trees, as required to accommodate school layout;
- d) to provide a letter of credit pertaining to stockpiling and removal of topsoil, by taking the volume of topsoil to be stored upon the school site and multiplying such volume by 200% of the current market prices for waste material disposal, as set forth in the latest version of Hanscomb's Yardsticks for Costing, Cost Data for the Canadian Construction Industry, to the satisfaction of the York Region District School Board;
- e) to remove stockpiled topsoil within 30 days of written notice by the Board and in doing so compact, fill with clean material, replace any topsoil disturbed in the grading process and at the same time sod/seed the same lands to specifications determined by the Board;
  - f) to construct a black vinyl coated chain link fence, Type II 1½" mesh, 1.8 m high along all boundaries of the school blocks, including road frontage(s) at the discretion of the Board;
  - g) to construct the fences prior to the issuance of building permits for Phase 1 of the subdivision;
  - h) to erect and maintain a sign on the public school site at such time as the relevant access roads are constructed, indicating that the date has not been set for the construction of the school;
  - i) to provide a geotechnical investigation and Phase 1 and Phase 2 environmental site assessment conducted by a qualified engineer. For an elementary school site, a minimum of eight boreholes shall be required and for a secondary school site a minimum of sixteen boreholes shall be required;
  - j) to provide the foregoing at no cost to the Board;
  - k) to assume any upstream and downstream charges for hydro, natural gas, sanitary and storm drainage, and water supply.
- b) That the owner shall submit to the York Region District School Board, at no cost to the Board, a letter from a qualified consultant concerning:

- i) the suitability of the school site for school construction purposes, relating to soil bearing factors, surface drainage, topography and environmental contaminants; and
  - ii) the availability of natural gas, electrical, cable, water, storm sewer and sanitary sewer services.
- c) That the Owner shall agree in the Subdivision Agreement, in wording acceptable to the York Region District School Board that the services referred to in Condition b) ii) shall be installed to the mid-point of the frontage of the school site and positioned as designated by the Board, at no cost to the Board.
- d) That prior to final approval, the Owner shall submit to the School Board an environmental impact study for the school block, initial set of engineering plans for review and approval, and subsequently, a copy of the final engineering plans as approved by the City of Markham which indicate the storm drainage system, utilities, and the overall grading plans for the complete subdivision area.
- e) That prior to final approval, the local hydro authority shall have confirmed in writing to the Board that adequate electrical capacity will be supplied to the school site frontage by the developer at no cost to the Board.
- f) That prior to final approval, the local hydro authority shall have confirmed in writing to the Board that they are satisfied that payment for any upstream and downstream charges will be made by the original developer.
- g) That the subdivision agreement include warning clauses advising the City of Markham, property owners and purchasers of lots within the draft plan that unless the provincial funding model provides sufficient funds to construct new schools, there can be no assurance as to the timing of new school construction nor a guarantee that public school accommodation will be provided within the subject plan notwithstanding the designation of the school site.
- h) That the York Region District School Board shall advise that conditions a) to g) inclusive have been met to its satisfaction. The clearance letter shall include a brief statement detailing how each condition has been satisfied or carried out.

## 23.0 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 Ministry of Culture shall advise that Conditions 14.1 and 14.2 have been satisfied.
- b) The Regional Municipality of York Planning Department shall advise that Conditions 19.1 and 19.2 have been satisfied.
- c) The Toronto and Region Conservation Authority shall advise that Conditions 20.1 to 20.3 have been satisfied.
- d) The Ministry of Natural Resources and Forestry shall advise that Condition 21 has been satisfied.
- e) York Region District School Board shall advise that Conditions 22.1 and 22.2 have been satisfied.

Dated: XXXXXX

Ron Blake, Senior Development Manager



## MEMORANDUM

TO: Mayor and Members of Council

FROM: Arvin Prasad, Commissioner of Development Services

PREPARED BY: Sabrina Bordone, Senior Planner, Central District

DATE: May 26, 2020

RE: **Hold Removal By-law  
H & W Development Corporation  
9 Clegg Road and 8 Cedarland Drive  
File: HOLD 20 109182**

---

The Owner has received site plan endorsement to permit a condominium apartment development comprised of two, 18-storey towers on a shared podium with 515 residential units, located on the south side of Clegg Road, west of Warden Avenue, municipally known as 9 Clegg Road and 8 Cedarland Drive, within Markham Centre.

The zoning of the lands is subject to holding provisions [(H1) and (H2)] to be removed once certain conditions, including execution of a Site Plan Agreement and issuance of Site Plan Approval, have been satisfied. Council endorsed the project in June 2018, and preparation of the Site Plan Agreement is underway.

The Owner has applied for a Conditional Building Permit, which cannot be issued until both the H1 and H2 provisions have been lifted. The Owner has entered into an Undertaking with the City to ensure that above grade Building Permits are not pursued until the Site Plan Agreement has fully been executed and Site Plan Approval has been issued.

In order to allow below grade construction work to proceed and avoid undue delays, staff support removing the holding provisions at this time.



# BY-LAW 2020-\_\_\_\_\_

## A By-law to amend By-law 2004-196 (Removal of Hold Provision)

---

WHEREAS Section 34 of the Planning Act, R.S.O. 1990, c. P.13, as amended, permits a Council to pass a by-law prohibiting the use of land, buildings or structures within a defined area or areas; and,

WHEREAS Section 36 of the Planning Act, R.S.O. 1990, c. P.13, as amended, permits a Council to pass a by-law to specify the use to which lands, buildings or structures may be put at such time in the future as the hold symbol is removed by amendment to the by-law; and,

WHEREAS Zoning By-law No. 2004-196 is the governing By-law of the Corporation of the City of Markham pertaining to the subject lands; and

WHEREAS the Council of the Corporation of the City of Markham has deemed it advisable to amend Zoning By-law No. 2004-196; and,

WHEREAS it has been confirmed to Council that all of the conditions required for the removal of the Holding (H1) and (H2) Symbol from the subject lands have been completed to the satisfaction of the City;

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

1. THAT By-law 2004-196 is hereby further amended as follows:
  - 1.1 By removing the Holding (H1) and (H2) provision from the **Markham Centre Downtown Two Exception 3 (Hold1 Hold 2) [MC-D2\*3(H1)(H2)] Zone** for the lands outlined on Schedule "A" attached hereto.
2. THAT Zoning By-law No. 2004-196 is hereby amended to give effect to the foregoing, but shall in all other respects remain in full force and effect.
3. THAT this By-law shall come into effect upon final passing, pursuant to Section 34(21) of the Planning Act, 1990.

Read a first, second and third time and passed on May 26, 2020.

---

Kimberley Kitteringham  
City Clerk

---

Frank Scarpitti  
Mayor



**EXPLANATORY NOTE**

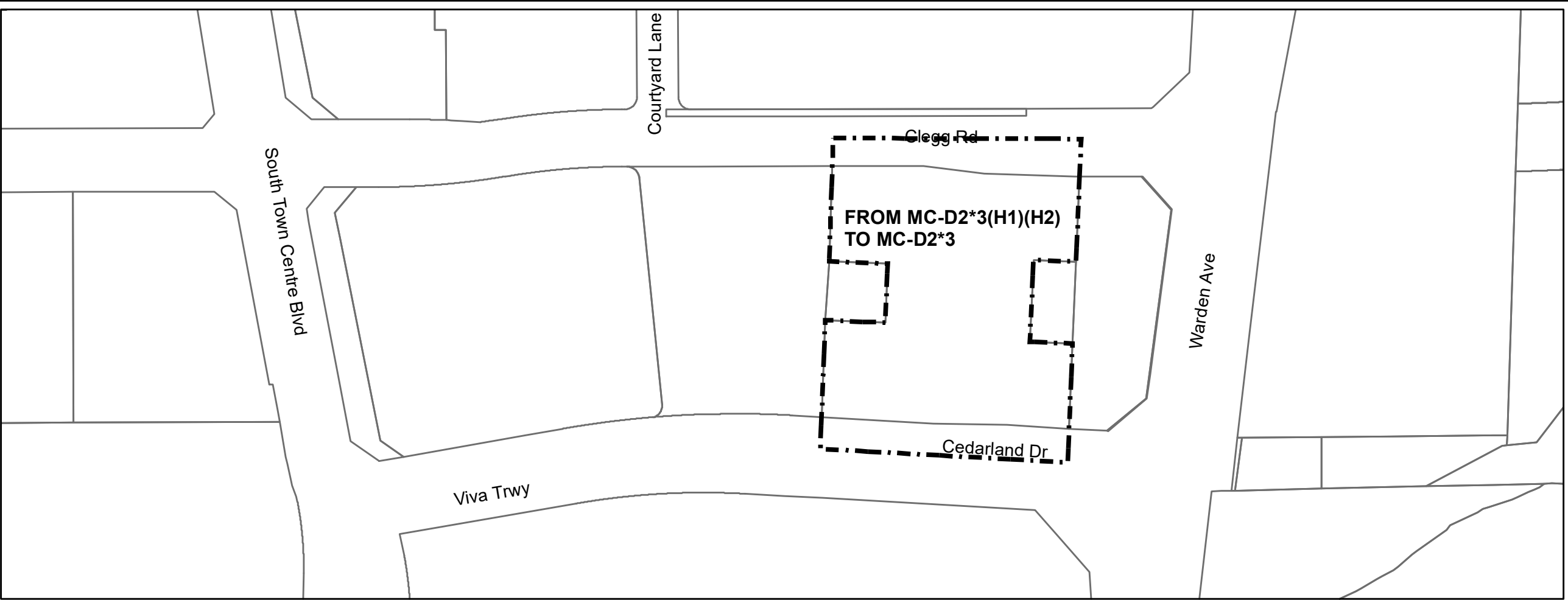
**BY-LAW 2020-\_\_\_\_**  
**A By-law to amend By-law 2004-196, as amended**

**H & W Development Corporation**  
**9 Clegg Road and 8 Cedarland Drive**

**Lands Affected**  
The proposed by-law amendment applies to a 1.21 ha (3 acres) parcel of land located on the south side of Clegg Road, west of Warden Avenue.

**Existing Zoning**  
The subject lands are zoned Markham Centre Downtown Two Exception 3 (Hold1 Hold 2) [MC-D2\*3(H1)(H2)] by By-law 2004-196, as amended.

**Purpose and Effect**  
The purpose and effect of this By-law is to remove the Holding (H1) and (H2) Symbol from the zoning of the subject lands to permit a condominium apartment development comprised of two, 18-storey, towers on a shared podium with a total of 515 residential units.



**SCHEDULE "A" TO BY-LAW 2004-196**

AMENDING BY-LAW 2020-      DATED MAY   , 2020



 BOUNDARY OF AREA COVERED BY THIS SCHEDULE

 MARKHAM CENTRE DOWNTOWN TWO

 HOLDING PROVISION ONE

 EXCEPTION NUMBER

 HOLDING PROVISION TWO

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.

---

**Subject:** FW: COA electronic meeting objection

From: Dan O Kopniak  
Sent: Monday, May 25, 2020 6:30 PM  
To: Clerks Public Subject: COA electronic meeting objection

CAUTION: This email originated from a source outside the City of Markham. DO NOT CLICK on any links or attachments, or reply unless you recognize the sender and know the content is safe. Dear Council Members, Regarding proposal to enact a bylaw to allow COA meetings to be held electronically rather than in person has many disadvantages. Notice by mail of COA meetings and details should still be required rather than general postings in local newspapers to ensure delivery of affected parties. Some do not have access to email or web sites and this should be relied upon. It would be very difficult to object to a proposal for many people under a MS Team Meeting, Skype, Zoom Meeting or similar setup that are not familiar with how best to use that technology including displaying photographs and other information they wish to share to form a basis for their argument. This electronic method definitely favours the applicants who will control the technology. My recommendation is for in-person meetings using social distancing, wearing of face coverings and not attending if one has symptoms of COVID-19, once the government allows such activities to resume. Pushing through COA approvals, most of which are unnecessary, in a virtual approval process is not the prudent way to proceed, and not in the best interest of the residents of Markham that wish the current building restriction by-laws, which the City has taken great measures to determine, to be enforced. Thank you for taking my request into consideration.

Best,  
Daniel O'Kopniak

Proud Markham resident and taxpayer since 2000.



Report to: Development Services Committee

Meeting Date: April 21, 2020

**SUBJECT: RECOMMENDATION REPORT**

Berczy Elgin Holdings Inc.

Applications for a Draft Plan of Subdivision and Zoning By-law Amendment to facilitate the creation of approximately 788 residential units, two school blocks or parts thereof and one park block on the subject property known municipally as 3575 Elgin Mills Road East (Ward 2)  
File No's.: SU/ZA 18 235522

**PREPARED BY:** Daniel Brutto, MCIP, RPP ext. 2468  
Senior Planner, North District

**REVIEWED BY:** Stephen Kitagawa, MCIP, RPP ext. 2531  
Acting Development Manager, North District

**RECOMMENDATION:**

- 1) THAT the staff report dated April 21, 2020 titled "RECOMMENDATION REPORT, Berczy Elgin Holdings Inc., Applications for a Draft Plan of Subdivision and Zoning By-law Amendment to facilitate the creation of approximately 788 residential units, two school blocks or parts thereof and one park block on the subject property known municipally as 3575 Elgin Mills Road East (Ward 2)," be received;
- 2) THAT the record of the Public Meeting held on March 26, 2019, regarding the Applications for a Draft Plan of Subdivision and Zoning By-law Amendment by Berczy Elgin Holdings Inc. on the subject property known municipally as 3575 Elgin Mills Road East (Ward 2), be received;
- 3) THAT in accordance with the provisions of subsections 45 (1.4) of the Planning Act, R.S.O. 1990, c.P.13, as amended, the Owners shall through this Resolution, be permitted to apply to the Committee of Adjustment for a variance from the provisions of the accompanying Zoning By-law, before the second anniversary of the day on which the by-law was approved by Council;
- 4) THAT the application submitted by Berczy Elgin Holdings Inc. to amend Zoning By-law 304-87, as amended, be approved and the draft by-law attached as Appendix 'A' be finalized and brought forward to a future Council meeting to be enacted without further notice;
- 5) THAT Draft Plan of Subdivision 19TM-18010 be approved, subject to the conditions set out in Appendix B of this report;
- 6) THAT the Director of Planning and Urban Design or his designate, be delegated authority to issue draft plan approval, subject to the conditions set out in Appendix B, as may be amended by the Director of Planning and Urban Design or his designate;

- 
- 7) THAT draft plan approval for Draft Plan of Subdivision 19TM-18010 will lapse after a period of three (3) years from the date of Council approval in the event that a subdivision agreement is not executed within that period;
  - 8) THAT servicing allocation for 788 units be assigned to Draft Plan of Subdivision 19TM-18010; and,
  - 9) AND THAT Staff be authorized and directed to do all things necessary to give effect to this resolution.

**EXECUTIVE SUMMARY:**

Berczy Elgin Holdings Inc. has submitted applications for Draft Plan of Subdivision and Zoning By-law Amendment to facilitate the creation of approximately 788 residential units, two school blocks or parts thereof and one park block on the subject property known municipally as 3575 Elgin Mills Road East (See Figure 4: Draft Plan of Subdivision).

The 28.2 hectares (69.7 acres) subject property is located west of Warden Avenue, south of Elgin Mills Road East, within the Berczy Glen Secondary Plan Area (See Figure 1: Location Map). It is primarily used for agricultural operations and among other structures, contains a listed heritage structure adjacent to Elgin Mills Road East referred to as the Lyon-Schell-Frisby House (See Figure 2: Aerial Photo). Surrounding land uses primarily consist of agricultural and rural residential uses.

A statutory Public Meeting was held by the Development Services Committee (DSC) on March 26, 2019 to seek input on the applications. A number of area residents, landowners and Committee members provided comments, including but not limited to: mitigating impacts on neighboring rural residential uses; encouraging the re-use of the listed heritage structure; encouraging senior friendly housing, affordable housing and a varied housing product; seeking more information on arterial/collector road phasing; and, providing roundabouts where possible.

In response to the matters raised at the Public Meeting and those outlined in Staff's preliminary report dated February 11, 2019, the applicant submitted a revised proposal (See Figure 4: Draft Plan of Subdivision). The revised proposal, as discussed in this report, addresses matters raised by members of DSC, the public, City staff and external agencies throughout the review process.

Staff are of the opinion that the Draft Plan of Subdivision and Zoning By-law Amendment are consistent with the Provincial Policy Statement, 2014; conform to all applicable Provincial, Regional and Municipal plans, have regard to Section 51(24) of the Planning Act; represent good planning; and are in the public interest. Staff recommend that Council approve the Draft Plan of Subdivision subject to the conditions attached as Appendix B. Staff are finalizing the content of the draft Zoning By-law Amendment with the applicant, in consultation with applicable public agencies/City departments and in accordance with this report. Staff therefore recommend that the draft zoning by-law, attached as Appendix A, be brought forward to a future Council meeting once the by-law has been finalized.



**PURPOSE:**

The purpose of this report is to provide an overview, evaluation and staff recommendations with regard to the applications for Draft Plan of Subdivision and Zoning By-law Amendment submitted by Berczy Elgin Holdings Incorporated (the “Owner”).

**PROCESS TO DATE:**

- November 2018 - Applications deemed complete
- February 2019 - Preliminary report to Development Services Committee
- March 2019 - Statutory Public Meeting
- February 2020 - revised plans submitted.

**Next steps**

- If approved, the Owner will be required to clear the Conditions of Draft Plan of Subdivision Approval attached in Appendix B, enter into a subdivision agreement with the City and register the draft plan.

It should be noted that this application is moving forward during a period when the Province of Ontario has suspended Planning Act timelines for the appeal of an application to the Local Planning Appeal Tribunal. Municipalities have the discretion to continue the processing of applications, so long as the procedural requirements of the *Planning Act* can be met. At the time of the writing of this report, matters respecting finalization of approvals and appeals are still being resolved. The Clerk, Legal Services and Development Services are working together to address the mandatory requirements and any technical issues that arise as a result of the emergency.

**BACKGROUND:****The Subject Property is located within the Berczy Glen Secondary Plan Area**

3575 Elgin Mills Road East (the “Subject Property”) consists of approximately 28.2 hectares (69.7 acres), located west of Warden Avenue, south of Elgin Mills Road East (See Figure 1: Location Map). It is located within the City’s Future Urban Area (the “FUA”), more specifically the Berczy Glen Secondary Plan Area, which is bounded by Elgin Mills Road to the north; Warden Avenue to the east; a residential estate subdivision to the south; and the Hydro corridor to the west (the “Secondary Plan Area”).

The Subject Property is primarily used for agricultural operations, contains a listed heritage structure adjacent to Elgin Mills Road East referred to as the Lyon-Schell-Frisby House, a barn complex and several metal-clad agricultural outbuildings (See Figure 2: Aerial Photo).

Surrounding land uses include (See Figure 3: Area Context/Zoning):

- North: Elgin Mills Road East with agricultural uses to the north, which form a part of the City’s Future Employment Area;
- East: Rural residential and agricultural uses intended for residential/mixed use development in the Berczy Glen Secondary Plan;
- South: Agricultural uses intended for residential development in the Berczy Glen Secondary Plan; and,

- West: Agricultural uses intended for residential development in the Berczy Glen Secondary Plan, currently subject to Draft Plan of Subdivision and Zoning By-law Amendment applications submitted by Mattamy Homes.

### PROPOSAL:

The Owner has submitted Draft Plan of Subdivision and Zoning By-law Amendment applications to facilitate the creation of two elementary school blocks or parts thereof, one park block, approximately 788 residential units and the supporting road/lane network, which includes access to Elgin Mills Road East (the “Proposal”) (See Figure 4: Draft Plan of Subdivision). Table 1 below summarizes the Proposal statistics.

Key changes made to the Proposal during the review process include:

- Unit count reduced from 798 to 788 (-10 units)
- Snow storage notches/walkways and mid-block connector lanes introduced
- Local road rights-of-way increased from 18 metres to 18.5 metres
- York Catholic District School Board site (Block 206) size increased to 2.4 hectares
- Neighbourhood park (Block 207) size increased to 1 hectare

To facilitate implementation of the Proposal, the Zoning By-law Amendment application proposes to re-zone the Subject Property from ‘Agricultural One (A1)’ under By-law 304-87, as amended, to the appropriate zone categories under By-law 177-96, as amended, including special provisions. The draft zoning by-law amendment is attached is Appendix A.

**Table 1: Draft Plan of Subdivision Statistics**

| <b>Land Use (Residential)</b>          | <b>Units</b>  | <b>Hectares (Acres)</b> |
|--|---------------|-------------------------|
| Detached Dwellings                     | 178           | 5.74 (14.18)            |
| Laneway townhouses                     | 117           | 1.80 (4.44)             |
| Residential Mid-rise                   | 458           | 7.67 (18.96)            |
| Mixed Use Mid-rise                     | 35            | 0.58 (1.43)             |
| <b>Total (Residential)</b>             | <b>893</b>    | <b>15.79 (39)</b>       |
| <b>Land Use (Other)</b>                | <b>Blocks</b> | <b>Hectares (Acres)</b> |
| Neighbourhood Park                     | 207           | 1.00 (2.47)             |
| Elementary Schools                     | 205-206       | 4.41 (10.91)            |
| Walkways (adjacent snow storage notch) | 209-211       | 0.02 (0.07)             |
| Road widening                          | 208           | 0.66 (1.63)             |
| Collector/Local Roads/Laneways         | -             | 6.29 (15.54)            |
| <b>Total (Other)</b>                   |               | <b>12.38 (30.59)</b>    |
| <b>Total (All)</b>                     | <b>788</b>    | <b>28.17 (69.60)</b>    |

### Public Consultation

A Public Meeting was held on March 26, 2019. Matters with respect to the original draft plan of subdivision were identified through written submissions and comments made by

---

members of the Committee and the public. The following is a summary of the matters raised:

- Encouraged the adaptive reuse of the listed heritage dwelling;
- Concerns that the Proposal would impact the neighbouring rural residential properties to the east;
- The need for senior friendly housing, affordable housing and a variety of housing forms;
- Residents expressed preference for roundabouts;
- Requested additional information regarding collector and arterial road phasing and improvement projects.

The discussion section of this report (begins on page 8) outlines how these matters have been considered.

### **PLANNING POLICY AND REGULATORY CONTEXT:**

The Proposal is subject to a planning policy framework established by the Province, York Region and the City of Markham under the *Planning Act, R.S.O. 1990*. The following section describes how the Proposal meets the respective policies and regulations.

#### **Provincial Policy Framework**

The Proposal is consistent with the Provincial Policy Statement, 2014 (the “PPS”)

The PPS provides direction on matters of Provincial interest related to land use planning and development. The PPS provides the direction for the efficient use of land and development patterns, which support sustainability by promoting strong, livable, healthy and resilient communities, while protecting the environment and public health and encouraging safety and economic growth.

The Subject Property is located within a defined settlement area, which is designated for development in both the York Region and City of Markham Official Plans. Consistent with the policies of the PPS, the Proposal promotes density, which efficiently uses land and resources and supports alternative transportation modes, incorporates a range and mix of housing styles, protects a listed heritage dwelling and achieves efficiency by utilizing a master planned road and servicing network. Staff are satisfied that the Proposal is consistent with the PPS.

The Proposal conforms to the Provincial Growth Plan for the Greater Golden Horseshoe, 2017 (the “Growth Plan”)

The Growth Plan provides a framework for implementing the Province’s vision for building strong, prosperous communities within the Greater Golden Horseshoe to 2041. The premise of the Growth Plan, 2017 is building compact, vibrant and complete communities, developing a strong competitive economy, protecting and wise use of natural resources and optimizing the use of existing and new infrastructure to support growth in a compact, efficient form.

The Subject Property is located within a Designated Greenfield Area (DGA) of the Growth Plan, 2017. DGA lands are planned for development and are required to accommodate forecasted growth to the horizon of the Growth Plan. Staff are of the opinion that the

---

Proposal conforms to the Growth Plan, 2017, as it is located within a DGA, promotes a diverse mix of land uses, provides a range and mix of housing types, and supports the achievement of a compact community.

The Proposal has regard to Section 51(24) of the *Planning Act*

Section 51 (24) of the Ontario Planning Act sets out the criteria which a draft plan of subdivision must have regard for. Consideration has been given to the criteria, including the suitability of the land for the purpose proposed, dimensions and shape of the proposed lots, conservation of natural resources and flood control, adequacy of school sites, highways and the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy. Staff are of the opinion that the Proposal has regard for the criteria.

**Regional Policy Framework**

The Proposal conforms to the York Region Official Plan 2010 (the "Regional Official Plan")

The Regional Official Plan includes policies to guide land-use planning consistent with the requirements of the Growth Plan to encourage high quality urban design, attractive buildings, landscaping and public streetscapes.

The Regional Official Plan designates the Subject Property as 'Urban Area' on Map 1 – Regional Structure. This designation permits a range of uses including those provided in the Proposal. Furthermore, the Proposal achieves the density targets required by the plan, promotes a diverse mix of land uses, protects the listed heritage structure and provides a range and mix of housing types. Staff are satisfied the Proposal conforms with the Regional Official Plan.

**City of Markham Policy Framework**

The Proposal conforms to the Markham Official Plan, 2014 (the "City's Official Plan")

The City's Official Plan (as partially approved on November 24, 2017 and further updated on April 9, 2018) is a statutory document under the *Planning Act* that sets out land use policy to guide future development and manage growth.

Map 3 - Land Use designates the Subject Property 'Residential Low Rise', 'Residential Mid Rise' and 'Mixed Use Mid Rise' (See Figure 5: 2014 Official Plan Map 3 Extract - Land Use). It provides direction for the development of a Conceptual Master Plan for the FUA as the basis for the development of Secondary Plans, including the Berczy Glen Secondary Plan. The Conceptual Master Plan for the FUA was completed and endorsed by Council in November 2017.

The Proposal conforms to the Berczy Glen Secondary Plan (the "Secondary Plan")

The Secondary Plan includes detailed policies to guide future development and growth in the Berczy Glen community to 2031, providing a comprehensive policy framework for Council decisions with respect to the use of land, provision for municipal services and infrastructure, and the implementation and phasing of development.

Map SP1 - Detailed Land Use designates the Subject Property 'Residential Low Rise', 'Residential Mid Rise I' and 'Mixed Use Mid Rise' and identifies two symbols denoting public and catholic elementary school sites and one symbol denoting a neighbourhood park (See Figure 6: Berczy Glen Secondary Plan Extract - Detailed Land Use). The Secondary Plan contains minimum and maximum density targets, minimum and maximum building heights and specific development criteria associated with each land use. Table 2 below identifies the density calculations for the Proposal.

**Table 2: Proposal Density Analysis**

| <b>Designation</b>     | <b>Area<br/>(Hectares)</b> | <b>Units</b> | <b>Secondary Plan<br/>Density Range<br/>(units per net<br/>hectare)*</b> | <b>Proposed<br/>Density<br/>(units per<br/>net hectare)</b> |
|------------------------|----------------------------|--------------|--|---|
| Residential Low Rise   | 7.42                       | 266.5        | 25-45  | 35.94   |
| Residential Mid Rise I | 8.20                       | 486.5        | 40-70  | 59.32   |
| Mixed Use Mid Rise     | 0.58                       | 35           | 40-70  | 60.14   |

\*Calculated based on the requirements of Section 8.1.8 of the Secondary Plan

Staff have reviewed the Proposal in the context of the Secondary Plan and are satisfied the Proposal conforms to the Berczy Glen Secondary Plan.

The proposal has regard for the Berczy Glen Community Design Plan (the "Guidelines")  
The Guidelines set out to achieve a coordinated approach to urban design throughout the community. Among other things, the Guidelines provide direction related to streetscape, parks and open space, building typology and mix, lotting pattern, sustainability features, gateways, special community and landmark features, etc. Staff are of the opinion the Proposal meets the objectives of the Guidelines.

As a condition of draft plan approval, the Guidelines require the Owner to retain a design consultant to prepare architectural control guidelines to the satisfaction of the City prior to execution of the subdivision agreement. Architectural control guidelines will ensure that the future townhouses, single detached dwellings and mid-rise development elevations are designed in a manner that incorporates the requirements and criteria of the Guidelines. This will ensure that the physical elements of the dwellings visible from the public realm contribute to the development of a sense of place and address components such as the location of main entrances and porches, roof slopes, corner lot architecture and materials. Building permit applications will only be accepted and processed when drawings are stamped and signed by the Design Control Architect to ensure that the dwellings have been designed in accordance with the approved Architectural Control Guidelines.

### **Zoning**

The Subject Property is zoned 'Agriculture One Zone (A1)' by By-law 304-87, as amended (See Figure 4: Area Context/Zoning). To facilitate implementation of the Draft Plan of Subdivision, the Zoning By-law Amendment application proposes to re-zone the Subject Property from 'Agricultural One (A1)' under By-law 304-87, as amended, to the appropriate zone categories under By-law 177-96, as amended, including any special

---

provisions. The draft Zoning By-law Amendment can be found in Appendix A, and once finalized will be brought forward to a future Council meeting.

**DISCUSSION:**

The following section identifies how the matters raised throughout the application review process, including those raised at the Public Meeting, have been resolved.

**Matters raised through public consultation by DSC and members of the public****Lyon-Schell-Frisby heritage house to be preserved under the Ontario Heritage Act**

The Subject Property contains the Lyon-Schell-Frisby House, c.1850, a one-and-a half storey brick farmhouse that is listed on the *Markham Register of Property of Cultural Heritage Value or Interest* (the “Heritage Building”).

At Heritage Markham’s meeting on January 9, 2019 the following recommendation was passed with respect to the Heritage Building:

*“That Heritage Markham strongly recommends the retention of the Lyon-Schell-Frisby House at 3575 Elgin Mills Road East on its original site on an appropriate size lot to provide ample space for landscape, amenity space, and any potential additions, and its integration into the proposed development; and,*

*That Heritage Markham recommends that the standard Heritage Condition of Draft Approval be included in the approval of the Draft Plan of Subdivision application.”*

Heritage planning recommends that the heritage building be retained on its original site as required by the cultural heritage planning policies of the City’s Official Plan. Included in the Draft Plan of Subdivision conditions attached as Appendix B are the standard Heritage conditions of draft plan approval, which include requirements for the preservation and maintenance of the heritage building, a heritage easement agreement, heritage designation, site plan approval and the requirement for an interpretive plaque.

Restoration of the Heritage Building, will be subject to site plan approval. At this stage, details such as landscaping, amenity space and compatibility with future development will be further examined by staff. Some of the permitted uses for the Heritage Building include day care centres, convenience retail and personal services.

**Barn complex to be salvaged for lumber by the Frisby family for a future residence**

At Heritage Markham’s meeting on January 9, 2019, staff were directed to further examine the barn and outbuildings to determine their significance and potential options for the buildings.

City staff, the Owners representatives and two members of the Frisby family conducted a site visit on April 23, 2019. Members of the Frisby family advised that the barn was constructed in 1912 and that they had arranged with the Owner to salvage the lumber from the barn for a future residence. On May 8, 2019 Heritage Markham passed a motion in support of salvaging the lumber from only the barn by the Frisby family for a future new

residence and that staff investigate options for the City to obtain a financial security to ensure the salvaged lumber is used for its stated purpose.

**Residents to the east to be protected during construction activity**

At the public meeting, residents along Elgin Mills Road located east of the Proposal raised concerns with regards to the construction impacts. These residents will be protected from potential erosion and sedimentation during construction of the subdivision through draft plan conditions that shall require the preparation of an erosion and sediment control plan (the “Plan”) in accordance with the City’s design criteria and the “Erosion and Sediment Control Guideline for Urban Construction (2006)”. The Plan will identify erosion control practices (i.e. staged earthworks, track walking, stabilization, etc.) as well as sediment controls (fencing, mud mats, catchbasin sediment control devices, etc.).

In addition to erosion and sediment control practices during construction, there are by-laws in place to protect residents during construction activity. Specifically, the City’s Noise By-law 2017-74 prohibits the operation of any equipment in connection with construction: all day on Sundays and Statutory Holidays; from 7pm one day to 7am the next day; Fridays from 7pm to 9am Saturday; and after 5pm on Saturday.

**Senior Friendly Housing and Purpose Built Secondary Suites**

The *Planning Act*, as amended by The Strong Communities Through Affordable Housing Act (Bill 140), requires municipalities to pass zoning by-laws permitting secondary suites in detached, semi-detached and townhouses, as well as in ancillary structures. The effect of these legislative changes is to identify affordable housing as a matter of provincial interest with secondary suites playing a key role in the provision of affordable housing. Secondary suites provide more affordable housing choices and secondary incomes through private rental units for residents. In accordance with provincial legislation, as-of-right secondary suites are permitted in the draft zoning by-law for all units.

The Owner has developed a list of options that they will be offering to their purchasers at the time of sale that aim to facilitate aging in place and improved accessibility. The following features will be available as design options:

- Optional ramps where suitable
- Optional master bedroom on the main floor on select models
- Optional elevators on select models
- Optional secondary entrances to facilitate secondary suites

Additionally, the following custom design options will be available:

- Double front entry doors for detached designs
- Open floor plans where possible, with minimum hallway widths of 36 inches or greater
- All door handles in the home will be pull down lever style design
- Electrical outlets may be placed 18- 24 inches from the floor level throughout the home, except over kitchen and bathroom counters, at the purchaser’s request
- The main bathroom will have wood reinforcing built into the walls of the bath tub and over the toilet for future installation of grab bars

- 
- A walk-in shower will be provided in all master bathrooms
  - Generous Master Ensuite shower sizes that can accommodate shower seats
  - Generous main floor stair widths to accommodate future chair lifts

### **Roundabouts**

At the Public Meeting residents inquired about opportunities for roundabouts to be incorporated within the Proposal and at the intersection of Warden Avenue and Elgin Mills Road East. A roundabout is one of several alternative traffic controls that are typically considered in any development. The decision on roundabouts as a potential traffic control depends on various factors, namely surrounding land use, traffic operations, and technical feasibility. Based on these considerations, it is determined that there is not a suitable location for where roundabouts will be beneficial within the Proposal given the intersecting road functions (mostly local roads). A roundabout at the Warden Avenue and Elgin Mills Road East intersection will be addressed as part of the City's environmental assessment study for Elgin Mills Road East. York Region policy also requires that roundabouts be considered as an option when undertaking environmental assessment studies for its intersection improvements.

### **Infrastructure Phasing Plan**

At the Public Meeting, members of Development Services Committee raised questions about phasing infrastructure, such as roads, bridges and municipal services, within the Secondary Plan Area and with respect to the surrounding regional road network (i.e., Warden Avenue, Elgin Mills Road East). The Berczy Glen Development Phasing Plan (the "Phasing Plan") includes information relating to, among other things: timing milestones for servicing, active transportation, road linkages, utility infrastructure, and requirements for interim works. The Engineering Department has incorporated a draft plan condition outlining that registration be phased in accordance with a completed Phasing Plan.

### **Municipal Class Environmental Assessment (EA) Study for Elgin Mills Road corridor**

With the anticipated development in the Future Urban Area, ~~it is expected that~~ a number of regional and municipal roads and intersections are required to be built or widened in order to accommodate the projected population growth. The following are ~~the~~ arterial/collector roads identified for road widening as part of the FUA, and the agency responsible for undertaking of the Municipal Class EA: -

- Elgin Mills Road – Victoria Square Boulevard to McCowan Road (City of Markham)
- Warden Avenue – Major Mackenzie Drive East to north of Elgin Mills (York Region)
- Kennedy Road – Major Mackenzie Drive East to Elgin Mills Road East (York Region)

### **Matters raised by City Staff and Public Agencies**

#### **School boards have confirmed the size and location of sites provided are acceptable**

The Proposal includes one full size catholic elementary school site (Block 206) and a partial public elementary school site (Block 205) based on the requirements of the



---

Secondary Plan (See Figure 4: Draft Plan of Subdivision and Figure 6: Berczy Glen Secondary Plan Extract - Detailed Land Use).

The respective school boards have confirmed that the size and locations of the school sites are appropriate. It is anticipated that the partial public elementary school site (2 hectares) will become a full 2.4 hectare site when a draft plan of subdivision is submitted to the City for the lands located to the east of the Subject Property. Included in the Draft Plan of Subdivision conditions attached as Appendix B are the respective school board conditions.

**Proposed parkland meets the objectives of the Community Design Plan and conforms to the Secondary Plan**

The Community Design Plan and Secondary Plan identify the locations and sizes of parks in the Berczy Glen community, irrespective of property ownership. Together these plans ensure an integrated and comprehensive approach that considers linkages and connectivity, facility requirements, and interface conditions.

As well, these plans identify the requirement for a one hectare Neighbourhood Park on the Subject Property, which the Proposal provides in Block 207.

In accordance with the City's Parkland Dedication By-law 195-90 and the *Planning Act, R.S.O. 1990, c.P.13*, as amended, the parkland requirement for the Proposal is 2.63 ha (based on the number of units), resulting in a under-dedication of 1.63 ha., calculated on a site-specific basis.

However, given that the parkland block shown in the Proposal meets the parkland provision strategies set out in the Community Design Plan and Secondary Plan, which provide for 100% parkland dedication on a Community-wide basis, it is Staff's opinion that the proposed parkland conveyance, while representing an under dedication on a site specific basis, is acceptable in the context of the Community as a whole, and no additional cash in lieu of parkland would be required. In the context of large greenfield communities like Berczy Glen it is common for some landowners to under dedicate parkland while others over dedicate parkland on a property-specific basis. Typically, staff require these discrepancies to be resolved through the Landowners Group and are implemented from the City's standpoint through a Master Parks Agreement. Staff have incorporated a draft plan condition reserving the right to require a Master Parks Agreement and/or revisions to this draft plan of subdivision to incorporate additional parkland, prior to release of the lands for registration.

**Residential mid-rise blocks and mixed-use mid-rise block are subject to site plan approval**

Blocks 202 and 203 are proposed to be developed in the future with residential mid-rise product. This may include building forms such as townhouses including back to back and stack townhouses, small multiplex buildings containing 3 to 6 units and apartments with heights ranging from 2 to 4 storeys.

Block 204 forms a portion of a larger mixed use mid-rise block and is proposed to be developed at some time in the future with residential and possible commercial uses (i.e.

offices, restaurant, retail, etc.) Building forms considered by the Secondary Plan, include stack townhouses, apartment buildings and multi-storey non-residential or mixed-use buildings ranging in height from 3 to 6 storeys.

These blocks are subject to site plan approval including a review of built form transitions to adjacent uses, landscaping, massing, parking supply, vehicular and pedestrian circulation, building materials, waste management, among other matters.

### **The Community Energy Plan (the “CEP”) and sustainability initiatives**

The CEP for the Future Urban Area is finalized, but is a living document and will be updated as needed over time. The CEP will identify and advance sustainable development practices as they relate to energy use and generation within the Secondary Plan Area. Staff have incorporated a draft plan condition requiring the Owner to agree to the mandatory measures of the CEP, such as high energy efficiency building design.

The Proposal will feature efficient and resilient development to support a healthy, livable and safe community in accordance with directions of the PPS, Growth Plan and the applicable sustainable development policies of the Regional Official Plan and the City’s Official Plan. The applicant has incorporated the following sustainability initiatives:

- Low-Impact Development (LIDs) features, such as rear yard infiltration trenches and/or permeable paver driveways
- Infiltration facilities in park blocks, school blocks and mixed-use blocks to help reduce the likelihood of flooding and meet water balance objectives
- High energy efficiency building design, including:
  - A minimum of R60 in the attic/roof insulation
  - R10 underslab insulation
  - Triple pane windows or equivalent high performance double pane (U-value 1.4 or lower)
  - Electric Vehicle wiring in all garages
  - Implementation of the Solar Strategy outline in the CEP
  - Smart thermostats and in-home energy displays
- Design and construct all buildings greater than 5 storeys to LEED Silver certification or exceed by 25% the energy efficiency levels attained by conforming to SB-10, Division 3, Chapter 2 or Chapter 3 and participate in YR Servicing Incentive Program or Sustainable Development Through LEED®.

### **Section 37 contributions including Public Art**

As part of the approval of the Zoning By-law Amendment, which seeks to intensify the subject lands with residential and mixed-use development, the Owner will be asked to provide financial contributions towards public art, pursuant to Section 37 of the *Planning Act*. This requirement is included in the draft Zoning By-law Amendment, attached as Appendix A.

---

**The Master Environmental Servicing Plan for the Berczy Glen Secondary Plan (the “MESP”)**

The MESP has been prepared in support of the Secondary Plan. The MESP assesses a range of environmental and engineering matters associated with the development of lands in the Secondary Plan area. It outlines existing conditions relating to surface water, groundwater, terrestrial and aquatic resources. It defines the Berczy Glen Greenway System, assesses and recommends stormwater management (SWM), site grading, transportation, water and wastewater servicing requirements. The MESP also identifies potential impacts and mitigation measures, including conceptual design requirements for SWM ponds, Low Impact Development (LID) measures, site grading, management of headwater drainage features (HDFs), wetland water balance, Berczy Creek road crossing designs and restoration/enhancement recommendations.

The Engineering Department has incorporated a draft condition requiring that the MESP be finalized and accepted by the City to the satisfaction of the Commissioner of Development Services prior to final approval of Berczy Elgin Holdings Inc. Draft Plan of Subdivision.

**Ongoing FUA Class Environmental Assessment (the “Class EA”)**

The City of Markham undertook the Future Urban Area Conceptual Master Plan (2017) Volume 2 – Transportation, Water and Wastewater Master Plan in accordance with the Municipal Class Environmental Assessments process, satisfying Class EA Phase 1 (Identify the Problem/Opportunity) and Class EA Phase 2 (Identify Alternative Solutions and Establish Preferred Solution) for all collector roads.

The participating FUA landowners are now undertaking the remaining Class EA Phase 3 (Examine Alternative Methods of Implementing the Preferred Solution) and Class EA Phase 4 (Prepare an Environmental Study Report) on an individual block-by-block basis to determine the collector road alignment.

The Proposal contains three collector roads, whose alignment will be confirmed through Phases 3 and 4 of the ongoing Class EA. The Engineering Department has incorporated a draft plan condition requiring the completion and approval of the Class EA prior to registration of the draft plan. The draft plan condition states that the Owner agrees to revise this draft plan as necessary to incorporate the recommendations of the Class EA.

**Fire Department Requirements**

To ensure reliability of access for Fire Department vehicles under all conditions, two means of street access, independent of one another are to be provided into the Proposal. One access to Elgin Mills Road East from Street “1” is shown on the Proposal. A partial second access to Elgin Mills Road East is also shown on the Draft Plan of Subdivision (Street “2”). This second access is required to be fully constructed, and is included as a condition of draft approval (see Appendix B). The Owner is expected to coordinate construction with the adjacent landowner, Mattamy Homes.

A fire station is not required on the Subject Property or within the Berczy Glen Secondary Plan Area. To serve the FUA, a Fire Station is planned to be located within the boundaries

---

of the Angus Glen Secondary Plan Area, which is located east of Warden Avenue, south of Elgin Mills Road, west of Kennedy Road and north of Major Mackenzie Drive.

**Resolution to permit minor variances within two years of by-law enactment are recommended**

The Owner requests that Council grant exemption from subsection 45 (1.3) of the *Planning Act*, which will permit applications for minor variances within two years of the enactment of the amending by-law attached as Appendix A. Staff have no objection to this request as the Zoning By-law Amendment is associated with the Draft Plan of Subdivision and is required to implement the Proposal. Minor variances that continue to uphold the intent of the zoning by-law should not be prohibited. Staff will have the opportunity to review the appropriateness of any requested minor variances should such applications be made in the future. This provision is included in the Resolution of Council.

**Municipal servicing is available**

There is sufficient servicing allocation available from the current allocation reserve to accommodate the Proposal. The City reserves the right to revoke or reallocate servicing allocation should the development not proceed in a timely manner.

Final approval of the physical servicing of the subdivision relies on the technical submissions to the Engineering Department following draft approval, including final acceptance of the Functional Servicing Report to the satisfaction of the Director of Engineering. This requirement is reflected in Appendix B: Conditions of Draft Plan of Subdivision Approval.

**Berczy Glen Developers Group obligations (the “Developers Group”)**

The Secondary Plan integrates the locations of public infrastructure (roads, stormwater management facilities) and the provisions of other community facilities (parks, schools, roads, road improvements, servicing), regardless of property boundaries.

To ensure all affected property owners contribute equitably towards the public infrastructure and provisions of other community facilities, a draft plan condition requiring all Owners in the Secondary Plan Area to enter into the Berczy Glen Developers Group Agreement has been incorporated into the conditions. (See Appendix B: Conditions of Draft Plan of Subdivision Approval).

**CONCLUSION:**

Berczy Elgin Holdings Inc. has submitted applications for Draft Plan of Subdivision and Zoning By-law Amendment to facilitate the creation of approximately 788 residential units, two school blocks or parts thereof, one park block on the Subject Property known municipally as 3575 Elgin Mills Road East.

Based on the discussion above, staff are of the opinion that the proposed Draft Plan of Subdivision and Zoning By-law Amendment are consistent with the Provincial Policy Statement, 2014, conform to all applicable Provincial, Regional and Municipal plans, has regard to Section 51(24) of the Planning Act, represents good planning and is in the public interest.

---

Staff recommend that Council approve and Draft Plan of Subdivision subject to the conditions attached as Appendix B.

Staff are finalizing the content of the Zoning By-law Amendment with the applicant, in consultation with applicable public agencies/City departments and in accordance with this report. Staff therefore recommend that the zoning by-law, attached as Appendix A, be brought forward to a future Council meeting for enactment once the by-law has been finalized.

**FINANCIAL CONSIDERATIONS**

Not applicable.

**HUMAN RESOURCES CONSIDERATIONS**

Not applicable.

**ALIGNMENT WITH STRATEGIC PRIORITIES:**

The Proposal has been reviewed in the context of the City's Strategic Priorities of Safe Sustainable and Complete Community.

**BUSINESS UNITS CONSULTED AND AFFECTED:**

The Proposal was circulated to internal City department and external agencies. Requirements of the City and external agencies have been reflected in the conditions of draft plan of subdivision approval and the implementing zoning by-law amendment (See Appendix A: Draft Zoning By-law Amendment and Appendix B: Conditions of Draft Plan of Subdivision Approval).

**RECOMMENDED BY:**

Biju Karumanchery, MCIP, RPP  
Director of Planning and Urban Design

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

**ATTACHMENTS:**

Figure 1: Location Map

Figure 2: Aerial Photo

Figure 3: Area Context/Zoning

Figure 4: Draft Plan of Subdivision

Figure 5: 2014 Official Plan Map 3 Extract - Land Use Plan

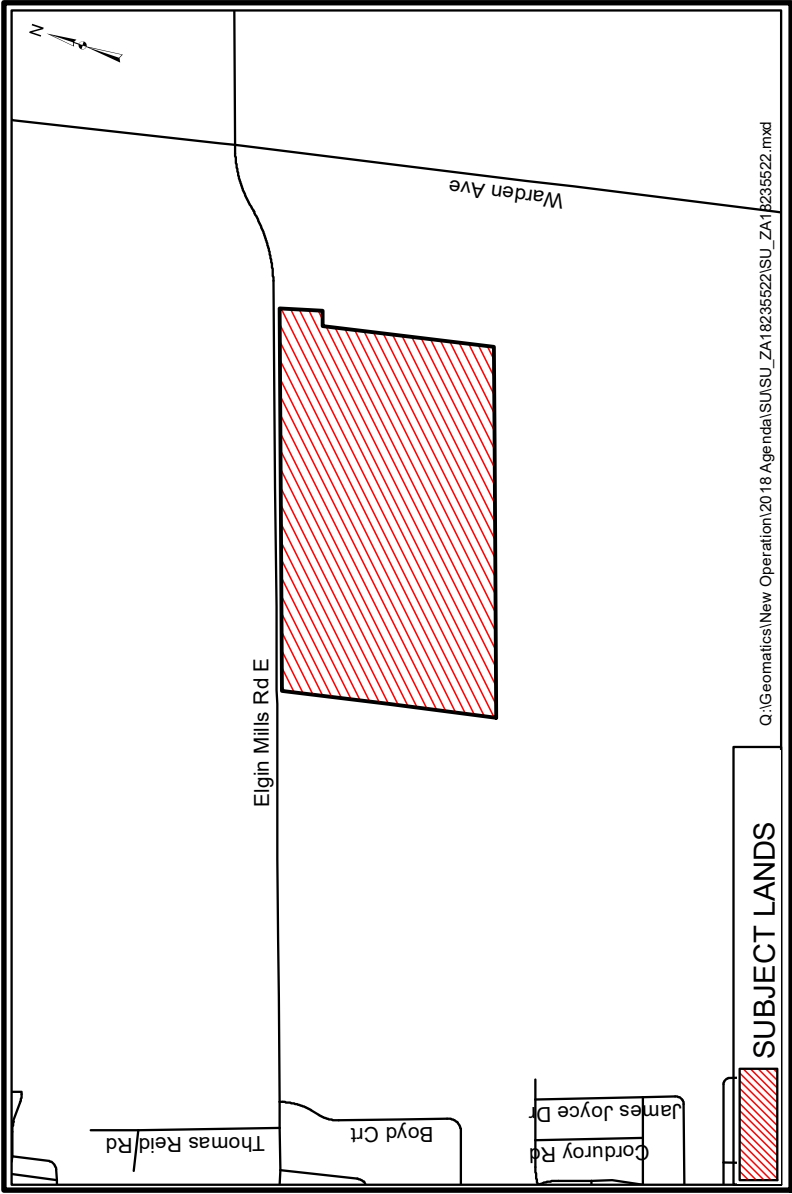
Figure 6: Berczy Glen Secondary Plan Extract - Detailed Land Use Plan

Appendix A: Draft Zoning By-law Amendment

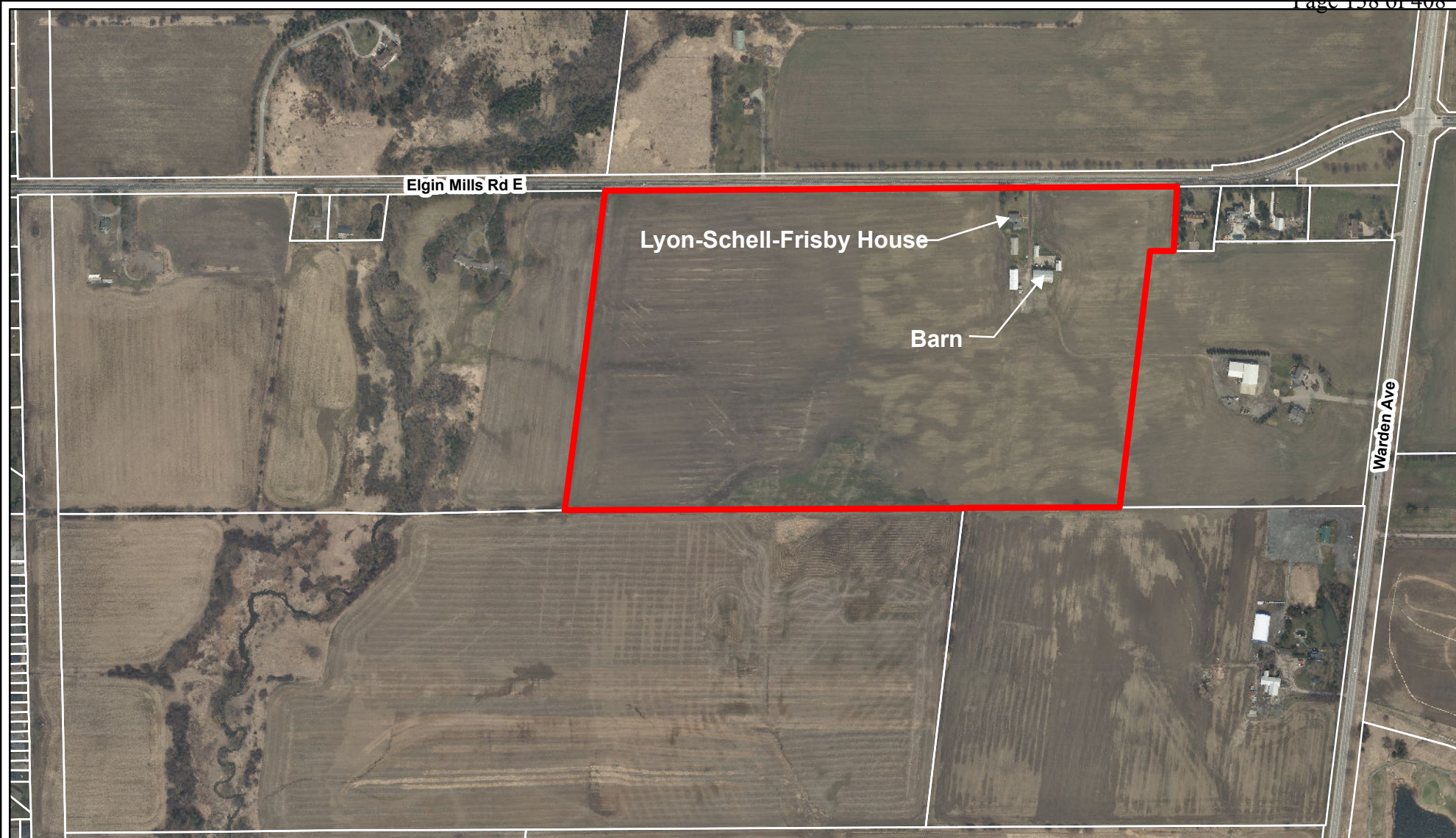
Appendix B: Conditions of Draft Plan of Subdivision Approval

**APPLICANT/AGENT:**

KLM Planning Partners Inc. - Keith MacKinnon  
64 Jardin Drive  
Concord, Ontario L4K 3P3  
Tel: (905) 669-4055







# AERIAL PHOTO (2018)

APPLICANT: Berczy Elgin Holdings Inc.  
3575 Elgin Mills Road

FILE No. SU\_ZA 18235522 (SK)

 SUBJECT LANDS

Q:\Geomatics\New Operation\2019 Agenda\SU\SU\_ZA18235522\SU\_ZA18235522.mxd

Date: 07/01/2019



DEVELOPMENT SERVICES COMMISSION

Drawn By: CPW

Checked By: SK

FIGURE No. 2



FILE No. SU\_ZA 18235522 (SK)

Q:\Geomatics\New Operation\2019 Agenda\SU\SU ZA18235522\SU ZA18235522.mxd

**MARKHAM** DEVELOPMENT SERVICES COMMISSION

Drawn By: CPW

Checked By: SK

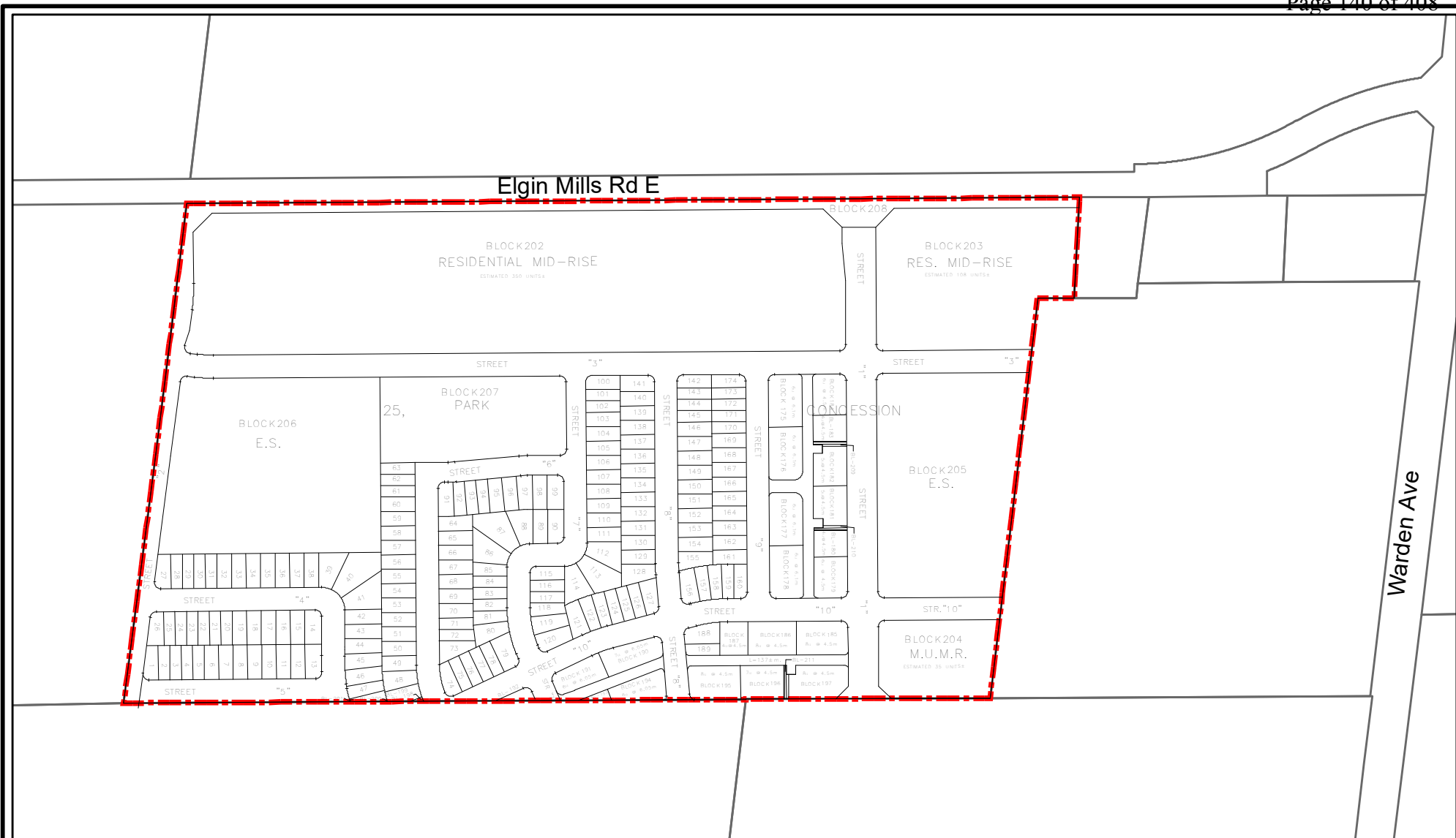
Date: 07/01/2019

## SUBJECT LANDS



**FIGURE No. 3**





# DRAFT PLAN OF SUBDIVISION

APPLICANT: Berczy Elgin Holdings Inc.  
3575 Elgin Mills Road

FILE No. SU\_ZA 18235522 (SK)

 SUBJECT LANDS

Q:\Geomatics\New Operation\2019 Agenda\SU\SU\_ZA18235522\SU\_ZA18235522.mxd

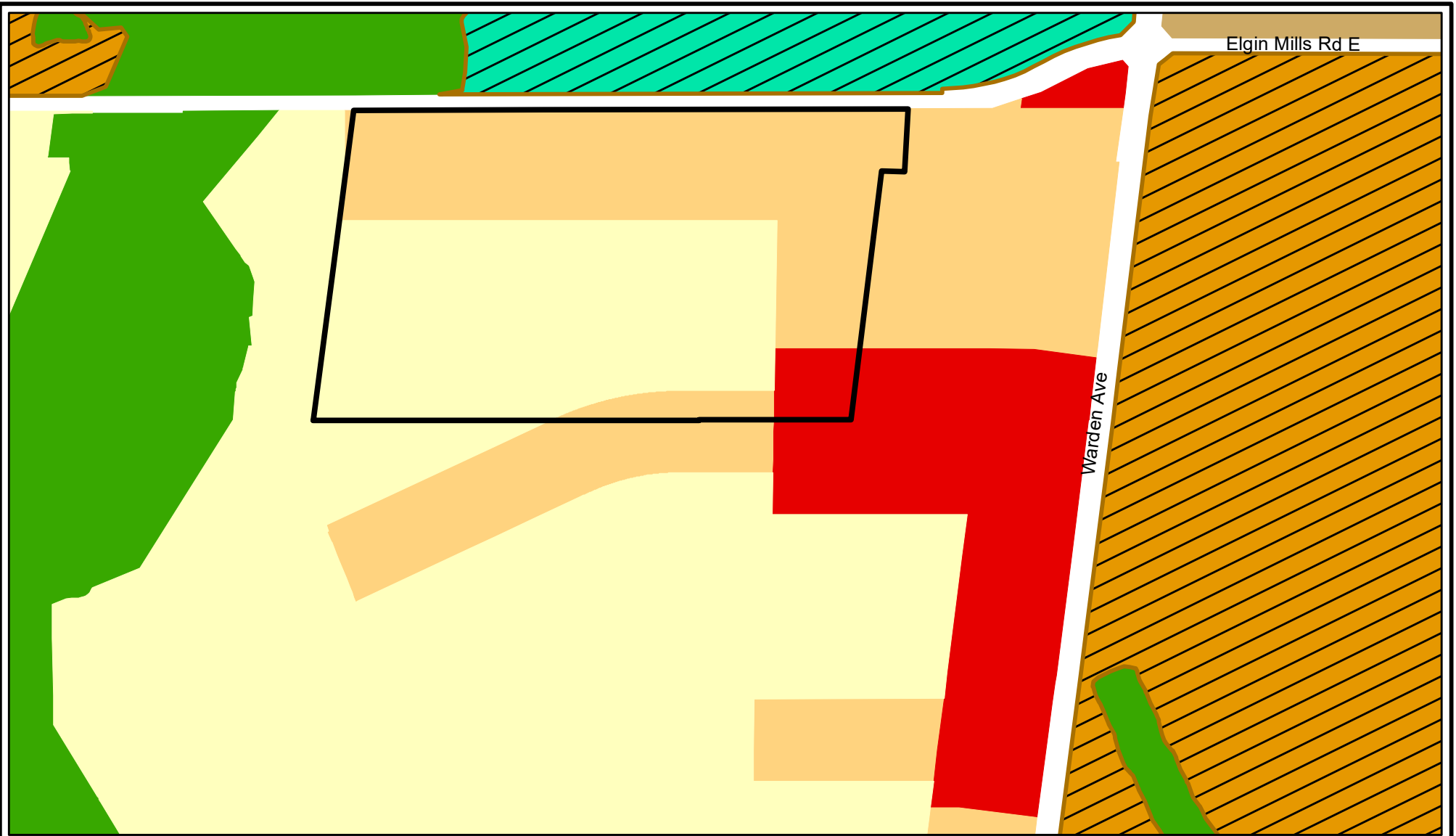
Date: 07/01/2019

 MARKHAM DEVELOPMENT SERVICES COMMISSION

Drawn By: CPW

Checked By: SK

FIGURE No. 4



# OFFICIAL PLAN MAP3 - LAND USE

APPLICANT: Berczy Elgin Holdings Inc.  
3575 Elgin Mills Road

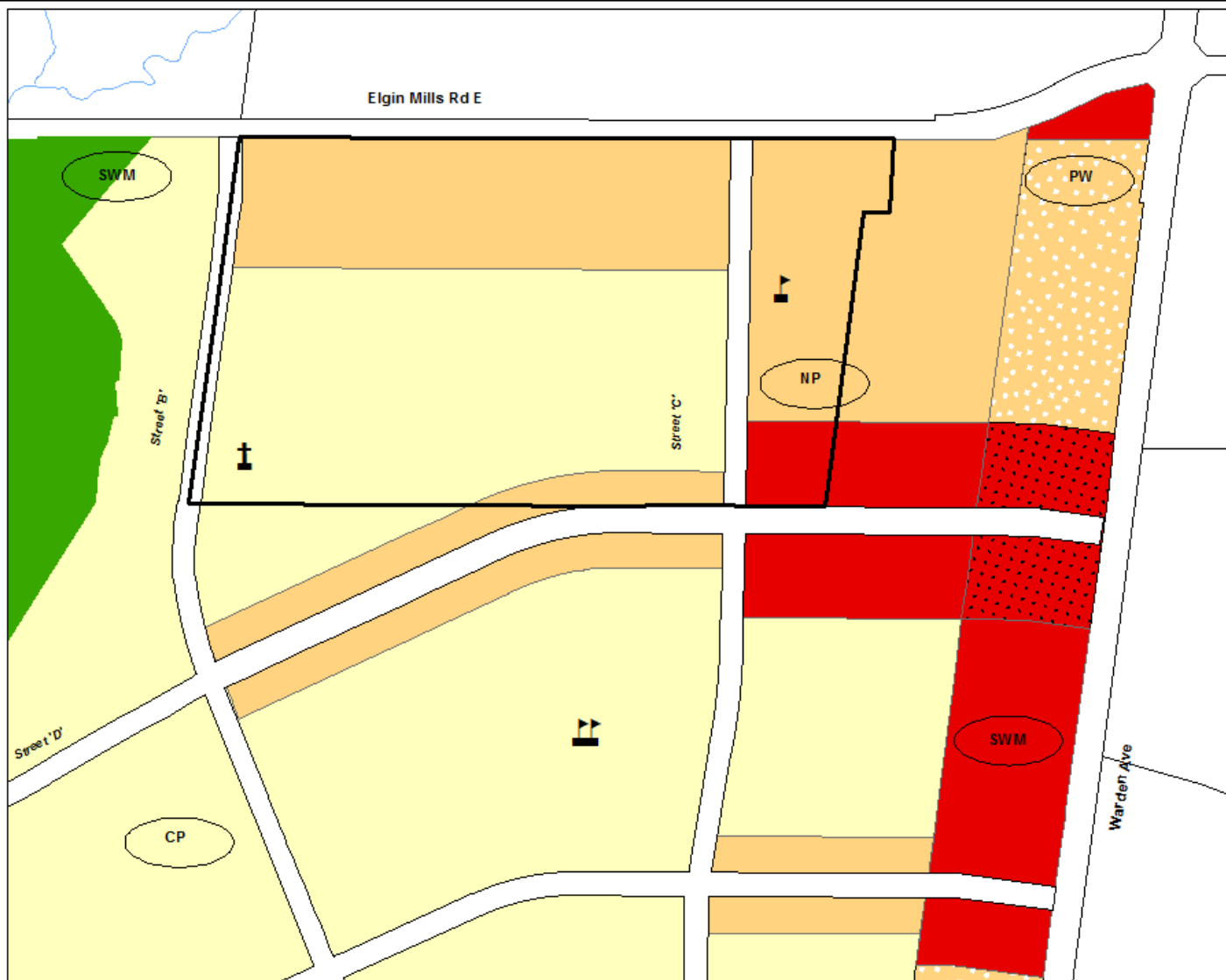
FILE No. SU\_ZA 18235522 (SK)

- Countryside
- Future Employment Area
- Future Neighbourhood Area
- Greenway

- Mixed Use Mid Rise
- Residential Low Rise
- Residential Mid Rise

Subject Lands

Q:\Geomatics\New Operation\2019 Agenda\SU\SU\_ZA18235522\SU\_ZA18235522.mxd



# BERCZY GLEN SECONDARY PLAN - LAND USE MAP

APPLICANT: Berczy Elgin Holdings Inc.  
3575 Elgin Mills Road

FILE No. SU\_ZA 18235522 (SK)

Q:\Geomatics\New Operation\2019 Agenda\SU\SU\_ZA18235522\SU\_ZA18235522.mxd

**MARKHAM** DEVELOPMENT SERVICES COMMISSION

- RESIDENTIAL**
- Residential Low Rise
  - See Section 8.2.1.6
  - Residential Mid Rise I
  - Residential Mid Rise II
- MIXED USE**
- Mixed Use Mid Rise
  - See Section 8.3.1.6

**GREENWAY SYSTEM**

Greenway

**PARKS AND OPEN SPACE**

- Community Park / Neighbourhood Park
- Stormwater Management Facility

**COMMUNITY INFRASTRUCTURE, SERVICE FACILITIES**

- Public Elementary School
- Public Secondary School
- Catholic Elementary School

- OTHER**
- Place of Worship

Subject Lands

Date: 02/03/2020

FIGURE No. 6

Drawn By: CPW

Checked By: SK

## **Appendix B: Conditions of Draft Plan of Subdivision Approval**

### **THE CONDITIONS OF THE CITY OF MARKHAM TO BE SATISFIED PRIOR TO RELEASE FOR REGISTRATION OF PLAN OF SUBDIVISION 19TM-18010 (BERCZY ELGIN HOLDING INC.) ARE AS FOLLOWS:**

#### **1.0 General**

- 1.1 Approval shall relate to a draft plan of subdivision prepared by KLM Planning Partners Inc., identified as Project No. P-2992, Drawing Number 19:4 dated March 24, 2020 subject to outstanding City comments being addressed including, but not limited the following redline conditions. The draft plan may be further redlined revised, if necessary, in order to meet the City's requirements:
  - To ensure reliability of access for Fire Department vehicles under all conditions two means of street access, independent of each other are to be provided into the development. The following access into the subdivision are to be completed:
    - Street '2' to Elgin Mills Road East identified as Fire Department access into the development.
  - A block of townhouses shall not exceed a distance of 45m. Alternative compliance may be proposed and will be subject to the approval of the Fire Chief.
  - 9 m inside turning radius be provided for all changes in direction of the fire route.
  - Minimum 12.0 m centerline turning radius provided throughout the site.
- 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 **April, XX 2023** unless extended by the City upon application by the Owner.
- 1.3 The Owner acknowledges and understands that prior to final approval of this draft plan of subdivision, an amendment to the city's zoning by-laws to implement the plan shall have come into effect in accordance with the provisions of the Planning Act.
- 1.4 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 to the satisfaction of the City Solicitor.
- 1.5 The Owner agrees to obtain required approvals from York Region, the Toronto and Region Conservation Authority (TRCA) and any other applicable public agencies to the satisfaction of the Commissioner of Development Services.
- 1.6 Prior to the release for registration of any phase within this draft Plan of Subdivision, the Owner agrees to prepare and submit to the satisfaction of the City

of Markham, all technical reports, studies, and drawings, including but not limited to, the master environmental servicing plan, transportation studies, functional traffic designs, stormwater management reports, functional servicing reports, design briefs, detailed design drawings, noise studies, servicing and infrastructure phasing plan, etc., to support the draft Plan of Subdivision. The Owner agrees to revise the draft Plan(s) of Subdivision as necessary to address all outstanding comments and incorporate the design and recommendations of the accepted technical reports, studies, and drawings.

- 1.7 The Owner agrees not to register the draft Plan of Subdivision until such time the Class Environmental Assessment (Class EA) Study for the collector roads in the Future Urban Area (FUA) currently being carried out by the FUA participating landowners has been completed and approved. The Owner agrees to revise this draft Plan of Subdivision as necessary to incorporate the recommendations of the Class EA Study. The Owner further agrees that, notwithstanding the maximum right-of-way width for minor collector roads, if it is determined through further review and studies that additional right-of-way width is required to accommodate additional lanes, then the required right-of-way width shall be provided without compensation and without requiring an amendment to the Berczy Glen Secondary Plan.
- 1.8 The Owner acknowledges that the Class EA Study for Elgin Mills Road E is currently being carried out by the City. The Owner agrees to revise this draft Plan of Subdivision as necessary to incorporate the recommendations of the Class EA Study.  
  
The Owner further agrees not to register any phase of the subdivision until such time a phasing assessment is completed, detailing the timing of road widening and intersection improvements required on Elgin Mills Road East to support the phasing plan for the Berczy Glen Community area.
- 1.9 Prior to registration of any phase in the subdivision, the Owner agrees that the City will require a phasing plan accepted by the City for the Berczy Glen Community area (the "Phasing Plan"). The Owner agrees to develop the lands in accordance with the Phasing Plan to the satisfaction of the Director of Engineering.
- 1.10 The Owner agrees to design and construct all required relocations of, and modifications to existing infrastructure, including but not limited to, sewers, watermains, light standards, utilities, stormwater management facilities, and roads to the satisfaction of, and at no cost to, the City of Markham.
- 1.11 The Owner agrees to pay to the City, all required fees, in accordance with the City's By-Law No. 211-83, as amended by Council from time to time.
- 1.12 The Owner agrees in the Subdivision Agreement or the Pre-Servicing Agreement, whichever comes first, to submit financial security for each phase of the draft Plan

of Subdivision as required by the City of Markham, prior to the construction of any municipal infrastructure required to service that phase of development.

- 1.13 The Owner agrees to enter into a construction agreement and/or an encroachment agreement and/or any other agreement deemed necessary to permit the construction of municipal services, roads, stormwater management facilities or any other services that are required external to the draft Plan of Subdivision and that are required to service the proposed subdivision to the satisfaction of the Director of Engineering and the City Solicitor (the “External Works”). The Owner agrees to obtain a road occupancy permit if required and/or permission or license to enter, from the external land owners prior to commencing the External Works to the satisfaction of the Director of Engineering, Director of Operations and City Solicitor. The Owner further agrees to pay all costs associated with the construction of the External Works on lands owned by the City, to the satisfaction of the Director of Engineering.
- 1.14 The Owner agrees to include in the building permit application all mitigation recommendation from the geotechnical consultant to waterproof basements, which are below the ground water to the satisfaction of the Chief Building Official on a lot specific basis. The Owner further covenants and agrees that the acceptance of these measures will be subject to approval from the Chief Building Official.

## 2.0 Roads

- 2.1 The Owner agrees to provide names of all road allowances within the draft plan of subdivision, to the satisfaction of the City and the Regional Municipality of York (“the Region”).
- 2.2 The Owner agrees to design and construct all municipal roads in accordance with City standards and specifications.
- 2.3 The Owner agrees to provide temporary turning circles where required at the Owners cost and remove them and restore the streets to their normal condition at the Owners cost when required by the City, to the satisfaction of the City of Markham. The Owner agrees that the design of the temporary turning circles, and any implications on surrounding land use, shall be addressed in the Subdivision Agreement to the satisfaction of the City.
- 2.4 The Owner acknowledges and agrees that prior to registration of any phase of development, to update and finalize the Transportation Impact Assessment Study to include a road infrastructure phasing assessment for different phases of development within the Berczy Elgin and Berczy Warden draft plans of subdivision, reflective of the proposed Phasing Plan (defined in 1.10) and proposed timeline for the boundary roads widening and collector roads construction. The road infrastructure phasing assessment will define the timing for the required road improvements (boundary roads, internal roads, and Berczy

Creek crossing) to be in place to support the number of residential units proposed for each phase of development to the satisfaction of the Director of Engineering. Accordingly, the Owner agrees to:

- a) Implement the recommendations of the accepted Transportation Impact Assessment Study and road infrastructure phasing assessment; and
  - b) Acquire and convey to the City any lands external to the Draft Plan of Subdivision as necessary to complete the road infrastructure requirements as recommended in the accepted Transportation Impact Assessment Study and road infrastructure phasing assessment; and
  - c) Enter into an agreement with the City and external landowners to permit construction of roads infrastructure and related services, that are required external to the draft Plan of Subdivision and that are required to service the proposed development, to the satisfaction of the Director of Engineering and the City Solicitor.
- 2.5 Prior to the registration of any phase of the subdivision, the Owner agrees to provide a basic 36 metre right-of-way for Elgin Mills Road East. All property lines shall be referenced from a point 18 metres from the centerline of construction on Elgin Mills Road and any lands required for additional turn lanes at the intersections will be conveyed to the City for public highway purposes, free of all costs and encumbrances, to the satisfaction of the Director of Engineering and the City Solicitor.
- 2.6 Prior to registration, the Owner acknowledges that revisions to Street 7 road geometry may be required to address related design and operational comments to the satisfaction of the Director of Engineering. The Owner further acknowledges that such revision will impact the immediate lot layout, which may require redline revisions.
- 2.7 Prior to registration, the Owner acknowledges and agrees that accesses to the residential mid-rise blocks shall be restricted to Street 3 and that the Owner shall determine the appropriate locations for future driveways along Street 3 within the context of the subject draft plan, to the satisfaction of the Director of Engineering.
- 2.8 Prior to registration, the Owner acknowledges and agrees that as part of the Transportation Impact Assessment Study, to identify locations where pedestrian crossovers are appropriate to support and maintain continuity of active transportation network to the satisfaction of the Director of Engineering. Furthermore, the Owner agrees to design and construct pedestrian crossovers, where required, to the satisfaction of the Director of Engineering. The pedestrian crossovers shall be constructed at the Owner's sole cost.
- 2.8 Prior to registration, the Owner acknowledges and agrees that as part of the Transportation Impact Assessment Study, to confirm the timing to implement traffic control signals at the Elgin Mills Road East / Street 2 intersection and the

Elgin Mills Road East / Street 1 intersection, within the context of the subject development phasing and the Elgin Mills Road East widening, to the satisfaction of the Director of Engineering. Furthermore, should it be determined that traffic signals are required as part of any phase of development but before the widening of Elgin Mills Road East, the Owner agrees to design and construct traffic control signals including turn lane requirements for the said intersections to the satisfaction of the Director of Engineering. The traffic control signals and required turn lanes shall be constructed at the Owner's sole cost.

## 2.8 Street '2':

- a) The Owner acknowledges that Street 2 within the Owner's subdivision constitutes approximately the east half of the right-of-way of Street 2 and the remainder of Street L right-of-way (the "Remainder Right-of-Way") is located on the adjacent lands with municipal address of 3319 Elgin Mills Road E owned by Monarch Berczy Glen Development Ltd. (the "Adjacent Lands"). The Owner agrees prior to the acceptance of engineering drawings, to provide the City with documentation indicating that the Remainder Right-of-Way has been acquired by the Owner, or that permission has been obtained from the Adjacent Lands to allow the Owner to complete the construction of Street 2, in accordance with the accepted engineering drawings.
- b) The Owner covenants and agrees, prior to the registration of any Plan of Subdivision that includes Street 2, to make arrangements to acquire the Remainder Right-of-Way from the Adjacent Lands and convey it to the City for road purposes upon the registration of that Plan of Subdivision, free of all costs and encumbrances to the satisfaction of the City Solicitor, to the City.
- c) The Owner covenants and agrees to enter into an agreement with the City and the owner of the Adjacent Lands to permit construction of services, roads, stormwater management facilities or any other services that are required external to the draft Plan of Subdivision (or site plan) and that are required to service the proposed development, to the satisfaction of the Director of Engineering and the City Solicitor.

## 3.0 Tree Inventory and Tree Preservation Plan

- 3.1 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.
- 3.2 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, Site Alteration Permit or Pre-Servicing Agreement to the satisfaction of the Director of Planning and Urban Design.

- 3.3 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.
- 3.4 The Owner shall submit for approval from the Director of Planning and Urban Design, as part of the tree inventory and tree preservation plan and 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 require cash in lieu for tree replacement based on valuation of section b).
  - d) The requirement for the replacement or equivalent economic value following unauthorized tree removal or damage shall be determined by the City.
- 3.5 The owner acknowledges and agrees to implement the tree compensation schedule on a phase by phase basis, including submission of an updated Tree Inventory and Preservation Plan and Landscape Plans for each phase of development.

#### 4.0 Community Design

- 4.1 The Owner shall implement and incorporate all requirements of the approved Berczy Glen Community Design Plan into all landscape plans, architectural control guidelines, engineering plans and any other required design documents.
- 4.2 The Owner shall retain a design consultant to prepare architectural control guidelines to be submitted to the Director of Planning and Urban Design for approval prior to execution of the subdivision agreement.
- 4.3 The Architectural Control Guidelines shall include provisions requiring buildings to comply with the City's Bird Friendly Guidelines.
- 4.4 The Owner shall retain a design consultant acceptable to the City's Director of Planning and Urban Design to implement the Architectural Control Guidelines.

- 4.5 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 control guidelines.
- 4.6 The Owner shall ensure that the design architect for any buildings within this draft plan of subdivision shall not also assume the role of control architect for this draft plan of subdivision.
- 4.7 The Owner acknowledges and agrees to submit townhouse siting applications for all lane-based townhouses in accordance with the City Site Plan Control By-Law 262-94, as amended, to the satisfaction of the City's Director of Planning and Urban Design.

## 5.0 Parks and Open Space

- 5.1 The Owner covenant and agrees that the parkland dedication requirement is 2.63 hectares, calculated at a rate of 1 hectare per 300 units, as specified in the Parkland Dedication By-law 195-90, and calculated as follows:
- Number of units  $788/300 = 2.63$  ha.
- 5.2 The Owner acknowledges and agrees that the parkland dedication for this draft plan of subdivision shall be a minimum of 2.63 ha, and that this satisfies the parkland dedication requirements for a total of up to but not exceeding the approved draft plan of subdivision unit count.
- 5.3 The Owner covenants and agrees to convey Park Block 207 to the City, free of all costs and encumbrances to the satisfaction of the Director of Planning and Urban Design, upon registration of the plan of subdivision.

| Block Number | Area            |
|--------------|-----------------|
| Block 207    | 1.000 ha.       |
| <b>Total</b> | <b>1.000 ha</b> |

- 5.4 Conveyance of Park Block 207 will satisfy a portion (1.000 ha.) of the parkland dedication for this development. Prior to registration, the remaining parkland dedication requirement (1.63 ha.) will be reconciled through one of the approaches listed below. The City reserves the right to require any one of these approaches or a combination thereof, at the discretion of the City's Director of Planning and Urban Design:
- a) A Master Parkland Agreement entered into between the Berczy Glen land owner group and the City;

- b) A redlined Draft Plan of subdivision providing additional land dedication;
  - c) Any alternative arrangement at the sole discretion of the Director of Planning and Urban Design.
- 5.5 A letter of credit may be held for the remaining parkland dedication until an approach has been approved by the City's Director of Planning and Urban Design.
- 5.6 The Owner shall post approved copies of the Natural Heritage Restoration Plans for the Greenway and Open Space Blocks and Conceptual Park Development Master Plans for the parks in all sales offices for dwelling units within the draft plan of subdivision.

## 6.0 Landscape Works

- 6.1 Prior to the release for registration of every phase within this Draft Plan of Subdivision, the Owner shall submit landscape plans prepared by a qualified landscape architect based upon: the City of Markham FUA Urban Design Guidelines, the approved Architectural Control Guidelines, the approved Natural Heritage Restoration Plan, and the approved Berczy Glen Community Design, to the satisfaction of the Director of Planning and Urban Design and including the following:
- a) For all public streets, streetscape plan and street tree planting in accordance with the City of Markham Streetscape Manual dated June 2009;
  - b) A specialized depth of topsoil (200mm) in the entire municipal boulevard to appropriately plant boulevard trees in accordance with the City of Markham Streetscape Manual dated June 2009;
  - c) For all corner lots provide privacy wood screen corner lot fencing as required;
  - d) Noise attenuation fencing as required;
  - e) For all lots backing or flanking onto an Open Space Block , Greenway, Park Block, School Block or SWM Block, provide 1.5m high black vinyl chain-link fence on the property line installed prior to occupancy, as determined appropriate by the Director Planning;
  - f) For all open space, stormwater and walkway blocks provide landscaping;
  - g) A trail network;
  - h) Restoration works identified in the Natural Heritage Restoration Plan;

- i) Any other landscaping as determined in the Community Design Plan, Architectural Control Guidelines and the Tree Inventory and Compensation Schedule.
- 6.2 The Owner shall construct all landscape works referred to in condition 6.1 in accordance with the approved plans at no cost to the City. The construction of trail network, item 6.1 g), may be eligible for Development Charge credits at the discretion of the Director of Planning and Urban Design.
  - 6.3 The Owner shall not permit their builders to charge home purchasers for the items listed in condition 6.1.
  - 6.4 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 4.1a)
- FENCING AS REQUIRED BY THE CITY
- 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 PARKS, WALKWAYS AND STORMWATER MANAGEMENT POND BLOCKS
- BUFFER PLANTING FOR OPEN SPACE, WALKWAY AND STORMWATER MANAGEMENT POND BLOCKS AND SINGLE LOADED STREET ALLOWANCES
- 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.”

## 7.0 Parkland Servicing

- 7.1 The Owner shall covenant and agree to rough grade, topsoil, seed and maintain, free of stock piles and debris, all, park blocks within the subdivision to the satisfaction of the Director of Planning & Urban Design. The park blocks shall be maintained until such time as the parks have been constructed and formally assumed by the City.

- 7.2 The Owner shall submit grading, servicing and survey plans by a qualified person for all park blocks, to the satisfaction of the Director of Planning & Urban Design.
- 7.3 The Owner shall provide a current geotechnical report by a qualified person all park blocks, to the satisfaction of the Director of Planning & Urban Design.

## 8.0 Trail System

- 8.1 The Owner acknowledges and agrees to implement a trail system in the Open Space and Greenway blocks as per the requirements of the Community Design Plan to the satisfaction of the City's Director of Planning and Urban Design and the City's Director of Engineering. The trail system may be implemented corresponding to the time of the conveyance of the Open Space and Greenway blocks containing sections of the associated Greenway restoration works, and/or the time of construction of restoration works, to the City's Director of Planning and Urban Design's satisfaction. The Owner agrees that the trail system shall be implemented and constructed through an agreement between the owners of this draft plan, the other land owners within Berczy Glen Secondary Plan area, and the City.

## 9.0 Financial

- 9.1 Prior to execution of the subdivision agreement, the Owner shall provide a letter of credit, in an amount to be determined by the Director of Planning and Urban Design, to ensure compliance with applicable tree preservation, ecological restoration landscape works and the under-dedicated portion of the parkland dedication requirement.
- 9.2 The Owner shall provide a Land Appraisal Report to the Manager of Real Property for the purpose of determining the required letter of credit amount contribution for the under-dedicated portion of the required parkland dedication. The Land Appraisal Report is subject to the City's terms of reference and conformance with the *Parkland Dedication By-law 195-90* and with the *Planning Act*.
- 9.3 That the Owner covenants and agrees to enter into a Section 37 Agreement to secure the provision of Public Art by the City for the lands zoned xx, as required by implementing zoning by-law.

## 10.0 Municipal Services

- 10.1 The Owner agrees to design and construct all municipal services in accordance with City standards and specifications.
- 10.2 The Owner agrees to design the watermain system to service the development will have a minimum of two independent water supply points to provide for

adequate system redundancy and looping for domestic and fire protection purposes to the satisfaction of the Director of Engineering.

- 10.3 The Owner agrees not to apply for any building permits until the City is satisfied that adequate road access, municipal water supply, sanitary sewers, and storm drainage facilities are available to service the proposed development.
- 10.4 The Owner agrees to revise and/or update the accepted functional servicing and stormwater management reports, if directed by the Director of Engineering in the event that field conditions show that the implementation of the servicing and stormwater management strategies recommended in the previously accepted functional servicing and stormwater management reports need to be modified.
- 10.5 The Owner acknowledges that the servicing of the lands requires construction of new sanitary sewers and, upgrades to the existing downstream sanitary sewer system that eventually connects to the York-Durham Sanitary Sewer on 16<sup>th</sup> Avenue. For this clause the construction of the new sanitary sewers and the upgrade to the existing downstream sanitary sewers are collectively referred to as the “Sanitary Upgrades”. The Owner agrees to pay the City upon execution of the subdivision agreement, the Owners’ share for the cost of the Sanitary Upgrades in accordance with the City’s Area Specific Development Charge to the satisfaction of the Director of Engineering.

Alternatively, the City may at its discretion permit the Owner to enter into a developers’ group agreement for the construction of the Sanitary Upgrades. The Owner agrees that any developers’ group agreement relating to the construction of the said upgrades shall be to the satisfaction of the Director of Engineering and City Solicitor, and that its costs to undertake such upgrades will be financially secured in the Owner’s subdivision agreement.

- 10.6 The Owner agrees, if the proposed sewers connect to existing downstream sewers that are not assumed by the City, to undertake and pay for a sewer video inspection program for the existing sewers to the satisfaction of the Director of Engineering. The Owner further agrees to do the sewer video inspection:
  - a) Prior to the connection being made;
  - b) Upon the removal of the temporary bulkhead or as directed by the Director of Engineering; and
  - c) Upon all roads, parking lots, driveways in the Owners Subdivision having been paved to the final grades, sidewalks, walkways, multi-use paths constructed and boulevards sodded.

The Owner further agrees to provide securities for the video inspection and for flushing and cleaning the existing downstream sewers to the satisfaction of the Director of Engineering.

- 10.7 The Owner agrees that major overland flows from the subdivision will traverse through external lands not owned by the Owner. The Owner agrees to make the necessary arrangements with the adjacent property owner to construct the overland flow route(s) on the external lands to the downstream receiving stormwater management pond, and convey lands or easement required for the conveyance of overland flows to the satisfaction of the Director of Engineering.
- 10.8 The Owner acknowledges that the stormwater management pond shown as Pond # 2 in the Functional Servicing Report dated October 2019 prepared by SCS Consulting are on lands not owned by the Owner. The Owner agrees to acquire from the neighbouring landowner and convey to the City, free of all costs and encumbrances, upon registration of the plan subdivision, the lands required to construct the above stormwater management ponds to service the Owner's subdivision development to the satisfaction of the City Solicitor and Director of Engineering (the "SWM Pond Land").

The Owner further agrees that should the Owner wish to proceed with the underground servicing work within the internal subdivision including works on the SWM Pond Land as a part of a pre-servicing agreement, the City at its discretion may permit subject to the Owner making necessary arrangements with any neighbouring landowner for the works on the SWM Pond Land, and provide evidence indicating the Owner has permission to access the lands and construct the works on the SWM Pond Land, to the satisfaction of the City Solicitor and Director of Engineering, or their respective designates.

- 10.9 The Owner acknowledges that the sanitary sewer required to service the Owner's development will be required to be extended either along Warden Avenue and Major Mackenzie Drive east, or, through external lands east of Warden Avenue (the "External Lands") owned by the City and other property owner(s) (the "External Owners"). In the event the Owner is required to advance the construction of the sanitary sewer extension through the External Lands to service the Owner's development, the Owner agrees to coordinate the design and alignment of the sanitary sewer extension with the External Owners and use best efforts to ensure the alignment of sanitary sewer extension will be in its ultimate location, to the satisfaction of the Director of Engineering. The Owner further agrees that any sewers not in its ultimate will be considered a temporary sewer ("Temporary Sewer") and will not be assumed by the City.

#### 11.0 Lands to be Conveyed to the City Easements

- 11.1 The Owner agrees to grant required easements to the appropriate authority for public utilities, drainage purposes or turning circles, upon registration of the Plan of Subdivision. The Owner also agrees to provide for any easements and

works external to the draft Plan of Subdivision, including works within Hydro One Lands, necessary to connect watermain and storm and sanitary sewers to existing watermain, stormwater management facilities and sanitary sewers to the satisfaction of the City. The Owner agrees to construct the lands within the limit of the easement in a manner satisfactory to the Director of Engineering to allow the municipal services within the easement to be properly maintained by the City.

- 11.2 The Owner agrees to convey 0.3 metre reserves at the end(s) of Streets 1, 3, 6, 7, 8, 10 and along south limit of Street 5 if required, to the City, and any additional reserves if requested, free of all costs and encumbrances, upon registration of the Plan of Subdivision.

## 12.0 Utilities

- 12.1 The Owner agrees that hydro-electric, telephone, District Energy System, gas and television cable services, and any other form of telecommunication services shall be constructed at no cost to the City as underground facilities within the public road allowances or within other appropriate easements, as approved on the Composite Utility Plan, to the satisfaction of the City of Markham and authorized agencies.
- 12.2 The Owner agrees to enter into any agreement or agreements required by any applicable utility companies, including Powerstream, Enwave, Enbridge, telecommunications companies, etc.
- 12.3 The Owner agrees 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.
- 12.4 The Owner agrees to include on all offers of purchase and sale a statement that advises prospective purchasers that mail delivery will be from a designated Community Mailbox. The Owners will further be responsible for notifying the purchasers of the exact Community Mailbox locations prior to the closing of any home sale.
- 12.5 The Owner covenants and agrees to provide a suitable temporary Community Mailbox location(s), which may be utilized by Canada Post until the curbs, sidewalks and final grading have been completed at the permanent Community Mailbox locations. This will enable Canada Post to provide mail delivery to new residents as soon as homes are occupied.
- 12.6 The Owner acknowledges and agrees that standard community mailbox installations are to be done by Canada Post at locations approved by the



municipality and shown on the Composite Utility Plan. The Owner agrees that should it propose an enhanced community mailbox installation, any costs over and above the standard installation must be borne by the Owner, and be subject to approval by the City in consultation with Canada Post.

- 12.7 The owner shall covenant and agree in the subdivision agreement to be responsible for notifying the purchaser of the exact Community Mailbox locations prior to the closing of any unit sale.
- 12.8 The Owner shall covenant and agree in the subdivision agreement to provide the following for each Community Mailbox site and include these requirements on the appropriate servicing plans:
  - a) An appropriately sized sidewalk section (concrete pad) to place the Community Mailboxes on.
  - b) Any required walkway across the boulevard.
  - c) Any required curb depressions for wheelchair access.
- 12.9 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.
- 12.10 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.

### 13.0 Environmental Clearance

- 13.1 The Owner agrees to retain a "Qualified Person" to prepare all necessary Environmental Site Assessments (ESA) and file Record(s) of Site Condition with the Provincial Environmental Site Registry for all lands to be conveyed to the City. The "Qualified Person" shall be defined as the person who meets the qualifications prescribed by the *Environmental Protection Act* and O. Reg. 153/04, as amended. The lands to be conveyed to the City shall be defined as any land or easement to be conveyed to the City, in accordance with the City's Environmental Policy and Procedures for Conveyance of Land to the City Pursuant to the Planning Act.
- 13.2 Prior to the earlier of the execution of a pre-servicing agreement or Subdivision Agreement, the Owner agrees to submit Environmental Site Assessment (ESA) report(s) prepared by a Qualified Person, in accordance with the Environmental

Protection Act and its regulations and all applicable standards, for all lands to be conveyed to the City for peer review and concurrence.

- 13.3 Prior to the earlier of the execution of a pre-servicing agreement or Subdivision Agreement of a phase within the draft Plan of Subdivision, the Owner agrees to submit environmental clearance(s) and Reliance Letter(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 standard and will be signed by the Qualified Person and a person authorized to bind the Owner's company. The City will not accept any modifications to the standard Environmental Clearance and Reliance Letter, except as and where indicated in the template.
- 13.4 The Owner agrees that if, during construction of a phase within the draft Plan of Subdivision, contaminated soils or materials or groundwater are discovered, the Owner shall inform the City of Markham immediately, and undertake, at its own expense, the necessary measures to identify and remediate the contaminated soils or groundwater, all in accordance with the Environmental Protection Act and its regulations, to the satisfaction of the City of Markham and the Ministry of the Environment, Conservation and Parks.
- 13.5 The Owner agrees to assume full responsibility for the environmental condition of the lands comprising the draft Plan of Subdivision. The Owner further agrees to indemnify and save harmless the City, its directors, officers, Mayor, councilors, employees and agents from any and all actions, causes of action, suite, claims, demands, losses, expenses and damages whatsoever that may arise either directly or indirectly from the approval and assumption by the City of the municipal infrastructure, the construction and use of the municipal infrastructure or anything done or neglected to be done in connection with the use or any environmental condition on or under lands comprising the draft Plan of Subdivision, including any work undertaken by or on behalf of the City in respect of the lands comprising the draft Plan of Subdivision and the execution of this Agreement.

#### 14.0 Heritage

- 14.1 Prior to final approval of the draft plan of subdivision or any phase thereof, the Owners shall carry out a cultural heritage resource assessment for the lands within the draft plan to ensure the assessment and identification of appropriate treatment of built heritage and archaeological resources, and further to mitigate any identified adverse impacts to significant heritage resources to the satisfaction of the City (Commissioner of Development Services) and the Ministry of Culture. No demolition, grading, filling or any form of soil disturbances shall take place on the lands within the draft plan prior to the issuance of a letter from the Ministry of Culture 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.
- 14.3 The Owner covenants and agrees to retain the Heritage Building (Lyon-Schell-Frisby House), known municipally as 3575 Elgin Mills Road, in its existing location, on Block 202,
- 14.4 The Owner covenants and agrees to protect and conserve the Heritage Building through the following means:
  - a) To keep the Heritage Building occupied for as long as possible prior to commencement of site/construction work to prevent vandalism and deterioration;
  - b) To maintain the Heritage Building in good and sound conditions at all times prior to and during the development of the property;
  - c) Once the Heritage Building is unoccupied, to undertake the following to prevent vandalism and deterioration:
    - secure and protect the building from damage through the requirements outlined in the City of Markham's Property Standards By-law (Part III – Heritage Buildings), and the Keep Markham Beautiful (Maintenance) By-law including Section 8 – Vacant Heritage Property;
    - erect a "No-trespassing" sign in a visible location on the property indicating that the Heritage Building is to be preserved onsite and should not be vandalized and/or scavenged; and
    - install a 8 ft high fence around the perimeter of the house to protect the dwelling until the completion of construction in the vicinity or the commencement of long-term occupancy of the dwelling as confirmed by City (Heritage Section) staff.
- 14.5 Prior to final approval of the plan of subdivision or any phase thereof, the Owner is to implement the following measures to protect the Heritage Building:
  - a) The Owner is to provide at its expense a legal survey of the Heritage Building to facilitate the registration of the designation by-law and Heritage Easement Agreement on the created/proposed lot(s);
  - b) The Owner is to enter into a Heritage Easement Agreement for the Heritage Building with the City;
  - c) The Owner is to permit the designation of the property under Part IV of the Ontario Heritage Act;
  - d) The Owner is to provide a Letter of Credit for the Heritage Building to ensure the preservation of the existing building within its lot (total

\$250,000). The letter of credit shall be retained for use by the City and shall not be released until the following has been addressed:

- construction and grading on the subject lands and adjacent lots, and roads have been completed to the satisfaction of the City(Commissioner of Development Services),
  - the building has been connected to municipal services,
  - the exterior restoration of the Heritage Building is complete,
  - the buildings meet the basic standards of occupancy as confirmed by the Building Standards Department, and
  - all other heritage requirements of the Subdivision Agreement have been completed;
- e) The Owner is to enter into a site plan agreement with the City for the Heritage Building, containing details on the site plan such as driveway, grading, connections to municipal services, trees to be preserved and detailed elevations outlining the proposed restoration plan, any additions and alterations, and any proposed garage.

14.6 The owner shall covenant and agree in the subdivision agreement to preserve the Heritage Building through the following means:

- a) to provide and implement a traditional restoration plan for the Heritage Building, prepared by a qualified architect with demonstrated experience in heritage restoration projects, that would be reviewed and approved by the City (Heritage Section). The restoration plan is to be included in a site plan agreement for the property and the work secured through a \$250,000 Letter of Credit as mentioned in clause 15.5 (d);
- b) to complete the exterior restoration of the Heritage Building, connection of all municipal services to the allocated lot (water, gas, hydro, cable, telephone etc.) and ensure basic standards of occupancy as confirmed by Building Standards Department within two years of registration of the plan of subdivision;
- c) to ensure that the architectural design and elevations of dwellings proposed for adjacent lots is compatible with the restored heritage dwelling;
- d) to ensure that the final proposed grading on the lots adjacent to Heritage Building is consistent with the existing historic grading of the Heritage Building lot;
- e) To ensure that the historic front of the Heritage Building retains a front yard appearance, the type of fencing should be limited to a low residential picket fence rather than privacy fencing;

14.7 The Owner shall covenant and agree in the subdivision agreement to prepare and implement a marketing plan, to the satisfaction of the Commissioner of Development Services, which details the ways and means the Heritage Building(s) will be marketed to prospective purchasers;

14.8 The Owner shall covenant and agree in the subdivision agreement to provide notice and commemoration of the Heritage Building through the following means:

a) to provide and install at its cost, an interpretative baked enamel plaque for each Heritage Building(s), in a publicly visible location on the property. The plaque is to be designed according to the specifications of the "Markham Remembered" program, and outline the history of the house. Details of the design and location of the plaque are to be submitted for review and approval of the City (Heritage Section);

b) to include the following notice in each Offer of Purchase and Sale for the Heritage Building:

“Purchasers are advised that the existing building on this property is designated pursuant to the Ontario Heritage Act, and is subject to a heritage easement agreement with the City of Markham. Any proposed additions or alterations to the exterior of the existing dwelling shall be subject to review and approval of plans by the City.”

14.9 Prior to final approval of the plan of subdivision or any phase thereof, the Manager of Heritage Planning shall advise that Conditions 14.1 to 14.8, inclusive, have been satisfied.

#### 15.0 Well Monitoring Program and Mitigation Plan

15.1 Prior to the finalizing of pre-servicing agreement or subdivision agreement, whichever is earlier, the Owner agrees to complete a hydrogeological assessment report to ensure there is no impacts to the shallow and/or deep groundwater and to any of the existing active wells found within the Zone of Influence (ZOI) as determined by the consultant. The Owner further agrees to implement any mitigation measures recommended in the hydrogeological assessment report to the satisfaction of the Director of Engineering.

#### 16.0 Streetlight Types

16.1 The Owner agrees to contact the Engineering Department 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.

#### 17.0 Development Charges

17.1 The City acknowledges and agrees that the portion of collector road right-of-way exceeding 23.5 metres width in the draft plan of subdivision are eligible for City Wide Development Charge Credits and agrees to reimburse the Owner for their portion of the construction and property costs associated with roads identified as Street 2 (from Elgin Mills Road to south limit of subdivision) and Street 1 (Elgin Mills Road to south limit of subdivision) within the plan of subdivision. The

maximum Development Charge Credits available to the Owner shall be the lesser of the Actual Capital Cost of the Works or the cost of the Works as established in the 2017 Development Charges Background Study and, shall be completed through an agreement and be consistent with the City's Development Charges Credit and Reimbursement Policy. The Owner and City acknowledge and agree that the cost included in the 2017 Development Charges Background Study for this portion of the works is nine hundred and sixty-nine thousand, four hundred and eighty dollars (\$679,210.00) and represents the maximum development charge credits to be granted.

- 17.2 The Owner further acknowledges and agrees that a collector road, Street 2, in the Owner's draft plan of subdivision has a right-of-way partially within lands not owned by the Owner. The Development Charge Credit for Street 2 will be applied to the landowner that has acquired and owns the lands that comprise the full right-of-way of the collector roads and advances the construction of such collector roads.

#### 18.0 Other City Requirements

- 18.1 Prior to final approval of the draft plan or any phase thereof, the Owner shall enter into a Developers Group Agreement(s) to ensure the provision of community and common facilities such as school sites, municipal services, parks and public roads in the Berczy Glen Secondary Plan area, to the satisfaction of the City (Commissioner of Development Services and City Solicitor), and a certificate confirming completion of such agreement(s) shall be provided to the City by the Developers Group Trustee to the satisfaction of the City Solicitor.
- 18.2 That the Owner covenants and agrees to provide written clearance from the Trustee of the Berczy Glen Secondary Plan Landowners Group respecting all of the lands within the draft plan, prior to registration of the draft plan for the proposed development or any portion of the subject lands within the draft plan, to the satisfaction of the Director of Planning and Urban Design.
- 18.3 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:

Parks 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 sites by type; commercial sites 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.

- 18.4 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.
- 18.5 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.
- 18.6 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.
- 18.7 The Owner shall acknowledge and agree in the subdivision agreement that to ensure reliability of access for Fire Department vehicles under all conditions, two means of street access, independent of one another are to be provided into the development. The following access into the subdivision are to be completed:
  - Street '2' to Elgin Mills Road East identified as Fire Department access into the development.

At no time shall either approved Fire Department vehicle access into the development be obstructed by any means (fencing, concrete barriers or other). This provision includes during daily construction, afterhours, weekends and holidays. It shall be the Owners responsibility to secure the site without obstructing these access points.
- 18.8 The Owner shall acknowledge and agree that single detached dwelling laneways shall not exceed 120.0 metres and townhouse and Single detached laneways with detached garages shall not exceed 90.0 metres.
- 18.9 The Owner shall covenant and agree in the subdivision agreement to include warning clauses in agreements of purchase and sale for all units with single car garages advising purchasers of the following:
  - a) the City's parking by-law requires a minimum of two parking spaces, one in the driveway and one in the garage;

- b) the City's zoning by-law restricts the width of the driveway, this width does not allow two cars to park side by side; and,
- c) overnight street parking will not be permitted unless an overnight street parking permit system is implemented by the City

- 18.10 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.
- 18.11 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.
- 18.12 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.
- 18.13 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.
- 18.14 The Owner covenant and agrees in the subdivision agreement to implement the strategy and actions of the Community Energy Plan in support of the City's net zero emissions by 2050 objective, to the satisfaction of the Director of Sustainability and Asset Management and the Director of Planning and Urban Design.

## 19.0 York Region

- 19.1 The following conditions shall be included in the Subdivision Agreement:
- a) The Owner shall save harmless the City of Markham and York Region from any claim or action as a result of water or sanitary sewer service not being available when anticipated.



- b) The Owner shall agree that the proposed direct connection of the 600mm diameter watermain on Warden Avenue to the Region's 1050mm diameter watermain on Major Mackenzie Drive shall be designed, installed and commissioned to the satisfaction of the Region.
- c) The Owner shall agree to provide a vehicular and pedestrian interconnection from Block 203 (as shown on DWG.No.-19:4) to the properties located at 3655, 3693, 3695 Elgin Mills Road, 10726 Warden Avenue and the lands located at the southwest corner of the Elgin Mills Road and Warden Avenue intersection.
- d) The Owner shall agree to include the following clause in the subsequent Purchase and Sale Agreement, Site Plan Agreement, Condominium Agreement and Declaration of Condominium Agreement:  
  

“THE OWNER UNDERSTANDS AND ACKNOWLEDGES THAT A VEHICULAR INTERCONNECTION WILL BE PROVIDED TO THE PROPERTIES LOCATED AT 3655, 3693, 3695 ELGIN MILLS ROAD AND 10726 WARDEN AVENUE. THE VEHICULAR INTERCONNECTION WILL BE PROVIDED EITHER AT THE TIME WHEN IMPROVEMENTS ARE MADE TO ELGIN MILLS ROAD AND AN ACCESS MANAGEMENT PLAN IS PROVIDED OR WHEN REDEVELOPMENT ON THESE LANDS OCCUR.”
- e) The Owner shall agree that private access to Elgin Mills Road will not be permitted. All private access shall be provided via local roads or lane-ways, where appropriate. This will apply to Block 202 & 203 (as shown on DWG.No.-19:4).
- f) The Owner shall agree to include the following clause in the subsequent Purchase and Sale Agreement, Site Plan Agreement, Condominium Agreement and Declaration of Condominium Agreement:  
  

“THE OWNER UNDERSTANDS AND ACKNOWLEDGES THAT A VEHICULAR ACCESS WILL NOT BE PERMITTED TO ELGIN MILLS ROAD FROM BLOCKS 202 & 203 (AS SHOWN ON DWG.No.-19:4)”
- g) The Owner shall agree, in wording satisfactory to Development Engineering, to implement the recommendations of the Transportation Mobility Plan Study, Transportation Demand Management and the Detailed Phasing Plan, to the satisfaction of the Region.
- h) The Owner shall agree to reserve an unobstructed location for the future construction of passenger standing areas/shelter pads identified below:

On Street: Elgin Mills Road East

At Street: Street 1

Location: SW corner

Standard Specifications: 1.01

Standard Specifications: 1.02

Landscaping should not interfere with the bus stops, passenger standing areas, shelters or corner sightlines. Bus stops located in front of the employment areas shall be incorporated into the landscape design.

- i) The Owner shall agree, in wording satisfactory to Development Engineering, to advise all potential purchasers of the existing and future introduction of transit services. The Owner/consultant is to contact YRT Contact Centre (tel. 1-866-668-3978) for route maps and the future plan maps.

19.2 The Owner covenants and agrees that prior to final approval of the plan, that:

- a) York Region shall confirm that adequate water supply and sewage 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.
- b) The road allowances included within the draft plan of subdivision shall be named to the satisfaction of the City of Markham and York Region.
- c) The Owner shall agree that the following lands will be conveyed to City of Markham for public highway purposes, free of all costs and encumbrances, to the satisfaction of City of Markham Solicitor:
  - a widening across the full frontage of the site where it abuts Elgin Mills Road of sufficient width to provide a minimum of 18 metres from the centreline of construction of Elgin Mills Road and any lands required for additional turn lanes at the intersections, and
  - 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 Elgin Mills Road and adjacent to the above noted widening(s).
- c) The Owner shall provide a Master Environmental Servicing Plan Transportation Study, to the satisfaction of the Region.
- d) The Owner shall provide a detailed phasing plan for the Berczy Glen Secondary Plan, to the satisfaction of the Region.

- e) The Owner shall provide a Transportation Mobility Plan Study based on the updated Master Environmental Servicing Plan Transportation Study, to the satisfaction of the Region, to the satisfaction of the Region.
- f) Concurrent with the submission of the subdivision servicing application (MECP) to the area municipality, the Owner shall provide a set of engineering drawings, to Development Engineering, Attention: Manager, Development Engineering, that includes the following drawings:
  - i) Plan and Profile for the road and intersections;
  - ii) Grading and Servicing;
  - iii) Intersection/Road Improvements, including the recommendations of the Traffic Report;
  - iv) Signalization and Illumination Designs;
  - v) Requirements of York Region Transit/Viva;
  - vi) Sidewalk locations, concrete pedestrian access to existing and future transit services and transit stop locations as required by York Region Transit/Viva;
  - vii) Functional Servicing Report;
  - viii) Stormwater Management Report;
  - ix) Water supply and distribution report and model.
- g) The Owner shall provide a copy of the executed Subdivision Agreement to the Regional Corporate Services Department, outlining all requirements of the Corporate Services Department.
- h) 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.
- i) The Regional Corporate Services Department shall advise that Condition 20 has been satisfied.

## 20.0 Toronto and Region Conservation Authority

- 20.1 The Owner shall covenant and agree in the subdivision agreement that **prior to** any development, pre-servicing or site alteration, or registration of this plan or any phase thereof, the applicant shall submit and attain the approval of the TRCA for:
  - a) A comprehensive stormwater management report identifying all interim and permanent stormwater servicing and all associated phasing. This report must identify all of the proposed stormwater management facilities to which the subject lands will drain and provide details with respect to the interim stormwater servicing that is to be employed prior to all of the

ultimate facilities located off of the subject property being fully operational. This report shall identify phasing and sequencing of the transition from interim to permanent facilities, and identify all interim drainage routes between the subject property and all adjacent stormwater management ponds, which may be required prior to permanent infrastructure being available. Detailed design shall be provided for all interim stormwater management ponds that may be required to service the subject lands prior to permanent facilities being available.

- b) A final Environmental Impact Study (EIS), including detailed impact mitigation, restoration and enhancement recommendations and plans to the satisfaction of the TRCA. This report shall also outline measures to be taken to avoid contravention of the Migratory Birds Convention Act.
- c) Detailed engineering report and plans for the proposed development of the subject lands, and how it will comply with all related Master Environmental Servicing Plan and TRCA requirements, to the satisfaction of the TRCA. This report and plans shall include:
  - i) plans illustrating how this drainage system will tie into surrounding drainage systems and storm water management techniques which may be required to control minor or major flows. Confirmation must be provided with respect to how target flows as identified in the subwatershed study and within the approved MESP will be achieved during and post-development;
  - ii) appropriate Stormwater Management Practices (SWMP's) to be used to treat stormwater, to mitigate the impacts of development on the quality of ground and surface water resources (including thermal and turbidity impacts). This must include identification of potential construction and permanent impacts to impacted or receiving natural systems;
  - iii) proposed methods for controlling or minimizing erosion and sediment on-site in accordance with current Erosion and Sediment Control (ESC) guidelines utilized by the TRCA. ESC plans and an ESC report must address phasing and staging, demonstrate how impacts to the NHS will be mitigated. The report will also have specific plans for ESC monitoring and reporting, as required by TRCA. All areas to be protected must be effectively isolated through appropriate measures prior to any site alteration being initiated. The ESC report and strategy shall also integrate all relevant mitigation measures included in the EIS. As part of the Erosion and Sediment Control Report, the identification of vulnerable receiving features is required;

- iv) the integration of Low Impact Development (LID) measures and source and conveyance controls to mimic to the extent possible, pre-development hydrology and to reduce post-development runoff volumes. Multiple LID measures shall be used as part of an overall treatment train approach, consistent with the subwatershed study, to the satisfaction of the TRCA. the size and location of all LID measures associated with this development shall be confirmed to the satisfaction of the TRCA. Specific site water balance targets, and methods and locations for implementation of LIDs shall be provided;
- v) identification and quantification of the specific measures that are being employed to ensure that there will be no predicted erosion related impacts on downstream areas (during and post construction), which are to be integrated into the stormwater management plan to the satisfaction of the TRCA. The report must identify in detail, how downstream erosion associated with flows generated from this development is being avoided;
- vi) detailed design of all proposed infiltration and low-impact development measures that are to be employed, demonstrating that TRCA's requirements, which include but are not limited to quality and quantity requirements, have been satisfied. Demonstration of how the receiving stormwater management ponds are being managed during the construction phase while some or all of the LIDs are not in operation;
- vii) demonstrate how the pre-development drainage patterns are being preserved, post- development (to the greatest extent possible), in accordance with the approved MESP. The report shall include an impact mitigation report which demonstrates how construction and development shall minimize the potential impacts any flow diversion on the natural systems on or off the subject property, and including any broader impacts upon the sub watershed. Alterations to the approved drainage patterns in the Subwatershed Study (SWS) will require a reassessment of the SWS model utilized, and model calibration to demonstrate how the feature-based water balance is maintained;
- viii) all stormwater outfalls, outflow channels and/or flow dispersal measures associated with stormwater management discharge, be designed to incorporate TRCA's design guidelines. This includes regard for additional enhancements to water quality, quantity control, mitigation of thermal impacts to the receiving habitat, reduce potential erosion and maximize potential infiltration, and integrate naturalized outlet channels where applicable, to the satisfaction of the TRCA;
- ix) all applicable plans illustrating that all works, site alterations, construction staging, or materials associated with these activities, will

not encroach or be placed on lands to be conveyed to a public agency as part of this plan of subdivision;

- x) identification of any proposed FDCs, with an assessment of anticipated flow volumes, and potential opportunities to promote infiltration or appropriately convey the groundwater to the Natural Heritage Features. The FDC outlet locations shall be coordinated with adjacent landowners to minimize impacts and maximize potential benefits. The SWS model may need to be updated and the Feature Based Water Balance should be updated to account for any such measures;
- xi) a comprehensive assessment of the construction methodology, area of impact, phasing, impact mitigation, contingency measures, stabilization and restoration proposed for all infrastructure crossings proposed within the Greenway system for all such infrastructure being constructed by the developer.

20.2 The Owner shall covenant and agree in the subdivision agreement that *prior to* any development, pre-servicing or site alteration, the applicant shall demonstrate that suitable arrangements have been made with adjacent landowners on which all requisite stormwater management facilities have been proposed, to allow for the construction and operation of the proposed interim and/or permanent facilities. And, that the owner demonstrates that arrangements have been made for all requisite interim conveyance channels and measures to remain in place on external lands, until such time permanent infrastructure is available to convey stormwater from the subject lands to off-site stormwater management ponds.

20.3 The Owner shall covenant and agree in the subdivision agreement that *prior to* any development, pre-servicing or site alteration, the applicant shall submit and attain the approval of the TRCA for:

- a) An adequate hydrogeological assessment, demonstrating that the groundwater related requirements of the SWS and MESP are being met or exceeded. The report shall:
  - i) provide a ground water constraint assessment that will examine existing and proposed ground water levels in relation to the proposed development, underground construction and servicing and stormwater management infrastructure. Interactions between untreated (or insufficiently treated) surface and groundwater, shallow ground water, any necessary mitigation and dewatering requirements must be identified.
  - ii) Assess the need for liners associated with the stormwater management system, and suitable liners shall be provided where necessary. All underground construction and infrastructure must be designed to not

require permanent dewatering, and any potential impacts to the groundwater system that may result from the development must be assessed and mitigated;

- iii) Provide information detailing all anticipated temporary or passive dewatering that may be required during the construction phase, including anticipated volumes, duration, discharge locations, and filtration media - as required, to the satisfaction of the TRCA.
- b) Detailed water balance and feature-based water balance assessments that will identify measures that will be implemented during construction and post-construction to: mimic the pre-development surface and groundwater water balance to the greatest possible extent; maintain pre-development flow regimes and hydroperiods (e.g. quality, volume, rate, duration, timing, frequency and spatial distribution of water) to significant natural features - including but not necessarily limited to wetlands, watercourses, woodlands; provide for on- site retention of precipitation on-site in accordance with the SWS and MESP to the satisfaction of the TRCA; mitigate against any potential on-site or downstream erosion associated with the stormwater management system; maintain and not exceed target flows to downstream wetlands and watercourses, to the satisfaction of TRCA staff. This study must provide detailed design of the system(s), and implementation information and measures, including adaptive management and monitoring. A detailed terms of reference shall be provided to TRCA, and to the satisfaction of TRCA prior to the completion of the report.
- c) Provide a comprehensive monitoring plan to assess the functioning and effectiveness of proposed stormwater LID (in accordance with the MESP), FDC and source and conveyance measures.
- d) the applicant attain all Ontario Regulation 166/06 permits from the TRCA for all works proposed on the subject property for which permits would be required, and those related to any associated infrastructure or stormwater management works required to support this development. No grading, pre-servicing or temporary stormwater management works are to be initiated until such time as a permit from the TRCA and all requisite TRCA approvals are attained;
- e) To provide for all warning clauses and information identified in TRCA's conditions.
- f) That the applicant provide confirmation that they are aware of their responsibilities with respect to all necessary approvals under the Endangered Species Act, and that they commit to attain all necessary approvals.

- g) That the owner agrees in the subdivision agreement, in wording acceptable to the TRCA;
  - i) to carry out, or cause to be carried out, to the satisfaction of the TRCA, the recommendations of the technical reports and plans referenced in TRCA's conditions, including but not limited to the mitigation measures outlined in the Environmental Impact Study, completed to the satisfaction of TRCA;
  - ii) implement on-site erosion and sediment control plans as well as monitoring in accordance with current TRCA standards or MECP/MNRF Silt Smart as applicable;
  - iii) to maintain all stormwater management, LID and erosion and sedimentation control structures operating and in good repair during the construction period.
  - iv) to implement all water balance/infiltration measures identified in the water balance study and feature based water balance that is to be completed for the subject property to TRCA's satisfaction;
  - v) to implement the water balance, feature based water balance, LID and adaptive management monitoring programs and provide the requisite funding and securities for the full duration of the monitoring to the satisfaction of the TRCA;
  - vi) that prior to a request for registration of any phase of this subdivision – should registration not occur within 10 years of draft approval of this plan - that the owner consult with the TRCA with respect to whether the technical studies submitted in support of this development remain to meet current day requirements, and that the owner update any studies, as required, to reflect current day requirements.
  - vii) To implement or provide the funding required for the implementation of all restoration and enhancement plantings and works to the satisfaction of TRCA and City of Markham. And, to provide a three-year monitoring and warranty on all planted materials.
- h) That a warning clause be included in all agreements of purchase and sale, and information be provided on all community information maps and promotional sales materials for private lots or blocks on which infiltration related infrastructure such as LID's, rear yard swales and catch basins are located which identifies the following:



i) “That underground and/or surface stormwater management infrastructure is located on the subject property, which forms an integral part of the stormwater management infrastructure for the community. It is the owner’s responsibility for the long-term maintenance of this system by ensuring that proper drainage is maintained. Grading within the rear yard, such as swales which convey stormwater to this system must remain in their original form.”

i) That the size and location of all proposed stormwater management blocks - to which the subject lands drain - be confirmed to the satisfaction of the TRCA. And, if required to meet TRCA requirements, red-line revisions be made to the plan to expand these blocks, or modify their size or configuration into surrounding lands within this subdivision which are currently proposed for development.

j) That the size and location of all Low Impact Development (LID) stormwater management measures associated with this development be confirmed to the satisfaction of the TRCA. And, if required to meet TRCA requirements, red-line revisions be made to the plan to provide for necessary blocks within the Plan, or modify their size or configuration into surrounding lands within this subdivision which are currently proposed for development.

k) That the draft plan be red-line revised, if necessary, in order to meet the requirements of TRCA’s conditions, or to meet current established standards in place as of the date of a request for registration of the Plan or any phase thereof.

## 21.0 Ministry of Natural Resources (MNR)

21.1 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.

## 22.0 York Catholic District School Board

22.1 That the Owner shall enter into an agreement satisfactory to the York Catholic District School Board for the transfer of **Block 206**.

22.2 That the Owner shall agree in the subdivision agreement in wording satisfactory to the York Catholic District School Board that prior to final approval:

a)

- i. That the owner shall provide to the Board copies of its servicing, grading, drainage and landscape plans of Plan of Subdivision SU 18 235522 prior to their finalization for the Board's approval, such approval not to be unreasonably withheld or delayed.
  - ii. To grade the school site to conform to the overall grade plan of the subdivision and in doing so shall replace any topsoil disturbed in the grading process and at the same time sod/seed the same lands. If, in compliance with this clause, the addition of engineered fill, the removal of existing soil, or, in any way, the alteration of existing grading results in increased costs of construction to the Board, then, and in that event, the Owner shall, upon demand, reimburse the Board for such additional costs.
  - iii. That if the removal of existing soil is greater than 4 feet in depth, remediation will be monitored and inspected by a qualified 3rd party consultant.
- b) To remove all trees and structures on Block 206, as determined by the Board.
- c) That Block 206 shall not be used for any interim control measures, including, but not limited to stockpiling of topsoil and other materials, storage of construction equipment as well as environmental control measures such as storm water management and siltation ponds.
- d) The Owner will, at its expense:
  - i. Construct and maintain temporary post and wire fencing on all boundaries of the Lands no later than the date of application of the base coat of asphalt on such roads on which the Lands abut to the specifications outlined in "Schedule A";
  - ii. Prior to the occupancy of adjacent residential lands, replace the temporary post and wire fencing along the boundary between the Lands and such adjacent residential lands with a 6 gauge galvanized chain link fence 1.8 metres in height, the side of which fence facing such residential lands to be placed two (2") inches inside the Lands from the boundary thereof, with the mesh on the Board side of the property;
  - iii. Prior to Completion, replace the temporary post and wire fencing then remaining with a 6 gauge galvanized chain link fence 1.8 metres in height on all other boundaries of the Lands as the Board may, no less than 60 days prior to Completion, direct.

- e) To erect on the school site at such time as the school access street is constructed a visible sign with the dimensions and containing the words in the order, form and configuration as duly required. (Please refer to the attached "Schedule B")
- f) To post "No Dumping" signs with the by-law number posted along the perimeter fence as required by the Board.
- g) To provide the foregoing at no cost to the Board.

22.3 That the Owner shall submit, at no cost to the Board, a report from a qualified consultant concerning:

- a) The suitability of Block 206 for construction purposes relating to soil bearing factors, surface drainage and topography and or grading plan. There shall be a minimum of 12 boreholes on the school site, in locations as approved by the Board.
- b) Phase 1 Environmental Testing reports for the school site to ensure the site is clear and free of all contaminates and unfit soil, as well as Phase 2 if required.
- c) The availability of natural gas, electrical, water, storm sewer, sanitary sewer, telephone and cable television services in a location along the property line. The location and specification of the above services shall be approved by the Board prior to installation. If these services are to be installed following the initial phase(s) of development, the Owner shall submit a letter to the Board, stating that the Owner will consult the Board prior to installation of services and obtain Board approval.
- d) A complete Transportation Master Plan.

22.4 That the Owner shall submit, at no cost to the Board, a certificate from the City of Markham confirming the following as they relate to a new school facility:

- a) The availability of a satisfactory water supply (both domestic and fire).
- b) An acceptable method of sewage disposal.
- c) Adequacy of electrical services.
- d) The availability of a satisfactory natural gas supply.
- e) That an adequate storm water management facility has been designed to accommodate a school site and ensure that water retention will not be required on this site.

- 22.5 The Owner shall supply the Board a certificate, from the local hydro authority, confirming an adequate capacity for a new school and that the Board will not incur future upstream costs.
- 22.6 That the Owner shall agree in words acceptable to the York Catholic District School Board, that the services referred to in Condition 22.3, complete with inspection manholes shall be installed at the property line of said school site and positioned as designated by the Board, at no cost to the Board, allowing time for Board approval of the design of said services prior to the registration of the plan.
- 22.7 That the owner shall prior to closing, register a restrictive covenant running with all lands abutting **Block 206** which shall prohibit installation in any fence constructed along any boundary of **Block 206**, of any gate or access point from such abutting lands to **Block 206**.
- 22.8 That the Owner covenants and agrees that a clause will be inserted in all Agreements of Purchase and Sale of residential lots and units within the Subdivision a clause providing as follows:
- “The construction of a Catholic School on a designated site is not guaranteed. Purchasers are advised that sufficient accommodation may not be available for students residing in this area, and you are notified that students may be accommodated in temporary facilities and/or bussed to existing facilities outside the area. The Board will in its discretion designate pick-up points for students who qualify for transportation”.
- 22.9 That the Owner covenants and agrees that a clause will be inserted in all Agreements of Purchase and Sale for residential lots and units abutting the Lands stating that:
- “TEMPORARY FACILITIES/PORTABLES MAY BE PLACED ON THE LANDS IN ORDER TO ACCOMDATE STUDENTS IN EXCESS OF THE CAPACITY OF THE SCHOOL BUILDING”.
- 22.10 That in order to support walkable communities and School Travel Planning, sidewalks are to be provided throughout the community, at a minimum of 1 side of each municipal roadway within Plan of Subdivision SU 18 235522.
- 22.11 That roundabouts shall not be located adjacent to **Block 206**.
- 22.12 The Owner shall agree to include the following clause in the subsequent Purchase and Sale Agreement, Site Plan Agreement, Condominium Agreement and Declaration of Condominium Agreement:
- “THE OWNER UNDERSTANDS AND ACKNOWLEDGES THAT VEHICULAR ACCESS FROM BLOCK 202 ONTO STREET 3 ADJACENT TO BLOCK 206 SHALL ONLY CONSIST OF A SINGULAR ACCESS POINT / PRIVATE ROAD,

AND IS SUBJECT TO THE APPROVAL/CONSENT OF THE YORK CATHOLIC DISTRICT SCHOOL BOARD”

- 22.13 That prior to final approval, the owner agrees to coordinate a site walk with Board staff to visually inspect **Block 206**.

23.0 York Region District School Board

- 23.1 That prior to final approval, the owner shall have made Agreement satisfactory to the York Region District School Board for the transfer of a partial public elementary school site. The partial public secondary school site, **Block 205**, shall contain not less than 2.008 hectares (4.96 acres).
- 23.2 That the owner shall agree in the Subdivision Agreement in wording satisfactory to the York Region District School Board:
- a) to grade the school site and in doing so compact, fill with clean material, replace any topsoil disturbed in the grading process and at the same time sod/seed the same lands to specifications determined by the Board;
  - b) to remove any buildings on the school site;
  - c) to remove trees, as required to accommodate school layout;
  - d) to provide a letter of credit pertaining to stockpiling and removal of topsoil, by taking the volume of topsoil to be stored upon the school site and multiplying such volume by 200% of the current market prices for waste material disposal, as set forth in the latest version of Hanscomb's Yardsticks for Costing, Cost Data for the Canadian Construction Industry, to the satisfaction of the York Region District School Board;
  - e) to remove stockpiled topsoil within 30 days of written notice by the Board and in doing so compact, fill with clean material, replace any topsoil disturbed in the grading process and at the same time sod/seed the same lands to specifications determined by the Board;
  - f) to construct a black vinyl coated chain link fence, Type II 1½“ mesh, 1.8 m high along all boundaries of the school blocks, including road frontage(s) at the discretion of the Board;
  - g) to construct the fences prior to the issuance of building permits for Phase 1 of the subdivision;

- h) to erect and maintain a sign on the public school site at such time as the relevant access roads are constructed, indicating that the date has not been set for the construction of the school;
  - i) to provide a geotechnical investigation and Phase 1 and Phase 2 environmental site assessment conducted by a qualified engineer. For an elementary school site, a minimum of eight boreholes shall be required and for a secondary school site a minimum of sixteen boreholes shall be required;
  - j) to provide the foregoing at no cost to the Board; and,
  - k) to assume any upstream and downstream charges for hydro, natural gas, sanitary and storm drainage, and water supply.
- b) That the owner shall submit to the York Region District School Board, at no cost to the Board, a letter from a qualified consultant concerning:
- i) the suitability of the school site for school construction purposes, relating to soil bearing factors, surface drainage, topography and environmental contaminants; and,
  - ii) the availability of natural gas, electrical, cable, water, storm sewer and sanitary sewer services.
- c) That the Owner shall agree in the Subdivision Agreement, in wording acceptable to the York Region District School Board that the services referred to in Condition b) ii) shall be installed to the mid-point of the frontage of the school site and positioned as designated by the Board, at no cost to the Board.
- d) That prior to final approval, the Owner shall submit to the School Board an environmental impact study for the school block, initial set of engineering plans for review and approval, and subsequently, a copy of the final engineering plans as approved by the City of Markham which indicate the storm drainage system, utilities, and the overall grading plans for the complete subdivision area.
- e) That prior to final approval, the local hydro authority shall have confirmed in writing to the Board that adequate electrical capacity will be supplied to the school site frontage by the developer at no cost to the Board.
- f) That prior to final approval, the local hydro authority shall have confirmed in writing to the Board that they are satisfied that payment

for any upstream and downstream charges will be made by the original developer.

- g) That the subdivision agreement include warning clauses advising the City of Markham, property owners and purchasers of lots within the draft plan that unless the provincial funding model provides sufficient funds to construct new schools, there can be no assurance as to the timing of new school construction nor a guarantee that public school accommodation will be provided within the subject plan notwithstanding the designation of the school site.
- h) That the York Region District School Board shall advise that conditions a) to g) inclusive have been met to its satisfaction. The clearance letter shall include a brief statement detailing how each condition has been satisfied or carried out.

#### 24.0 External Clearances

- 24.1 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) Canada Post shall advise that Conditions 12.3 to 12.9 have been satisfied.
  - b) The Ministry of Culture shall advise that Conditions 14.1 and 14.2 have been satisfied.
  - c) The Regional Municipality of York Planning Department shall advise that Conditions 19.1 to 19.2 have been satisfied.
  - d) The Toronto and Region Conservation Authority shall advise that Conditions 20.1 and 20.3 have been satisfied.
  - e) York Catholic District School Board shall advise that Conditions 22.1 – 22.13 have been satisfied.
  - f) York Region District School Board shall advise that Conditions 23.1 – 23.2 have been satisfied.

Dated: XXXXXX

Ron Blake, Senior Development Manager

DRAFT



Appendix A: Draft Zoning By-law Amendment



BY-LAW 2020-[REDACTED]

**A By-law to amend By-law 304-87, as amended**  
*(to delete lands from the designated areas of By-law 304-87)*  
**and to amend By-law 177-96, as amended**  
*(to incorporate lands into the designated area of By-law 177-96)*

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

- 1. That By-law 304-87, as amended, are hereby further amended by deleting the lands shown on Schedule ‘A’ attached hereto, from the designated areas of By-law 304-87, as amended.
  
- 2. That By-law 177-96, as amended, is hereby further amended as follows:
  - 2.1 By expanding the designated area of By-law 177-96, as amended, to include additional lands as shown on Schedule “A” attached hereto.
  
  - 2.2 By zoning the lands outlined on Schedule “A” attached hereto:  
  
from:  
**Agriculture One (A1) Zone (By-law 304-87);**  
  
to:  
**Residential Two - Special \*A (R2-S\*A) Zone (By-law 177-96);**  
**Residential Two – Lane Access\*B (R2-LA\*B) Zone (By-law 177-96);**  
**Residential Two – Lane Access\*C (R2-LA\*C) Zone (By-law 177-96);**  
**Residential Three \*D (R3\*D) Zone (By-law 177-96);**  
**Community Amenity Four \*E (CA4\*E) Zone (By-law 177-96);**  
**Residential Two - Special \*F (R2-S\*F) Zone (By-law 177-96);**  
**Open Space Two (OS2) Zone (By-law 177-96)**
  
- 3. By adding the following subsection to Section 7- EXCEPTIONS:

| Exception 7.A   | Berczy Elgin Holdings Inc.   | Parent Zone<br>R2-S      |
|---|--|--------------------------|
| File ZA 18 235522   |  | Amending By-law<br>2020- |
| Notwithstanding any other provisions of By-law,177-96 the following provisions shall apply to the lands shown on Schedule “A” attached to By-law 2020-  and denoted by the symbol *A. |  |                          |
| 7.A.1 Only Permitted Uses   |  |                          |
| The following uses are the only permitted uses:   |  |                          |
| a)  | Uses permitted for the R2-S zone in Table A1   |                          |
| b)  | In addition to the uses permitted for the R2-S zone in Table A1, one accessory dwelling unit per lot |                          |
| 7.A.2 Special Zone Standards  |  |                          |
| The following specific Zone Standards shall apply:  |  |                          |
| a)  | Minimum lot frontage for single detached dwellings – 9.0 metres                                      |                          |

|    |   |
|----|---|
| b) | Minimum required front yard – 3.0 metres  |
| c) | Maximum garage width – 50 % of the lot frontage   |
| d) | Minimum required exterior side yard – 2.4 metres  |
| e) | Minimum required interior side yard – 1.2 metres and 0.3 metres   |
| f) | Minimum required rear yard – 6.0 metres   |
| g) | Maximum height – 12.5 metres  |
| h) | The wall of an attached private garage that contains the opening for motor vehicle access shall be set back a minimum of 5.5 metres from the lot line that the driveway crosses to access the private garage. If the driveway does not cross a sidewalk, the minimum setback is reduced to 4.5 metres. A parking space on a driveway where part of the parking space is located outside of the lot is deemed to comply with Section 6.1.1.a) of By-law 28-97 (as amended).  |
| i) | <div><div>i) Notwithstanding the provisions of Section 6.6.1.c), a window bay and bow or boxout window with or without foundation may encroach into the minimum required rear yard or into the minimum required interior side yard a distance of no more than 0.6 metres.</div><div>ii) Notwithstanding the provisions of Section 6.6.1.d), a window bay and bow or boxout window with or without foundation may encroach into the minimum required front yard or into the minimum required exterior side yard a distance of 1 metre.</div></div> |
| j) | Special Provision #1 of Table B3 shall not apply.   |
| k) | Section 6.2.4.2.b of By-law 28-97, as amended, shall not apply  |
| l) | The maximum driveway width of a driveway crossing the front or exterior side lot line shall be the garage width plus 1.5 metres.  |

|  |   |                              |
|--|---|------------------------------|
| <b>Exception 7.B</b>   | <b>Berczy Elgin Holdings Inc.</b>   | <b>Parent Zone<br/>R2-LA</b> |
| File ZA 18 235522  |   | Amending By-law<br>2020-     |
| Notwithstanding any other provisions of By-law,177-96 the following provisions shall apply to the lands shown on Schedule “A” attached to By-law 2020- and denoted by the symbol *B. |   |                              |
| <b>7.B.1 Special Zone Standards</b>  |   |                              |
| The following specific Zone Standards shall apply:   |   |                              |
| a)   | Minimum lot frontage for townhouse dwellings – 6.0 metres   |                              |
| b)   | Minimum required front yard – 0.6 metres  |                              |
| c)   | Minimum required exterior side yard – 2.4 metres  |                              |
| d)   | Minimum required interior side yard – 0.0 metres for interior unit and 1.2 metres for end unit.   |                              |
| e)   | Minimum required rear yard – 0.0 metres   |                              |
| f)   | Maximum height – 14.5 metres  |                              |
| g)   | Minimum setback for garage from laneway – 0.6 metres  |                              |
| h)   | Maximum number of dwellings in a block – 8 units  |                              |
| i)   | Special Provision #2 of Table B4 shall not apply.   |                              |
| j)   | Notwithstanding the provisions of Section 6.6.1.(a) encroachments shall include a fireplace encroachment, and all encroachments may be located no closer than 0.1 metres from the rear and side lot lines.  |                              |
| k)   | Notwithstanding the provisions of Section 6.6.1.c), a window bay, and bow or boxout window with or without foundation, may encroach into the minimum required front yard, minimum required rear yard, or minimum required exterior side yard a distance of no more than 0.6 metres. |                              |

|  |   |                              |
|--|---|------------------------------|
| <b>Exception 7.C</b>   | <b>Berczy Elgin Holdings Inc.</b>             | <b>Parent Zone<br/>R2-LA</b> |
| File ZA 18 235522  |   | Amending By-law<br>2020-     |
| Notwithstanding any other provisions of By-law,177-96 the following provisions shall apply to the lands shown on Schedule “A” attached to By-law 2020- and denoted by the symbol *C. |   |                              |
| <b>7.C.1 Only Permitted Uses</b>   |   |                              |
| The following uses are the only permitted uses:  |   |                              |
| a)   | Uses permitted for the R2-LA zone in Table A1 |                              |

|  |  |
|--|--|
| b)   | In addition to the uses permitted for the R2-LA zone in Table A1, one accessory dwelling unit per lot  |
| <b>7.C.2 Special Zone Standards</b>                |  |
| The following specific Zone Standards shall apply: |  |
| a)   | Minimum lot frontage for townhouse dwellings:<br>i) 4.0 metres per unit on an interior lot<br>ii) 5.2m per end unit on an interior lot;<br>iii) 6.4m per end unit on a corner lot.   |
| b)   | Minimum required front yard – 0.6 metres   |
| c)   | Minimum required exterior side yard – 2.4 metres   |
| d)   | Minimum required interior side yard – 0.0 metres for interior unit and 1.2 metres for end unit.  |
| e)   | Minimum required rear yard – 0.6 metres  |
| f)   | Maximum height – 14.5 metres   |
| g)   | Maximum number of dwellings in a block – 9 units   |
| h)   | Special Provision #2 of Table B4 shall not apply.  |
| i)   | Notwithstanding the provisions of Section 6.6.1.(a) encroachments shall include a fireplace encroachment, and all encroachments may be located no closer than 0.1 metres from any lot line.  |
| j)   | i) Notwithstanding the provisions of Section 6.6.1.c), a window bay and bow or boxout window with or without foundation may encroach into the minimum required rear yard or into the minimum required interior side yard a distance of no more than 0.6 metres.<br><br>ii) Notwithstanding the provisions of Section 6.6.1.d), a window bay and bow or boxout window with or without foundation may encroach into the minimum required front yard or into the minimum required exterior side yard a distance of 1 metre. |
| k)   | Minimum required yard abutting a transformer notch – 0 metres  |
| l)   | A street line abutting a daylighting triangle on a corner lot shall be deemed to be the front lot line   |
| m)   | The minimum setback from the exterior setback shall be 1 metre for a driveway or parking pad crossing the rear lot line.   |

|  |  |                       |
|--|--|-----------------------|
| <b>Exception 7.D</b>   | <b>Berczy Elgin Holdings Inc.</b>  | <b>Parent Zone R3</b> |
| File ZA 18 235522  |  | Amending By-law 2020- |
| Notwithstanding any other provisions of By-law,177-96 the following provisions shall apply to the lands shown on Schedule “A” attached to By-law 2020- and denoted by the symbol *D. |  |                       |
| <b>7.D.1 Only Permitted Uses</b>   |  |                       |
| The following uses are the only permitted uses:  |  |                       |
| a)   | Townhouse Dwellings  |                       |
| b)   | Triplex Dwellings  |                       |
| c)   | Quadruplex Dwellings   |                       |
| d)   | Multiple Dwellings   |                       |
| e)   | Apartment Dwellings  |                       |
| f)   | Home Occupation  |                       |
| g)   | Home Child Care  |                       |
| h)   | A single detached dwelling within a heritage building.   |                       |
| i)   | In addition to the other permitted uses, one accessory dwelling unit on a lot is permitted   |                       |
| <b>7.D.2 Special Zone Standards</b>  |  |                       |
| The following specific Zone Standards shall apply:   |  |                       |
| a)   | Minimum lot frontage for a townhouse dwellings accessed by a lane:<br>i) 4.0m per unit on an interior lot;<br>ii) 5.2m per end unit on an interior lot;<br>iii) 6.4m per end unit on a corner lot. |                       |
| b)   | Minimum required rear yard:<br>i) On a lot accessed by a lane – 0.6 metres.<br>ii) On a lot not accessed by a lane – 6.0 metres  |                       |
| c)   | Maximum height:<br><br>i) If a portion of a building is located within 30 metres of a streetline abutting Elgin Mills Road East, the maximum height of the entire building shall be 24 metres.     |                       |

|    |  |
|----|--|
|    | ii) If no portion of a building is located within 30 metres of a streetline abutting Elgin Mills Road East, the maximum height of the entire building shall be 16 metres.  |
| d) | Special Provisions #4 and #5 of Table B5 shall not apply   |
| e) | Minimum required yard abutting a transformer notch – 0m  |
| f) | Minimum building setback from a daylighting triangle – 0.6 metres.   |
| g) | The minimum setback for a driveway or parking pad crossing the rear lot line from the exterior side lot line shall be 1.0m   |
| h) | Section 6.5 – Dwelling Units and Section 6.7 – Frontage on a Public Street shall not apply.  |
| i) | Minimum required rear front yard for townhouse dwellings: 0.6 metres   |
| j) | Maximum garage width on a lot not accessed by a lane: not applicable   |
| l) | The following shall apply to the single detached dwelling permitted in Section 7.D.1.h).:<br>i) Minimum lot frontage: not applicable;<br>ii) Minimum required front yard: 3.0 metres;<br>iii) Minimum required exterior side yard: 2.4 metres<br>iv) Minimum required interior side yard: 1.2 metres<br>v) Minimum required rear yard on a lot accessed by a lane: 0.6 metres<br>vi) Minimum required rear yard on a lot not accessed by a lane: 6.0 metres<br>vii) Maximum height: 12.5 metres                          |
| m) | Notwithstanding the provisions of Section 6.6.1.(a) encroachments shall include a fireplace encroachment, and all encroachments may be located no closer than 0.1 metres from any lot line.  |
| n) | i) Notwithstanding the provisions of Section 6.6.1.c), a window bay and bow or boxout window with or without foundation may encroach into the minimum required rear yard or into the minimum required interior side yard a distance of no more than 0.6 metres.<br><br>ii) Notwithstanding the provisions of Section 6.6.1.d), a window bay and bow or boxout window with or without foundation may encroach into the minimum required front yard or into the minimum required exterior side yard a distance of 1 metre. |
| o) | Minimum required yard abutting a transformer notch – 0 metres  |
| p) | The minimum setback from the exterior setback shall be 1 metre for a driveway or parking pad crossing the rear lot line.   |
| q) | The provisions of Table B5 as amended by Section 7.H shall apply for multiple dwellings lane.  |

| Exception 7.E   | Berczy Elgin Holdings Inc.  | Parent Zone CA4       |
|---|---|-----------------------|
| File ZA 18 235522   |   | Amending By-law 2020- |
| Notwithstanding any other provisions of By-law,177-96 the following provisions shall apply to the lands shown on Schedule “A” attached to By-law 2020- and denoted by the symbol *E |   |                       |
| 7.E.1 Additional Permitted Uses   |   |                       |
| The following additional uses are permitted:  |   |                       |
| a)  | Apartment Dwellings   |                       |
| b)  | Multiple Dwellings  |                       |
| c)  | Child Care Centre   |                       |
| d)  | Home Occupations  |                       |
| e)  | Retail Stores; Special Provision #7 of Table A2 shall not apply.                                |                       |
| 7.E.2 Special Zone Standards  |   |                       |
| The following specific Zone Standards shall apply:  |   |                       |
| a)  | Minimum required front yard: - 3.0 metres   |                       |
| b)  | Maximum front yard – not applicable   |                       |
| c)  | Minimum required exterior side yard – 3.0 metres  |                       |
| d)  | Maximum exterior side yard – not applicable   |                       |
| e)  | Minimum required interior side yard – 3.0 metres  |                       |
| f)  | Minimum required rear yard – 3.0 metres   |                       |
| g)  | Minimum width of landscaping adjacent to front and exterior side lot lines – not applicable.    |                       |
| h)  | Minimum width of landscaping adjacent to the interior side and rear lot lines – not applicable. |                       |
| i)  | Maximum height – 24 metres  |                       |
| j)  | Special Provisions #13 and #14 of Table B7 shall not apply.                                     |                       |
| k)  | Minimum building setback from a daylighting triangle – 0.6 metres.                              |                       |

|    |  |
|----|--|
| l) | Sills, cornices, eaves, and roof overhangs may be located no closer than 0.1 metres from a daylighting triangle.   |
| m) | Section 6.5 – <u>Dwelling Units</u> and Section 6.7 – <u>Frontage on a Public Street</u> shall not apply.  |
| n) | Notwithstanding Section 6.1.4 – <u>Regulations for Parking Spaces</u> of By-law 28-97, as amended, to the contrary, tandem parking is permitted on lots with buildings containing more than 4 dwelling units and for Condominium Townhouse Dwellings with parking provided at grade and accessed via a private road. |

| Exception 7.F  | Berczy Elgin Holdings Inc.   | Parent Zone<br>R2-S      |
|--|--|--------------------------|
| File ZA 18 235522  |  | Amending By-law<br>2020- |
| Notwithstanding any other provisions of this By-law, the provisions in this Section shall apply to those lands denoted *F as shown on 'Schedule A' to this By-law subject to any holding provisions applying to the subject lands. |  |                          |
| 7.F.1 Only Permitted Uses  |  |                          |
| The following uses are the only permitted uses:  |  |                          |
| a)   | Uses permitted for the R2-S zone in Table A1   |                          |
| b)   | In addition to the uses permitted for the R2-S zone in Table A1, one accessory dwelling unit per lot   |                          |
| e)   | Public School  |                          |
| 7.F.2 Special Zone Standards   |  |                          |
| The following specific Zone Standards shall apply:   |  |                          |
| a)   | The provisions of Table B3 as amended by Section 7.A shall apply for residential uses on a lot not accessed by a lane.   |                          |
| b)   | The provisions of Table B5 as amended by Section 7.B or the provisions of Table B5 as amended by Section 7.C shall apply for residential uses on a lot accessed by a lane. |                          |
| c)   | The provisions of Table B9 shall apply for a Public School   |                          |

3. HOLDING PROVISIONS

3.1 To be filled in later.

Read a first, second and third time and passed on \_\_\_\_\_, 2020.

\_\_\_\_\_  
Kimberley Kitteringham  
City Clerk

\_\_\_\_\_  
Frank Scarpitti  
Mayor



**EXPLANATORY NOTE**

**BY-LAW 2020-**

**A By-law to amend By-law 304-87 and 177-96, as amended**

**3575 Elgin Mills Road East**

**Lands located south of Elgin Mills Road East between Warden Avenue and Woodbine Avenue.**

**Part of Lot 25, Concession 4.**

**Lands Affected**

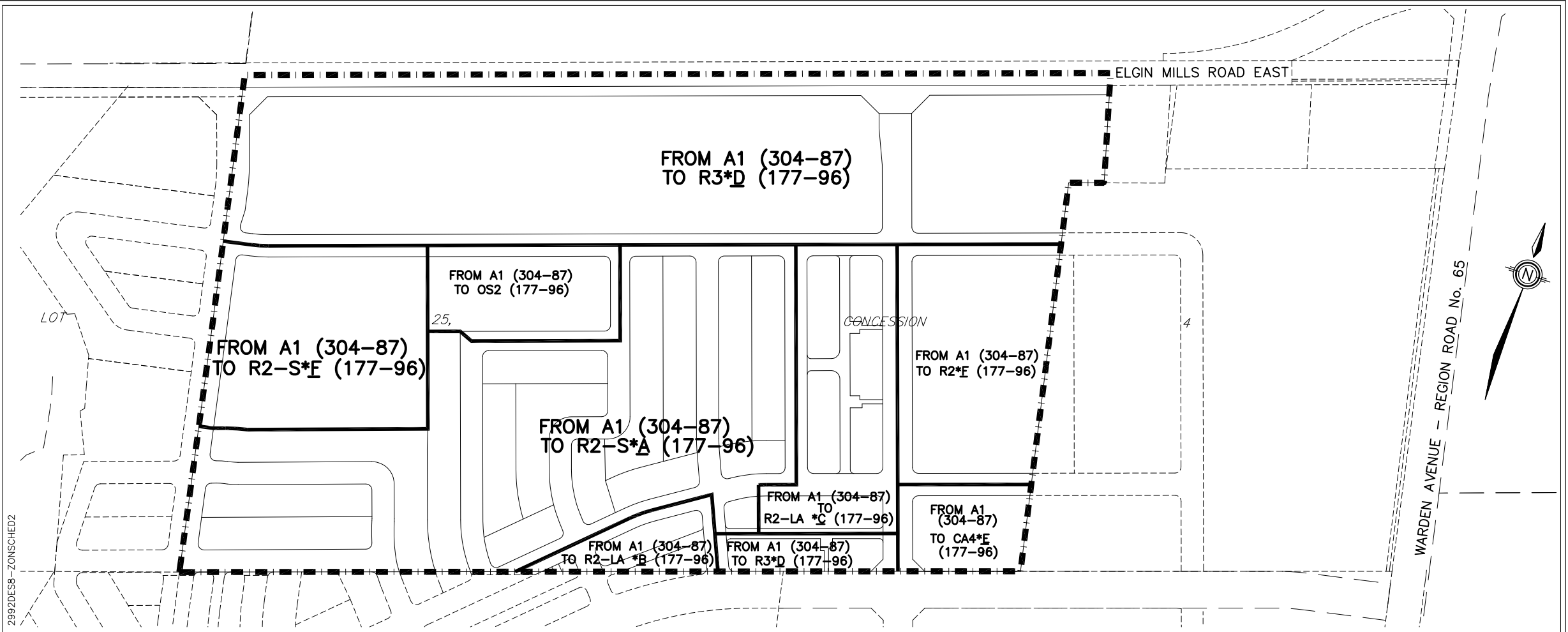
The proposed by-law amendment applies to approximately 28.2 hectares (69.7 acres) of land located on the south side of Elgin Mills Road East between Warden Avenue and Woodbine Avenue and municipally known as 3575 Elgin Mills Road East.

**Existing Zoning**

The subject land is currently zoned “Agriculture One (A1)” under By-law 304-87, as amended.

**Purpose and Effect**

The purpose and effect of this By-law is to amend By-law 304-87, as amended and By-law 177-96, as amended by rezoning the subject land to “Residential Two – Special \*A (R2-S\*A)”, “Residential Two – Lane Access \*B (R2-LA\*B); “Residential Two – Lane Access \*C (R2-LA\*C); “Residential Three \*D (R3\*D)”, “Community Amenity Four \*E (CA4\*E)”, “Residential Two - Special \*F (R2-S\*F)”, and “Open Space Two (OS2)” in By-law 177-96, as amended in order to facilitate residential development consisting of single detached and townhouse dwellings, mixed use development, two schools, and parkland including the introduction of site-specific development standards.



A BY-LAW TO AMEND BY-LAWS 177-96 AND 304-87

THIS IS SCHEDULE 'A' TO BY-LAW \_\_\_\_\_  
PASSED THIS \_\_\_\_\_ DAY \_\_\_\_\_,  
  
\_\_\_\_\_, MAYOR  
  
\_\_\_\_\_, CLERK

|  |   |  |                                     |
|--|---|--|-------------------------------------|
|  | BOUNDARY OF AREA COVERED BY THIS BY-LAW             |  | ZONE BOUNDARY                       |
|  | R2-S RESIDENTIAL TWO - SPECIAL (BY-LAW 177-96)      |  | OS2 OPEN SPACE TWO (BY-LAW 177-96)  |
|  | R2-LA RESIDENTIAL TWO - LANE ACCESS (BY-LAW 177-96) |  | A1 AGRICULTURAL ONE (BY-LAW 304-87) |
|  | R3 RESIDENTIAL THREE (BY-LAW 177)                   |  | *No. EXCEPTION SECTION NUMBER       |
|  | CA4 COMMUNITY AMENITY FOUR (BY-LAW 177-96)          |  |                                     |

NOTE: 1) DIMENSIONS ARE IN METRES  
2) REFERENCE SHOULD BE MADE TO  
THE ORIGINAL BY-LAW LODGED IN  
THE OFFICE OF THE CLERK

SCALE N.T.S.





Report to: Development Services Committee

Meeting Date: April 21, 2020

**SUBJECT:** RECOMMENDATION REPORT  
 Applications for Draft Plan of Subdivision and Zoning By-law Amendment by Berczy Warden Holdings Inc. to facilitate the creation of approximately 894 residential units and mixed uses on the lands known municipally as 10348 Warden Avenue (Ward 2)  
 File No's.: ZA/SU 18 235516

**PREPARED BY:** Amanda Crompton, MCIP, RPP ext. 2621  
 Planner II, North District

**REVIEWED BY:** Stephen Kitagawa, MCIP, RPP ext. 2531  
 Acting Development Manager, North District

#### **RECOMMENDATION:**

- 1) That the staff report dated April 21, 2020 titled "Recommendation Report, Applications for Draft Plan of Subdivision and Zoning By-law Amendment by Berczy Warden Holdings Inc. to facilitate the creation of approximately 894 residential units and mixed uses on the lands known municipally as 10348 Warden Avenue (Ward 2)" be received;
- 2) That the record of the Public Meeting held on March 26, 2019, regarding the Draft Plan of Subdivision and Zoning By-law Amendment applications by Berczy Warden Holdings Inc. on the Subject Property known municipally as 10348 Warden Avenue, be received;
- 3) That in accordance with the provisions of subsections 45 (1.4) of the Planning Act, R.S.O. 1990, c.P.13, as amended, the Owners shall through this Resolution, be permitted to apply to the Committee of Adjustment for a variance from the provisions of the accompanying Zoning By-law, before the second anniversary of the day on which the by-law was approved by Council;
- 4) That the application submitted by Berczy Warden Holdings Inc. to amend Zoning By-law 304-87, as amended, be approved and the draft by-law attached as Appendix 'A' be finalized and brought forward to a future Council meeting to be enacted without further notice.
- 5) That Draft Plan of Subdivision 19TM-18009 be approved, subject to the conditions set out in Appendix B of this report;
- 6) That the Director of Planning and Urban Design, or his designate, be delegated authority to issue draft plan approval, subject to the conditions set out in



- 
- Appendix B, as may be amended by the Director of Planning and Urban Design, or his designate;
- 7) That draft plan approval for Plan of Subdivision 19TM-18009 will lapse after a period of three (3) years from the date of issuance in the event that a subdivision agreement is not executed within that period;
  - 8) That servicing allocation for 894 units be assigned to Draft Plan of Subdivision 19TM-18009; and,
  - 9) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**EXECUTIVE SUMMARY:**

This report recommends approval of Draft Plan of Subdivision and Zoning By-law Amendment applications submitted by Berczy Warden Holdings Inc. to provide for 894 residential units and mixed uses on the lands known municipally as 10348 Warden Avenue.

The 45 hectare (111 acre) Subject Lands are located on the west side of Warden Avenue, south of Elgin Mills Road, within the Berczy Glen Secondary Plan Area. The lands are currently used for agricultural operations. Surrounding land uses primarily consist of agricultural and rural residential uses.

A statutory Public Meeting was held by the Development Services Committee (DSC) on March 26, 2019 to seek input on the original Draft Plan of Subdivision. No public comments were made at the Public Meeting; however DSC members provided the following comments and direction: encourage senior friendly housing, affordable housing and a mix of housing forms; ensure the collector road network is complete in a timely manner to service future residents as homes are built; encourage the provision of bus transit services throughout the community; and confirm a local Fire Station is planned to serve the Berczy Glen community.

In response to the matters raised at the Public Meeting and those outlined in Staff's preliminary report dated February 11, 2019, the applicant submitted a revised proposal in November 2019. The revised proposal, as discussed in this report, addresses matters raised by members of DSC, City staff and external agencies throughout the review process.

Staff are of the opinion that the Draft Plan of Subdivision and implementing Zoning By-law Amendment are consistent with the Provincial Policy Statement, 2014, conform to all applicable Provincial, Regional and Municipal plans, has regard to Section 51(24) of the *Planning Act*, represents good planning and is in the public interest. Staff recommend that Council approve the Draft Plan of Subdivision subject to the conditions attached as Appendix B. Staff are finalizing the content of the Zoning By-law Amendment with the Owner, in consultation with applicable public agencies/City departments and in accordance with this report. Staff therefore recommend that the zoning by-law, attached

---

as Appendix A, be brought forward to a future Council meeting once the by-law has been finalized.

**PURPOSE:**

This report recommends approval of Draft Plan of Subdivision and Zoning By-law Amendment applications (the “Applications”), submitted by Berczy Warden Holdings Inc. (the “Owner”), to permit residential and mixed uses on the lands known municipally as 10348 Warden Avenue (the “Subject Lands”).

**PROCESS TO DATE:**

- November 2018 – Applications were deemed complete by staff
- February 2019 – Development Services Committee (“DSC”) received the Preliminary Report
- March 2019 – The Statutory Public Meeting was held

**Next Steps**

- If approved, the Owner can clear conditions of Draft Plan of Subdivision approval attached in Appendix B, enter into a subdivision agreement with the City and register the draft plan.

**Application Processing**

This application is moving forward during a period when the Province of Ontario has suspended Planning Act timelines for the appeal of an application to the Local Planning Appeal Tribunal. Municipalities have the discretion to continue the processing of applications, so long as the procedural requirements of the *Planning Act* can be met. At the time of the writing of this report, matters respecting finalization of approvals and appeals are still being resolved. The Clerk, Legal Services and Development Services are working together to address the mandatory requirements and any technical issues that arise as a result of the emergency.

**BACKGROUND:**

The approximately 45 hectare (111 acre) Subject Lands are located on the west side of Warden Avenue, south of Elgin Mills Road, as shown on Figure 1: Location Map. The Subject Lands are located within the City’s Future Urban Area, more specifically the Berczy Glen Secondary Plan Area (the “Secondary Plan Area”), which is bounded by Elgin Mills Road East to the north, Warden Avenue to the east, the residential estate subdivision to the south and the hydro corridor to the west.

The Subject Lands are currently used for agricultural operations, as shown on Figure 2: Aerial Photo.

The surrounding land uses include:

- North: Agricultural uses and rural residential properties.
- East: The Angus Glen Golf Course and an agricultural property are located east of Warden Avenue.
- South: Agricultural uses and existing rural residential properties. Major Mackenzie Drive is located farther south.

- West: The Berczy Creek. Beyond the creek to the southwest is an existing residential neighbourhood. Beyond the creek to the west are agricultural lands.

Draft Plan of Subdivision and Zoning By-law Amendment applications for lands to the north and west of the subject lands were recently approved by the City (File No.: ZA/SU-18-181743).

### PROPOSAL:

The Owner submitted Draft Plan of Subdivision and Zoning By-law Amendment applications to the City to facilitate the creation of approximately 894 residential units, an elementary school, a neighbourhood park, a parkette, part of a community park, an open space block, two stormwater management blocks, and the supporting road/lane network (the “Proposal”), as shown on Figure 3: Draft Plan of Subdivision. Table 1 below summarizes the Proposal statistics.

| <b>TABLE 1: Draft Plans of Subdivision Statistics</b> |               |                         |
|---|---------------|-------------------------|
| <b>Land Use (Residential)</b>                         | <b>Units</b>  | <b>Hectares (Acres)</b> |
| Detached Dwellings                                    | 196           | 6.42 (15.86)            |
| Laneway townhouses                                    | 486           | 7.77 (19.2)             |
| Back-to-back townhouses                               | 72            | 0.83 (2.04)             |
| Residential Mid-rise                                  | 16            | 0.31 (0.75)             |
| Mixed Use Mid-rise                                    | 124           | 2.18 (5.38)             |
| <b>Total (Residential)</b>                            | <b>894</b>    | <b>17.5 (43.2)</b>      |
| <b>Land Use (Other)</b>                               | <b>Blocks</b> | <b>Hectares (Acres)</b> |
| Parkette  | 307           | 4.2 (1.03)              |
| Neighbourhood Park                                    | 308           | 2.00 (4.94)             |
| Community Park  | 309           | 2.35 (5.81)             |
| Elementary School                                     | 310           | 2.62 (6.47)             |
| Stormwater Management Facilities                      | 311 and 312   | 4.78 (11.81)            |
| Open Space  | 314 and 315   | 0.42 (1.05)             |
| Natural Heritage System                               | 316           | 0.19 (0.48)             |
| Buffer (adjacent street ‘14’, ‘16’ and ‘22’)          | 317-326       | 0.06 (0.15)             |
| Walkways (adjacent snow storage notch)                | 329-336       | 0.08 (0.19)             |
| Servicing Easement                                    | 327 and 328   | 0.12 (0.30)             |
| Road widening   | 313           | 0.41 (1.02)             |
| Collector/Local Roads/Laneways                        |               | 14.04 (34.7)            |
| <b>Total (Other)</b>                                  |               | <b>31.27 (77.27)</b>    |
| <b>Total (All)</b>                                    | <b>894</b>    | <b>48.77 (120.47)</b>   |

Since the initial submission of the Applications in November 2018, the Proposal has been revised by the Owner to address comments by City Staff, external agencies, members of DSC and the public. Some key changes include the following:

- The residential unit count was increased from 879 to 894;
- Local road rights-of-way were increased from 18 to 18.5 metres;
- Snow storage notches and mid-block connector lanes were introduced to laneways exceeding 90 metres in length;
- 72 back-to-back townhouses were introduced;
- Neighbourhood park (Block 308) size was increased to 2 hectares; and
- Backlotting adjacent the Greenway System was reduced and is now comparable to what is proposed in the Berczy Glen Community Design Plan.

To facilitate implementation of the Proposal, the Zoning By-law Amendment application proposes to rezone the subject property from 'Agriculture One (A1)' under By-law 304-87 to the appropriate zone categories under By-law 177-96, as amended, including special provisions. The draft Zoning By-law Amendment is attached as Appendix A.

### **Public Consultation**

A Public Meeting was held on March 26, 2019. No written submissions were received regarding the Applications, and there were no public comments made at the Public Meeting. The following comments were shared by members of DSC:

- Encourage senior friendly housing, affordable housing and a mix of housing forms
- Ensure the collector road network is complete in a timely manner to service future residents as homes are built
- Encourage the provision of bus transit services throughout the community
- Confirm a local Fire Station is planned to serve the Berczy Glen community

The Discussion section of this report outlines how these comments have been addressed or considered.

### **PLANNING POLICY AND REGULATORY CONTEXT:**

The Proposal is subject to a planning policy framework established by the Province, York Region, and the City of Markham under the *Planning Act, R.S.O. 1990*. The following section describes how the Proposal meets the respective policies and regulations.

#### **Provincial Policy Framework**

The Proposal is consistent with the Provincial Policy Statement, 2014 (the "PPS")

The PPS provides direction on matters of Provincial interest related to land use planning and development. These matters include building strong communities with an emphasis on efficient development and land use patterns, wise use and management of resources and protecting public health and safety.

The Subject Property is located within a defined settlement area, which is designated for development in both the York Region and City of Markham Official Plans. Consistent

with the policies of the PPS, the Proposal promotes density, which efficiently uses land and resources and supports alternative transportation modes, incorporates a range and mix of housing styles, and achieves efficiency by utilizing a master planned road and servicing network. Staff are satisfied that the Proposal is consistent with the PPS.

The Proposal conforms to the Provincial Growth Plan for the Greater Golden Horseshoe, 2017 (the “Growth Plan”)

The Growth Plan provides a framework for implementing the Province’s vision for building strong, prosperous communities within the Greater Golden Horseshoe to 2041. The premise of the Growth Plan, 2017 is building compact, vibrant and complete communities, developing a strong competitive economy, protecting and wise use of natural resources and optimizing the use of existing and new infrastructure to support growth in a compact, efficient form.

The Subject Lands are located within a Designated Greenfield Area (DGA) of the Growth Plan, 2017. DGA lands are planned for development and are required to accommodate forecasted growth to the horizon of the Growth Plan. Staff are of the opinion that the Proposal conforms to the Growth Plan, 2017, as it is located within a DGA, promotes a diverse mix of land uses, provides a range and mix of housing types, and supports the achievement of a compact community.

The development conforms to the Greenbelt Plan, 2017

The Greenbelt Plan “identifies where urbanization should not occur in order to provide permanent protection to the agricultural land base and the ecological and hydrological features, areas and functions occurring on the landscape.” The Greenbelt Plan is applicable to lands in the Berczy Creek corridor that run in a north/south direction through the Secondary Plan Area. The southwest corner of the Subject lands contains part of the Natural Heritage System lands associated with the Berczy Creek. These lands are designated “Protected Countryside” and “Natural Heritage System” in the Greenbelt Plan.

The Proposal does not provide for development in the Natural Heritage System. The Natural Heritage System lands located on Subject Lands (Block 316) are to be conveyed into public ownership for their long-term protection and stewardship.

The Proposal has regard to Section 51 (24) of the *Planning Act*

Section 51 (24) of the Ontario Planning Act sets out the criteria which a draft plan of subdivision must have regard for. Consideration has been given to the criteria, including the suitability of the land for the purpose proposed, dimensions and shape of the proposed lots, conservation of natural resources and flood control, adequacy of school sites, highways and the extent to which the Proposal’s design optimizes the available supply, means of supplying, efficient use and conservation of energy. Staff are of the opinion that the Proposal has regard for the criteria.

### **Regional Policy Framework**

The Proposal conforms to the York Region Official Plan, 2010 (the “Regional Official Plan”)

The Regional Official Plan includes policies to guide land use planning consistent with requirements of the Growth Plan to encourage high quality urban design, attractive buildings, landscaping and public streetscapes.

The Regional Official Plan designates the Subject Lands as ‘Urban Area’ on Map 1 – Regional Structure. This designation permits a range of uses including those provided in the Proposal. Furthermore, the Proposal achieves the density targets required by the plan, promotes a diverse mix of land uses and provides a range and mix of housing types. Staff are satisfied the Proposal conforms with the Regional Official Plan.

### **City of Markham Policy Framework**

The Proposal conforms to the Markham Official Plan, 2014 (the “City’s Official Plan”)

The City’s Official Plan (as partially approved on November 24, 2017 and further updated on April 9, 2018) is a statutory document under the Ontario Planning Act that sets out land use policy to guide future development and manage growth.

Map 3 - Land Use designates the Subject Lands ‘Residential Low Rise’, ‘Residential Mid Rise’, ‘Mixed Use Mid Rise’ and ‘Greenway’, as shown on Figure 4: 2014 Official Plan Map 3 Extract - Land Use. It provides direction for the development of a Conceptual Master Plan for the entire Future Urban Area (FUA) lands as the basis for the development of Secondary Plans, including the Berczy Glen Secondary Plan. The Conceptual Master Plan for the FUA was completed and endorsed by Council in November 2017.

The Proposal conforms to the Berczy Glen Secondary Plan, 2019 (the “Secondary Plan”)

The Secondary Plan includes detailed policies to guide future development and growth in the Berczy Glen community to 2031, providing a comprehensive policy framework for Council decisions with respect to the use of land, provision for municipal services and infrastructure, and the implementation and phasing of development.

Map SP1 – Detailed Land Use designates the Subject Lands ‘Residential Low Rise’, ‘Residential Mid Rise I’, ‘Residential Mid Rise II’, ‘Mixed Use Mid Rise’ and ‘Greenway’. The following symbols are also shown on Map SP1 within the boundary of the Subject Lands: one public elementary school symbol, one neighbourhood park symbol, part of a community park symbol, and two stormwater management facility symbols (see Figure 5: Berczy Glen Secondary Plan – Land Use Map Extract). The Secondary Plan contains minimum and maximum density targets, minimum and maximum building heights and specific development criteria associated with each land use. Table 2 below details the density calculations for the Proposal. Staff have reviewed the Proposal in the context of the Secondary Plan and are satisfied the Proposal conforms to the Berczy Glen Secondary Plan.

| <b>TABLE 2: Density Calculation</b> |                            |              |  |   |
|-------------------------------------|----------------------------|--------------|--|---|
| <b>Designation</b>                  | <b>Area<br/>(Hectares)</b> | <b>Units</b> | <b>Secondary<br/>Plan Density<br/>Range<br/>(units per net<br/>hectare)*</b> | <b>Proposed<br/>Density<br/>(units per<br/>net hectare)</b> |
| Residential Low Rise                | 15.75                      | 706          | 25-45  | 44.84   |
| Residential Mid-Rise 1              | 1.16                       | 64           | 40-70  | 54.41   |
| Mixed Use Mid-Rise                  | 2.18                       | 124          | 40-70  | 56.91   |

\*Calculated based on the requirements of Section 8.1.8 of the Secondary Plan

The Proposal has regard for the Berczy Glen Community Design Plan (the “Guidelines”)  
The Guidelines set out to achieve a coordinated approach to urban design throughout the community. Among other things, the Guidelines provide direction related to streetscape, parks and open space, building typology and mix, lotting pattern, sustainability features, gateways, special community and landmark features, etc. Staff have evaluated the Proposal in the context of the Community Design Plan and are of the opinion the Proposal has regard for the Guidelines.

As a condition of draft plan approval, in accordance with the Guidelines, the Owner is required to retain a design consultant to prepare architectural control guidelines to the satisfaction of the City prior to execution of the subdivision agreement. Architectural control guidelines will ensure that the future townhouses, mid-rise buildings, and single detached dwelling elevations are designed in a manner that incorporates the requirements and criteria of the Guidelines. This will ensure that the physical elements of the dwellings visible within the public realm contribute to the development of a sense of place and address components such as the location of main entrances and porches, roof slopes, corner lot architecture and materials. Building permit applications will only be accepted and processed when drawings are stamped and signed by the Design Control Architect to ensure that the dwellings have been designed in accordance with the approved architectural control guidelines.

### **Zoning**

The Subject Lands are zoned ‘Agriculture One (A1)’ by By-law 304-87, as amended (See Figure 6: Area Context/ Zoning). To facilitate implementation of the Draft Plan of Subdivision, the Zoning By-law Amendment application proposes to re-zone the Subject Lands from ‘Agriculture One (A1)’ under By-law 304-87, as amended, to the appropriate zone categories under By-law 177-96, as amended, including any special provisions. The draft Zoning By-law Amendment can be found in Appendix A, and once finalized will be brought forward to a future Council meeting.

### **DISCUSSION:**

The following section identifies how the matters raised throughout the application review process, including those raised at the Public Meeting, have been resolved.

---

### **Senior Friendly Housing and Purpose Built Secondary Suites**

The *Planning Act*, as amended by The Strong Communities Through Affordable Housing Act (Bill 140), requires municipalities to pass zoning by-laws permitting secondary suites in detached, semi-detached and townhouses, as well as in ancillary structures. The effect of these legislative changes is to identify affordable housing as a matter of provincial interest with secondary suites playing a key role in the provision of affordable housing. Secondary suites provide more affordable housing choices and secondary incomes through private rental units for residents. In accordance with provincial legislation, as-of-right secondary suites are permitted in the draft Zoning By-law for all units.

The Owner has developed a list of options that they will be offering to their purchasers at the time of sale that aim to facilitate aging in place and improved accessibility. The following features will be available as design options:

- Optional master bedroom on the main floor on select models
- Optional elevators on select models
- Optional ramps where suitable
- Optional secondary entrances to facilitate secondary suites

Additionally, the following custom design options will be available:

- Double front entry doors for detached designs
- Open floor plans where possible, with minimum hallway widths of 36 inches or greater
- All door handles in the home will be pull down lever style design
- Electrical outlets may be placed 18- 24 inches from the floor level throughout the home, except over kitchen and bathroom counters, at the purchaser's request
- The main bathroom will have wood reinforcing built into the walls of the bath tub and over the toilet for future installation of grab bars
- A walk- in shower will be provided in all master bathrooms
- Generous Master Ensuite shower sizes that can accommodate shower seats
- Generous main floor stair widths to accommodate future chair lifts

### **Compact and Complete Communities supported by an Active Transportation Network**

One of the guiding principles of the Berczy Glen Secondary Plan is to build compact and complete communities through the provision of residential neighbourhoods with a range of housing types, mixed use centres and corridors, and an interconnected system of parks that are all integrated with an active transportation network. The Proposal provides for an interconnected system of parks and open spaces, with connections provided by multi-use paths, sidewalks and trails. An active transportation network is proposed in the Berczy Glen Secondary Plan and supported by the Proposal, which includes multi-use paths and appropriate right-of-way widths to support future transit infrastructure. Bus transit stops will be provided throughout the Berczy Glen community at locations determined by York Region Transit/Viva. The proposal provides for a range of housing types, including detached dwellings, townhouse dwellings, back-to-back townhouse dwellings and a future mixed use mid-rise block. This range of housing types provides for more affordable housing choices, such as back-to-back townhouses and mid-rise building forms in the future mixed use block.



Block 305, located in the southwest corner of Warden Avenue and Street 1 (see Figure 3: Draft Plan of Subdivision), is proposed to be developed in the future with a mix of residential and non-residential uses in mid-rise buildings. Building forms under consideration include stacked townhouses, apartment buildings and multi-storey non-residential or mixed-use buildings ranging in height from 3 to 6 storeys. The development of this block will require Site Plan Approval from the City of Markham. The future Site Plan Application process will include evaluation of the site plan layout, building elevations, landscape and tree planting, vehicular and pedestrian circulation, vehicular parking, interface with the surrounding existing and planned developments, sustainable initiatives, parkland dedication or cash-in-lieu of parkland, etc.

### **Parkland Obligations**

The Berczy Glen Community Design Plan, together with the Secondary Plan, identify the locations and sizes of parks in the Berczy Glen community. Planning for parks and open spaces within the Berczy Glen community was done during the Secondary Plan process to ensure an integrated and comprehensive approach that considers linkages and connectivity, facility requirements, and interface conditions. The interconnected system of parks and open spaces was designed to provide a range of passive and active recreation opportunities within walking distance of all neighbourhoods.

The parks proposed for the Berczy Glen Secondary Plan area consist of one Community Park, three Neighbourhood Parks, and ten Parkettes/Urban Parkettes. The Berczy Glen Community Design Plan and Secondary Plan identify the requirement for one Neighbourhood Park, a Parkette, and a portion of the six hectare Community Park to be provided on the Subject Lands.

In accordance with the City's Parkland Dedication By-law 195-90 and the *Planning Act, R.S.O. 1990, c.P.13*, as amended, the parkland requirement for the Proposal is 2.99 ha. The parkland calculation is based on the greater of 1 hectare per 300 units or 5% of land area capped at 1.2141ha/1000 pop.

The Proposal includes one 2.0 ha Neighbourhood Park, part of the Community Park (2.35 ha), and a 0.42 ha Parkette, totalling 4.77 ha of parkland. Based on the number of units proposed and the overall park space layout of the Community Design Plan, the total amount of parkland in the draft plan exceeds the required parkland dedication. At the same time, the total size of the Community Park, which traverses three different properties, will be 5.61 ha in size, whereas the Secondary Plan requires a minimum 6 ha Community Park. The over-dedication of total park space and the (shared) undersize of the Community Park must be resolved among the Landowners Group. It is Staff's opinion that a Master Parks Agreement be required to ensure parkland dedication in the Berczy Glen community meets the intent of the Community Design Plan and Secondary Plan, and the requirement of the City's Parkland Dedication By-law. Staff have incorporated a draft plan condition requiring a Master Parks Agreement prior to release of the lands for registration.

### **School Site Size and Location**

The Proposal includes one full size public elementary school site (Block 310) based on the requirements of the Secondary Plan (See Figure 3: Draft Plan of Subdivision and Figure 5: Berczy Glen Secondary Plan - Land Use Map Extract). The York Region District School Board confirmed that the size and location of the school site is appropriate. Conditions for the school site are set out in the Draft Plan of Subdivision conditions attached as Appendix B.

### **The Master Environmental Servicing Plan for the Berczy Glen Secondary Plan (the “MESP”)**

The MESP has been prepared in support of the Secondary Plan. The MESP assesses a range of environmental and engineering matters associated with the development of lands in the Secondary Plan area. It outlines existing conditions relating to surface water, groundwater, terrestrial and aquatic resources. It defines the Berczy Glen Greenway System, assesses and recommends stormwater management (SWM), site grading, transportation, water and wastewater servicing requirements. The MESP also identifies potential impacts and mitigation measures, including conceptual design requirements for SWM ponds, Low Impact Development (LID) measures, site grading, management of headwater drainage features (HDFs), wetland water balance, Berczy Creek road crossing designs and restoration/enhancement recommendations.

The Engineering Department has incorporated a draft plan condition requiring that the MESP be finalized and accepted by the City to the satisfaction of the Commissioner of Development Services prior to final approval of Berczy Warden Holdings Inc. Draft Plan of Subdivision.

### **Community Energy Plan (the “CEP”) and Sustainable Initiatives**

The CEP for the Future Urban Area is finalized, but is a living document and will be updated as needed over time. The CEP will identify and advance sustainable development practices as they relate to energy use and generation within the Secondary Plan Area. Staff have incorporated a draft plan condition requiring the Owner to agree to the mandatory measures of the CEP, such as high energy efficiency building design.

The Proposal will feature efficient and resilient development to support a healthy, livable and safe community in accordance with directions of the PPS, Growth Plan and the applicable sustainable development policies of the Regional Official Plan and the City’s Official Plan. The applicant has incorporated the following sustainability initiatives:

- Low-Impact Development (LIDs) features, such as rear yard infiltration trenches and/or permeable paver driveways
- Infiltration facilities in park blocks, school blocks and mixed-use blocks to help reduce the likelihood of flooding and meet water balance objectives
- High energy efficiency building design, including:
  - A minimum of R60 in the attic/roof insulation
  - R10 underslab insulation
  - Triple pane windows or equivalent high performance double pane (U-value 1.4 or lower)

- 
- Electric Vehicle wiring in all garages
  - Implementation of the Solar Strategy outline in the CEP
  - Smart thermostats and in-home energy displays
  - Design and construct all buildings greater than 5 storeys to LEED Silver certification or exceed by 25% the energy efficiency levels attained by conforming to SB-10, Division 3, Chapter 2 or Chapter 3 and participate in YR Servicing Incentive Program or Sustainable Development Through LEED®.

### **Phasing Plan**

At the Public Meeting, members of Development Services Committee raised questions about phasing infrastructure, such as roads, bridges and municipal services, within the Secondary Plan Area and with respect to the surrounding regional road network (i.e., Warden Avenue, Elgin Mills Road East). The Berczy Glen Development Phasing Plan (the “Phasing Plan”) includes information relating to, among other things: timing milestones for servicing, active transportation, road linkages, utility infrastructure, and requirements for interim works. The Engineering Department has incorporated a draft plan condition outlining that registration be phased in accordance with a completed Phasing Plan.

### **Municipal Servicing**

There is sufficient servicing allocation available from the current allocation reserve to accommodate the Proposal. The City reserves the right to revoke or reallocate servicing allocation should the development not proceed in a timely manner.

Final approval of the physical servicing of the subdivision relies on the technical submissions to the Engineering Department following draft approval, including final acceptance of the Functional Servicing Report. The Engineering Department has provided relevant draft conditions in Appendix B.

### **Berczy Glen Developers Group obligations (the “Developers Group”)**

The Secondary Plan integrates the locations of public infrastructure (roads, stormwater management facilities) and the provisions of other community facilities (parks, schools, roads, road improvements, servicing), regardless of property boundaries.

To ensure all affected property owners contribute equitably towards the public infrastructure and provisions of other community facilities, a draft plan condition requires the Owner to enter into the Berczy Glen Developers Group Agreement. (See Appendix B: Conditions of Draft Plan of Subdivision Approval).

### **Ongoing FUA Class Environmental Assessment (the “Class EA”)**

The City of Markham undertook the Future Urban Area Conceptual Master Plan (2017) Volume 2 – Transportation, Water and Wastewater Master Plan in accordance with the Municipal Class Environmental Assessments process, satisfying Class EA Phase 1 (Identify the Problem/Opportunity) and Class EA Phase 2 (Identify Alternative Solutions and Establish Preferred Solution) for all collector roads.

---

The participating FUA landowners are now undertaking the remaining Class EA Phase 3 (Examine Alternative Methods of Implementing the Preferred Solution) and Class EA Phase 4 (Prepare an Environmental Study Report) on an individual block-by-block basis to determine the collector road alignment.

The Proposal contains three collector roads, whose alignment will be confirmed through Phases 3 and 4 of the ongoing Class EA. The Engineering Department has incorporated a draft plan condition requiring the completion and approval of the Class EA prior to registration of the draft plan. The draft plan condition states that the Owner agrees to revise this draft plan as necessary to incorporate the recommendations of the Class EA.

### **Fire Department Requirements**

To ensure reliability of access for Fire Department vehicles under all conditions, two means of street access, independent of one another are to be provided into the development. One access to Warden Avenue from Street “1” is shown on the Subject Lands on the Draft Plan of Subdivision. A second access to Warden Avenue from Street “2” is also shown on the Draft Plan of Subdivision; however, the portion of the road that connects to Warden Avenue is not located on the Subject Lands. This second access is required, and is included as a condition of draft approval (see Appendix B). The Owner has advised that they are coordinating with the adjacent landowner to the south to construct a second access to the Subject Lands.

A Fire Station is not required on the Subject Lands or within the Berczy Glen Secondary Plan Area. To serve the Future Urban Area, as per the FUA Community Structure Plan, a Fire Station is planned to be located within the boundaries of the Angus Glen Secondary Plan Area, which is located east of Warden Avenue, south of Elgin Mills Road, west of Kennedy Road and north of Major Mackenzie Drive.

### **Safety Fence**

The property south of the Subject Lands is currently used for a farm operation. Staff have been advised by the owner of these lands that they intend to continue their agricultural operations. To ensure the safety of future residents and to prevent adverse impacts to the existing agricultural operation, Staff support the adjacent landowners request for a fence along the shared lot line to be constructed by the developer. Staff have included a condition of draft plan approval that requires construction of an acceptable fence.

### **Backlotting adjacent to the Natural Heritage System**

The Draft Plan of Subdivision (see Figure 3: Draft Plan of Subdivision) currently includes backlotting adjacent to most of the Natural Heritage System (NHS) lands within this Draft Plan. Staff have been working with the Owner on options to minimize residential backlotting of the NHS to reduce the potential long-term negative impacts to the Greenway System and better integrates the natural environment into the subdivision. To achieve these goals, by facilitating a single-loaded road, grading is required into the NHS and on the adjacent landowners’ property. Continued discussions with the Owner, adjacent landowner to the south, as well as the TRCA (where necessary), will help to confirm the acceptability of minor grading onto adjacent lands. Through a draft plan condition, the Owner is required to review opportunities, in consultation with staff and

---

stakeholders, to reduce backlotting and redline the Draft Plan of Subdivision to the satisfaction of the Director of Planning and Urban Design.

**Section 37 Contributions**

As part of the approval of the Zoning By-law Amendment, which seeks to intensify the subject lands with residential and mixed-use development, the Owner will be asked to provide financial contributions towards public art, pursuant to Section 37 of the *Planning Act*. This requirement is included in the draft Zoning By-law Amendment, attached as Appendix A.

**Minor variances within two years of by-law enactment are permitted**

The Owner requests that Council grant exemption from subsection 45 (1.3) of the *Planning Act*, which will permit applications for minor variances within two years of the enactment of the amending by-law attached as Appendix A. Staff have no objection to this request as the Zoning By-law Amendment is associated with the Draft Plan of Subdivision and is required to implement the Proposal. Minor variances that continue to uphold the intent of the zoning by-law should not be prohibited. Staff will have the opportunity to review the appropriateness of any requested minor variances should such applications be made in the future. This provision is included in the Resolution of Council.

**CONCLUSION:**

The Owner has submitted applications for Draft Plan of Subdivision and Zoning By-law Amendment to facilitate the creation of approximately 894 residential units, an elementary school, a neighbourhood park, a parkette, part of a community park, an open space block, and two stormwater management facilities on the Subject Lands known municipally as 10348 Warden Avenue.

Based on the discussion above, Staff are of the opinion that the proposed Draft Plan of Subdivision and Zoning By-law Amendments are consistent with the Provincial Policy Statement, 2014, conform to all applicable Provincial, Regional and Municipal plans, has regard to Section 51(24) of the Planning Act, represents good planning and is in the public interest.

Staff recommend that Council approve the Draft Plan of Subdivision subject to the conditions attached as Appendix B.

Staff are finalizing the content of the Zoning By-law Amendment with the applicant, in consultation with applicable public agencies/City departments and in accordance with this report. Staff therefore recommend that the zoning by-law, attached as Appendix A, be brought forward to a future Council meeting for enactment once the by-law has been finalized.

**FINANCIAL CONSIDERATIONS:**

Not applicable.

---

**HUMAN RESOURCES CONSIDERATIONS:**

Not applicable.

**ALIGNMENT WITH STRATEGIC PRIORITIES:**

The proposed applications have been reviewed in the context of the City's Strategic Priorities of Safe Sustainable and Complete Community.

**BUSINESS UNITS CONSULTED AND AFFECTED:**

The Proposal was circulated to internal City department and external agencies. Requirements of the City and external agencies have been reflected in the conditions of draft plan of subdivision approval and the implementing Zoning By-law Amendment (See Appendix A: Draft Zoning By-law Amendment and Appendix B: Conditions of Draft Plan of Subdivision Approval).

**RECOMMENDED BY:**

Biju Karumanchery, MCIP, RPP  
Director of Planning and Urban Design

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

**ATTACHMENTS:****FIGURES**

Figure 1: Location Map

Figure 2: Aerial Photo

Figure 3: Draft Plan of Subdivision

Figure 4: 2014 Official Plan Map 3 Extract - Land Use Plan

Figure 5: Berczy Glen Secondary Plan - Land Use Plan Extract

Figure 6: Area Context/Zoning

**APPENDICES**

Appendix A: Draft Zoning By-law Amendment

Appendix B: Conditions of Draft Plan of Subdivision Approval

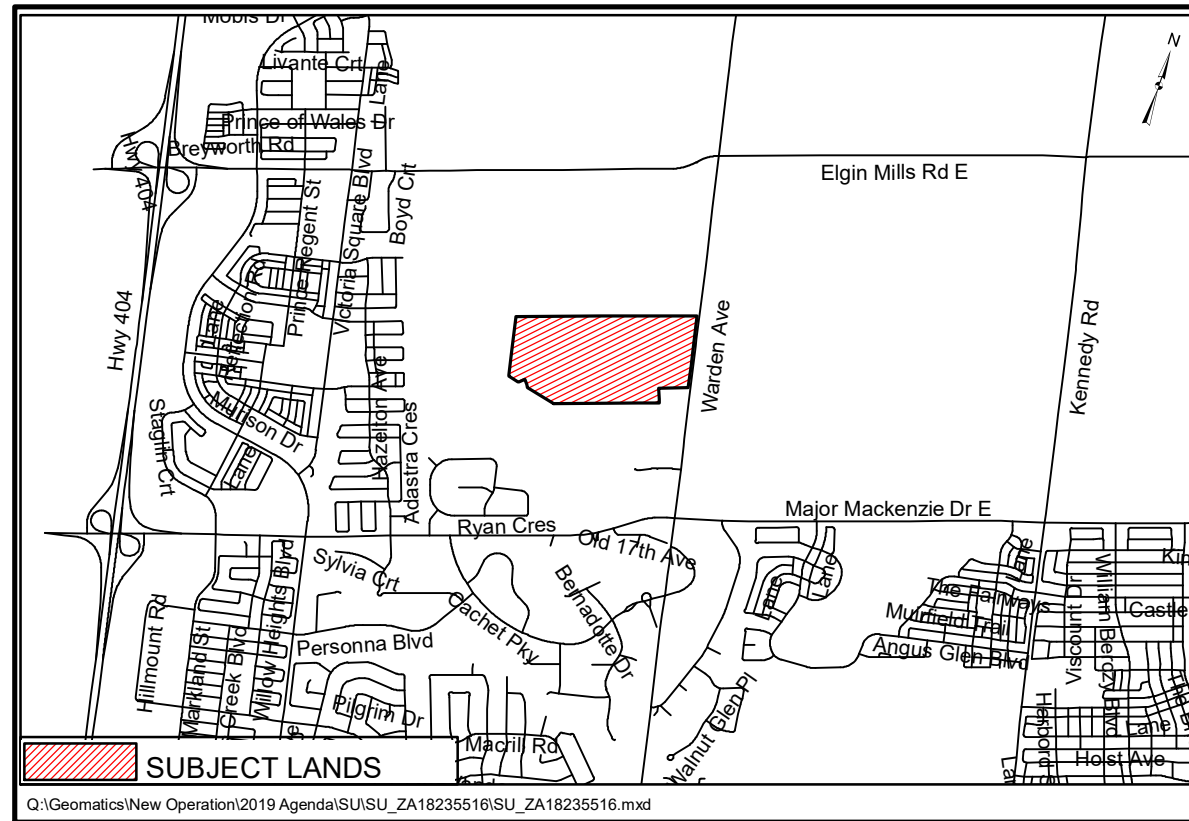
**APPLICANT/AGENT:**

KLM Planning Partners Inc. - Keith MacKinnon

64 Jardin Drive

Concord, Ontario L4K 3P3

Tel: (905) 669-4055







# AERIAL PHOTO (2019)

APPLICANT: Berczy Warden Holdings  
10348 Warden Avenue

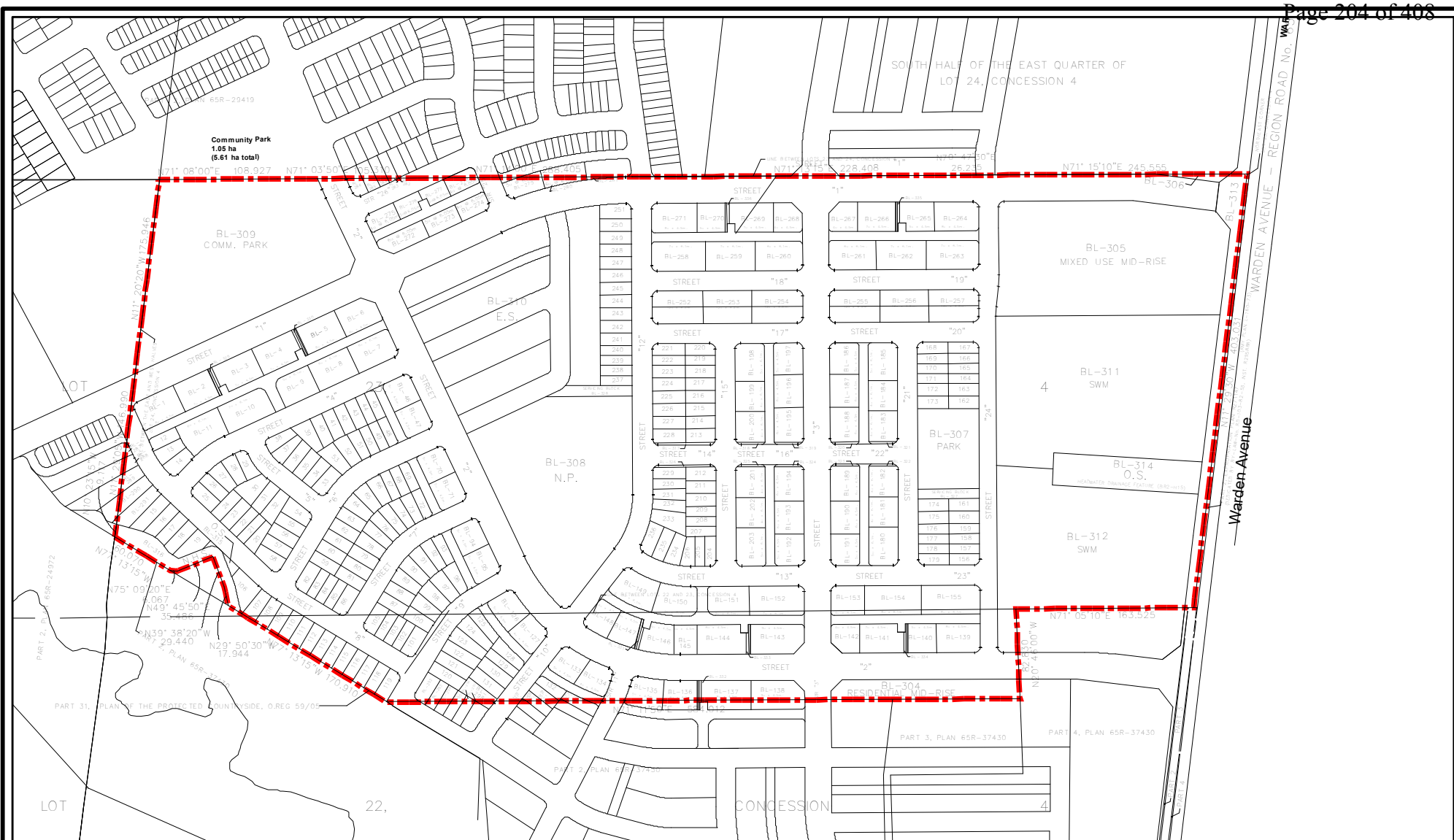
FILE No. SU\_ZA 18235516 (AC).

 SUBJECT LANDS

Q:\Geomatics\New Operation\2019 Agenda\SU\SU\_ZA18235516\SU\_ZA18235516.mxd

Date: 27/02/2020





# PROPOSED DRAFT PLAN

APPLICANT: Berczy Warden Holdings  
10348 Warden Avenue

FILE No. SU\_ZA 18235516 (AC).

Q:\Geomatics\New Operation\2019 Agenda\SU\SU\_ZA18235516\SU\_ZA18235516.mxd

**MARKHAM** DEVELOPMENT SERVICES COMMISSION

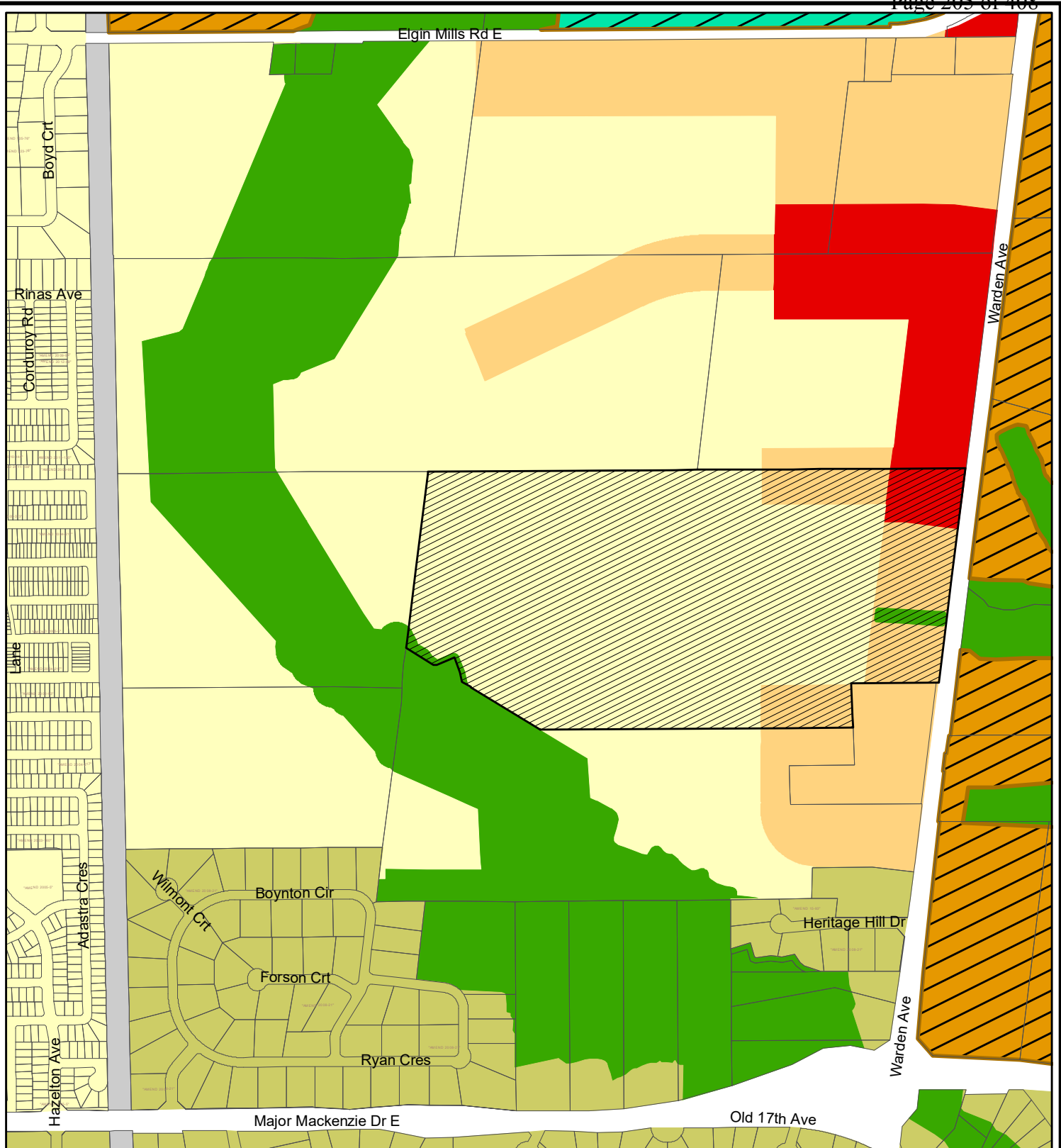
Drawn By: CPW

Checked By: AC

Date: 21/01/2019

**FIGURE No. 3**

 SUBJECT LANDS



## 2014 OFFICIAL PLAN MAP 3 EXTRACT - LAND USE PLAN

APPLICANT: Berczy Warden Holdings  
10348 Warden Avenue

FILE No. SU\_ZA 18235516 (AC).

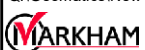
- Subject Lands
- Future Employment Area
- Future Neighbourhood Area
- Greenway
- Transportation and Utilities

- Residential Estate
- Residential Low Rise
- Residential Mid Rise
- Mixed Use Mid Rise



Q:\Geomatics\New Operation\2019 Agenda\SU\SU\_ZA18235516\SU\_ZA18235516.mxd

Date: 27/02/2020

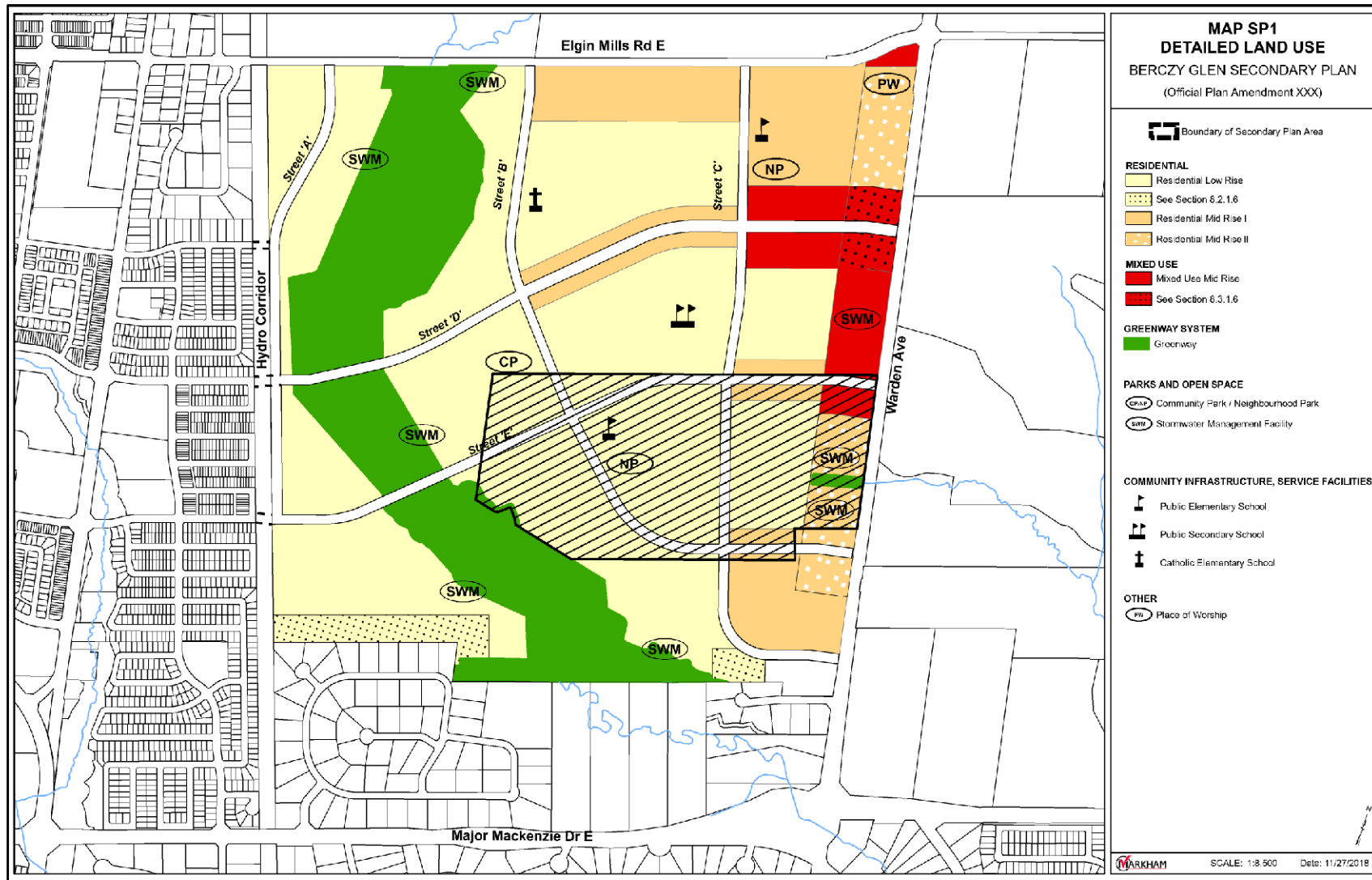


DEVELOPMENT SERVICES COMMISSION

Drawn By: RT


Checked By: AC

FIGURE No. 4



# BERCZY GLEN SECONDARY PLAN - LAND USE EXTRACT

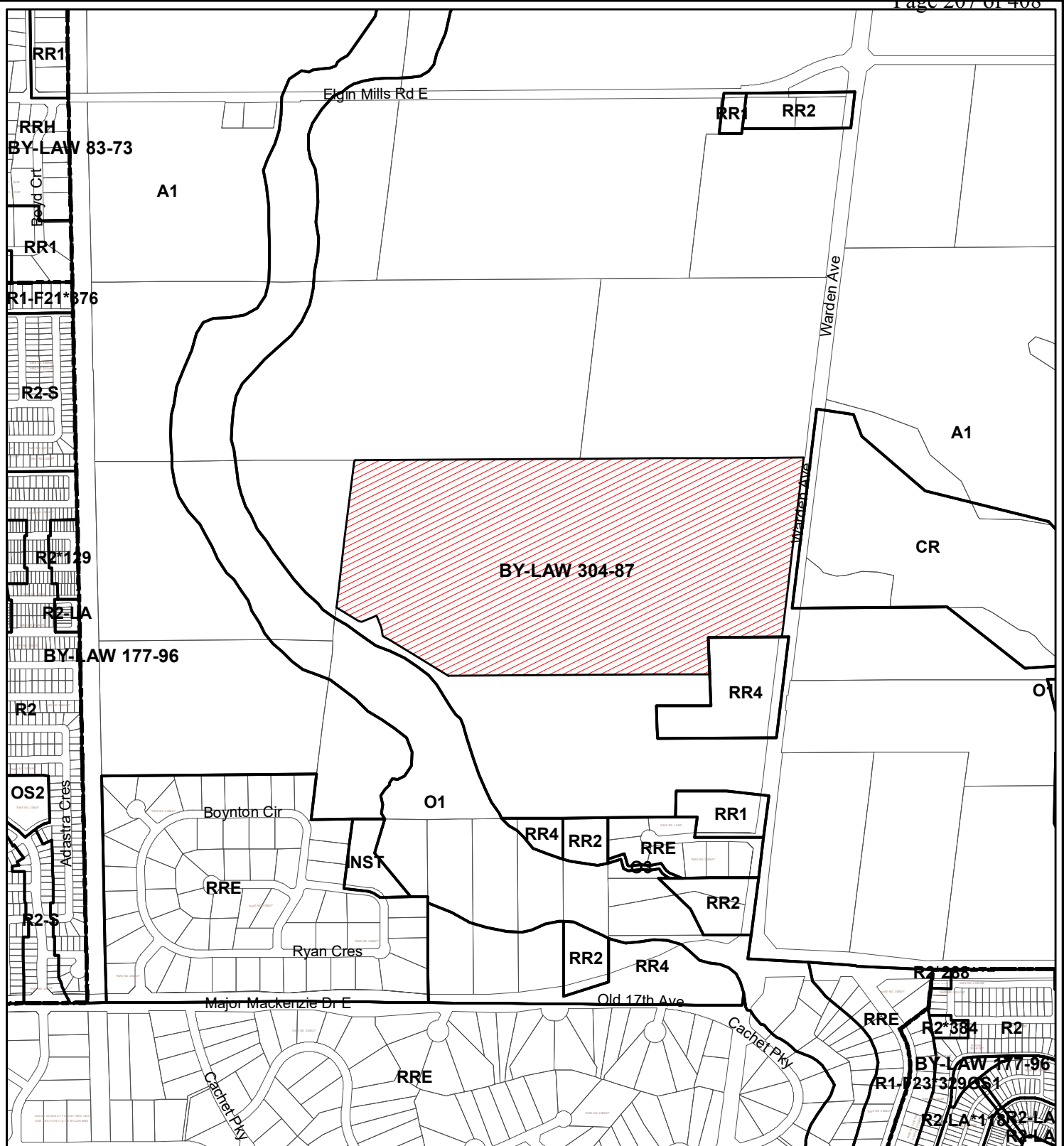
APPLICANT: Berczy Warden Holdings  
10348 Warden Avenue

 Subject Lands

FILE No. SU\_ZA 18235516 (AC).

Q:\Geomatics\New Operation\2019 Agenda\SU\SU\_ZA18235516\SU\_ZA18235516.mxd

Date: 27/02/2020



# AREA CONTEXT/ZONING

APPLICANT: Berczy Warden Holdings  
10348 Warden Avenue

FILE No. SU\_ZA 18235516 (AC).

 SUBJECT LANDS

Q:\Geomatics\New Operation\2019 Agenda\SU\SU\_ZA18235516\SU\_ZA18235516.mxd

Date: 27/02/2020



DEVELOPMENT SERVICES COMMISSION

Drawn By: RT

Checked By: AC

FIGURE No. 6



## BY-LAW 2020-\_\_\_\_\_

**A By-law to amend By-law 304-87, as amended**  
*(to delete lands from the designated areas of By-law 304-87)*  
**and to amend By-law 177-96, as amended**  
*(to incorporate lands into the designated area of By-law 177-96)*

---

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

1. That By-law 304-87, as amended, are hereby further amended by deleting the lands shown on Schedule 'A' attached hereto, from the designated areas of By-law 304-87, as amended.
2. That By-law 177-96, as amended, is hereby further amended as follows:
  - 2.1 By expanding the designated area of By-law 177-96, as amended, to include additional lands as shown on Schedule "A" attached hereto.
  - 2.2 By zoning the lands outlined on Schedule "A" attached hereto:
 

from:  
**Agriculture One (A1) Zone (By-law 304-87);**

to:  
**Residential Two - Special \*A (R2-S\*A) Zone (By-law 177-96);**  
**Residential Two – Lane Access\*B (R2-LA\*B) Zone (By-law 177-96);**  
**Community Amenity Four \*E (CA4\*E) Zone (By-law 177-96);**  
**Residential Two - Special \*F (R2-S\*F) Zone (By-law 177-96);**  
**Residential Two – Lane Access\*G (R2-LA\*G) Zone (By-law 177-96);**  
**Residential Three \*H (R3\*H) Zone (By-law 177-96);**  
**Residential Three \*I (R3\*I) Zone (By-law 177-96);**  
**Residential Two – Special \*A\*J (R2-S\*A\*J) Zone (By-law 177-96);**  
**Residential Two – Special \*A\*K (R2-S\*A\*K) Zone (By-law 177-96);**

**Open Space One (OS1) Zone (By-law 177-96;  
Open Space Two (OS2) Zone (By-law 177-96)**

3. By adding the following subsection to Section 7- EXCEPTIONS:

| Exception 7.A  | Berczy Warden Holdings Inc.  | Parent Zone R2-S           |
|--|--|----------------------------|
| File ZA 18 235516  |  | Amending By-law 2020-_____ |
| Notwithstanding any other provisions of By-law,177-96 the following provisions shall apply to the lands shown on Schedule “A” attached to By-law 2020-____ and denoted by the symbol *A. |  |                            |
| 7.A.1 Only Permitted Uses  |  |                            |
| The following uses are the only permitted uses:  |  |                            |
| a)   | Uses permitted for the R2-S zone in Table A1   |                            |
| b)   | In addition to the uses permitted for the R2-S zone in Table A1, one accessory dwelling unit per lot   |                            |
| 7.A.2 Special Zone Standards   |  |                            |
| The following specific Zone Standards shall apply:   |  |                            |
| a)   | Minimum lot frontage for single detached dwellings – 9.0 metres  |                            |
| b)   | Minimum required front yard – 3.0 metres   |                            |
| c)   | Maximum garage width – 50 % of the lot frontage  |                            |
| d)   | Minimum required exterior side yard – 2.4 metres   |                            |
| e)   | Minimum required interior side yard – 1.2 metres and 0.3 metres  |                            |
| f)   | Minimum required rear yard – 6.0 metres  |                            |
| g)   | Maximum height – 12.5 metres   |                            |
| h)   | The wall of an attached private garage that contains the opening for motor vehicle access shall be set back a minimum of 5.5 metres from the lot line that the driveway crosses to access the private garage. If the driveway does not cross a sidewalk, the minimum setback is reduced to 4.5 metres. A parking space on a driveway where part of the parking space is located outside of the lot is deemed to comply with Section 6.1.1.a) of By-law 28-97 (as amended).   |                            |
| i)   | i) Notwithstanding the provisions of Section 6.6.1.c), a window bay and bow or boxout window with or without foundation may encroach into the minimum required rear yard or into the minimum required interior side yard a distance of no more than 0.6 metres.<br><br>ii) Notwithstanding the provisions of Section 6.6.1.d), a window bay and bow or boxout window with or without foundation may encroach into the minimum required front yard or into the minimum required exterior side yard a distance of 1 metre. |                            |
| j)   | Special Provision #1 of Table B3 shall not apply.  |                            |
| k)   | Section 6.2.4.2.b of By-law 28-97, as amended, shall not apply   |                            |
| l)   | The maximum driveway width of a driveway crossing the front or exterior side lot line shall be the garage width plus 1.5 metres.   |                            |

| Exception 7.B  | Berczy Warden Holdings Inc.  | Parent Zone<br>R2-LA         |
|--|--|------------------------------|
| File ZA 18 235516  |  | Amending By-law<br>2020-____ |
| Notwithstanding any other provisions of By-law,177-96 the following provisions shall apply to the lands shown on Schedule "A" attached to By-law 2020-____ and denoted by the symbol *B. |  |                              |
| <b>7.B.1 Special Zone Standards</b>  |  |                              |
| The following specific Zone Standards shall apply:   |  |                              |
| a)   | Minimum lot frontage for townhouse dwellings – 6.0 metres  |                              |
| b)   | Minimum required front yard – 0.6 metres   |                              |
| c)   | Minimum required exterior side yard – 2.4 metres   |                              |
| d)   | Minimum required interior side yard – 0.0 metres for interior unit and 1.2 metres for end unit.  |                              |
| e)   | Minimum required rear yard – 0.0 metres  |                              |
| f)   | Maximum height – 14.5 metres   |                              |
| g)   | Minimum setback for garage from laneway – 0.6 metres   |                              |
| h)   | Maximum number of dwellings in a block – 8 units   |                              |
| i)   | Special Provision #2 of Table B4 shall not apply.  |                              |
| j)   | Notwithstanding the provisions of Section 6.6.1.(a) encroachments shall include a fireplace encroachment, and all encroachments may be located no closer than 0.1 metres from the rear and side lot lines.   |                              |
| k)   | Notwithstanding the provisions of Section 6.6.1.c), a window bay, and bow or boxout window with or without foundation may encroach into the minimum required front yard, minimum required rear yard, or minimum required exterior side yard a distance of no more than 0.6 metres. |                              |

| Exception 7.E   | Berczy Warden Holdings Inc.                                      | Parent Zone<br>CA4           |
|---|--|------------------------------|
| File ZA 18 235516   |  | Amending By-law<br>2020-____ |
| Notwithstanding any other provisions of By-law,177-96 the following provisions shall apply to the lands shown on Schedule "A" attached to By-law 2020-____ and denoted by the symbol *E |  |                              |
| 7.E.1 Additional Permitted Uses   |  |                              |
| The following additional uses are permitted:  |  |                              |
| a)  | Apartment Dwellings  |                              |
| b)  | Multiple Dwellings   |                              |
| c)  | Child Care Centre  |                              |
| d)  | Home Occupations   |                              |
| e)  | Retail Stores; Special Provision #7 of Table A2 shall not apply. |                              |
| 7.E.2 Special Zone Standards  |  |                              |
| The following specific Zone Standards shall apply:  |  |                              |
| a)  | Minimum required front yard: - 3.0 metres                        |                              |
| b)  | Maximum front yard – not applicable                              |                              |
| c)  | Minimum required exterior side yard – 3.0 metres                 |                              |
| d)  | Maximum exterior side yard – not applicable                      |                              |
| e)  | Minimum required interior side yard – 3.0 metres                 |                              |

|    |  |
|----|--|
| f) | Minimum required rear yard – 3.0 metres  |
| g) | Minimum width of landscaping adjacent to front and exterior side lot lines – not applicable.   |
| h) | Minimum width of landscaping adjacent to the interior side and rear lot lines – not applicable.  |
| i) | Maximum height – 24 metres   |
| j) | Special Provisions #13 and #14 of Table B7 shall not apply.  |
| k) | Minimum building setback from a daylighting triangle – 0.6 metres.   |
| l) | Sills, cornices, eaves, and roof overhangs may be located no closer than 0.1 metres from a daylighting triangle.   |
| m) | Section 6.5 – <u>Dwelling Units</u> and Section 6.7 – <u>Frontage on a Public Street</u> shall not apply.  |
| n) | Notwithstanding Section 6.1.4 – <u>Regulations for Parking Spaces</u> of By-law 28-97, as amended, to the contrary, tandem parking is permitted on lots with buildings containing more than 4 dwelling units and for Condominium Townhouse Dwellings with parking provided at grade and accessed via a private road. |

|  |  |                            |
|--|--|----------------------------|
| Exception 7. <u>F</u>  | Berczy Warden Holdings Inc.  | Parent Zone<br>R2-S        |
| File ZA 18 235516  |  | Amending By-law<br>2020-__ |
| Notwithstanding any other provisions of this By-law, the provisions in this Section shall apply to those lands denoted * <u>F</u> as shown on 'Schedule A' to this By-law subject to any holding provisions applying to the subject lands. |  |                            |
| <b>7.F.1 Only Permitted Uses</b>   |  |                            |
| The following uses are the only permitted uses:  |  |                            |
| a)   | Uses permitted for the R2-S zone in Table A1   |                            |
| b)   | In addition to the uses permitted for the R2-S zone in Table A1, one accessory dwelling unit per lot   |                            |
| e)   | Public School  |                            |
| <b>7.F.2 Special Zone Standards</b>  |  |                            |
| The following specific Zone Standards shall apply:   |  |                            |
| a)   | The provisions of Table B3 as amended by Section 7. <u>A</u> shall apply for residential uses on a lot not accessed by a lane.   |                            |
| b)   | The provisions of Table B5 as amended by Section 7. <u>B</u> or the provisions of Table B5 as amended by Section 7. <u>G</u> shall apply for residential uses on a lot accessed by a lane. |                            |
| c)   | The provisions of Table B9 shall apply for a Public School   |                            |

| Exception 7. <u>G</u>   | Berczy Warden Holdings Inc.                   | Parent Zone<br>R2-LA         |
|---|---|------------------------------|
| File ZA 18 235516   |   | Amending By-law<br>2020-____ |
| Notwithstanding any other provisions of By-law, 177-96 the following provisions shall apply to the lands shown on Schedule "A" attached to By-law 2020-____ and denoted by the symbol *G. |   |                              |
| <b>7.G.1 Only Permitted Uses</b>  |   |                              |
| The following uses are the only permitted uses:   |   |                              |
| a)  | Uses permitted for the R2-LA zone in Table A1 |                              |



|  |  |
|--|--|
| b)   | In addition to the uses permitted for the R2-LA zone in Table A1, one accessory dwelling unit per lot  |
| <b>7.G.2 Special Zone Standards</b>                |  |
| The following specific Zone Standards shall apply: |  |
| a)   | Minimum lot frontage for townhouse dwellings: <ul style="list-style-type: none"> <li>i) 4.0 metres per unit on an interior lot</li> <li>ii) 5.2m per end unit on an interior lot;</li> <li>iii) 6.4m per end unit on a corner lot.</li> </ul>  |
| b)   | Minimum required front yard – 0.6 metres   |
| c)   | Minimum required exterior side yard – 2.4 metres   |
| d)   | Minimum required interior side yard – 0.0 metres for interior unit and 1.2 metres for end unit.  |
| e)   | Minimum required rear yard – 0.6 metres  |
| f)   | Maximum height – 14.5 metres   |
| g)   | Maximum number of dwellings in a block – 9 units   |
| h)   | Special Provision #2 of Table B4 shall not apply.  |
| i)   | Notwithstanding the provisions of Section 6.6.1.(a) encroachments shall include a fireplace encroachment, and all encroachments may be located no closer than 0.1 metres from any lot line.  |
| j)   | <ul style="list-style-type: none"> <li>i) Notwithstanding the provisions of Section 6.6.1.c), a window bay and bow or boxout window with or without foundation may encroach into the minimum required rear yard or into the minimum required interior side yard a distance of no more than 0.6 metres.</li> <li>ii) Notwithstanding the provisions of Section 6.6.1.d), a window bay and bow or boxout window with or without foundation may encroach into the minimum required front yard or into the minimum required exterior side yard a distance of 1 metre.</li> </ul> |
| k)   | Minimum required yard abutting a transformer notch – 0 metres  |
| m)   | The minimum setback from the exterior setback shall be 1 metre for a driveway or parking pad crossing the rear lot line.   |

|  |  |                               |
|--|--|-------------------------------|
| Exception <u>7.H</u>   | Berczy Warden Holdings Inc.  | Parent Zone<br>R3             |
| File ZA 18 235516  |  | Amending By-law<br>2020-_____ |
| Notwithstanding any other provisions of By-law,177-96 the following provisions shall apply to the lands shown on Schedule “A” attached to By-law 2020-____ and denoted by the symbol *H. |  |                               |
| 7.H.1 Only Permitted Uses  |  |                               |
| The following uses are the only permitted uses:  |  |                               |
| a)   | Townhouse Dwellings  |                               |
| b)   | Triplex Dwellings  |                               |
| c)   | Quadruplex Dwellings   |                               |
| d)   | Multiple Dwellings   |                               |
| e)   | Apartment Dwellings  |                               |
| f)   | Home Occupation  |                               |
| g)   | Home Child Care  |                               |
| i)   | In addition to the other permitted uses, one accessory dwelling unit on a lot is permitted |                               |
| 7.H.2 Special Zone Standards   |  |                               |

|  |  |
|--|--|
| The following specific Zone Standards shall apply: |  |
| a)   | Minimum lot frontage for a townhouse dwellings accessed by a lane:<br>i) 4.0m per unit on an interior lot;<br>ii) 5.2m per end unit on an interior lot;<br>iii) 6.4m per end unit on a corner lot.   |
| b)   | Minimum required rear yard:<br>i) On a lot accessed by a lane – 0.6 metres.<br>ii) On a lot not accessed by a lane – 6.0 metres  |
| c)   | Maximum height – 16 metres   |
| d)   | Special Provisions #4 and #5 of Table B5 shall not apply   |
| e)   | Minimum required yard abutting a transformer notch – 0m  |
| f)   | Minimum building setback from a daylighting triangle – 0.6 metres.   |
| g)   | The minimum setback for a driveway or parking pad crossing the rear lot line from the exterior side lot line shall be 1.0m   |
| h)   | Section 6.5 – <u>Dwelling Units</u> and Section 6.7 – <u>Frontage on a Public Street</u> shall not apply.  |
| ij)  | Minimum required rear front yard for townhouse dwellings: 0.6 metres   |
| j)   | Maximum garage width on a lot not accessed by a lane: not applicable   |
| m)   | Notwithstanding the provisions of Section 6.6.1.(a) encroachments shall include a fireplace encroachment, and all encroachments may be located no closer than 0.1 metres from any lot line.  |
| n)   | i) Notwithstanding the provisions of Section 6.6.1.c), a window bay and bow or boxout window with or without foundation may encroach into the minimum required rear yard or into the minimum required interior side yard a distance of no more than 0.6 metres.<br><br>ii) Notwithstanding the provisions of Section 6.6.1.d), a window bay and bow or boxout window with or without foundation may encroach into the minimum required front yard or into the minimum required exterior side yard a distance of 1 metre. |
| p)   | The minimum setback from the exterior setback shall be 1 metre for a driveway or parking pad crossing the rear lot line.   |
| q)   | The provisions of Table B5 as amended by Section 7.H shall apply for multiple dwellings lane.  |

|  |  |                               |
|--|--|-------------------------------|
| Exception 7.I  | Berczy Warden Holdings Inc.  | Parent Zone<br>R3             |
| File ZA 18 235516  |  | Amending By-law<br>2020-_____ |
| Notwithstanding any other provisions of By-law,177-96 the following provisions shall apply to the lands shown on Schedule “A” attached to By-law 2020-____ and denoted by the symbol *I. |  |                               |
| 7.I.1 Only Permitted Uses  |  |                               |
| The following uses are the only permitted uses:  |  |                               |
| a)   | Uses permitted for the R3 zone in Table A1   |                               |
| i)   | In addition to the uses permitted for the R3 zone within Table A1, one accessory dwelling unit on a lot is permitted |                               |
| 7.I.2 Special Zone Standards   |  |                               |
| The following specific Zone Standards shall apply:   |  |                               |
| a)   | Minimum lot frontage for multiple dwellings – 6.5 metres   |                               |
| b)   | Maximum garage width for multiple dwellings on a lot not accessed by a lane – 4.5 metres                             |                               |

|    |  |
|----|--|
| c) | Minimum required interior side yard for multiple dwellings: 0.0 metres for interior unit and 1.2 metres for an end unit.   |
| d) | Minimum required rear yard for multiple dwellings: 0.0 metres  |
| e) | Maximum height – 12.5 metres   |
| f) | The wall of an attached private garage that contains the opening for motor vehicle access shall be set back a minimum of 5.5 metres from the lot line that the driveway crosses to access the private garage. If the driveway does not cross a sidewalk, the minimum setback is reduced to 4.5 metres. A parking space on a driveway where part of the parking space is located outside of the lot is deemed to comply with Section 6.1.1.a) of By-law 28-97 (as amended). |
| g) | Special Provisions # 2 and #4 of Table B5 shall not apply  |
| h) | Notwithstanding the provisions of Section 6.6.1.(a) encroachments shall include a fireplace encroachment, and all encroachments may be located no closer than 0.1 metres from any lot line.  |
| i) | Notwithstanding the provisions of Section 6.6.1.d), a window bay and bow or boxout window with or without foundation, may encroach into the required front yard or into the required exterior side yard a distance of 1 metre.   |

| <b>Exception 7.J</b>   | <b>Berczy Warden Holdings Inc.</b>  | <b>Parent Zone R2-S</b>    |
|--|---|----------------------------|
| File ZA 18 235516  |   | Amending By-law 2020-_____ |
| Notwithstanding any other provisions of By-law,177-96 the following provisions shall apply to the lands shown on Schedule “A” attached to By-law 2020-____ and denoted by the symbol *J. |   |                            |
| <b>7.J.1 Special Zone Standards</b>  |   |                            |
| The following specific Zone Standards shall apply:   |   |                            |
| a)   | Notwithstanding Section 7.A.2.f) to the contrary, the minimum required rear yard shall be 3.0 metres. |                            |
| b)   | Maximum height – 14.5 metres.   |                            |

| <b>Exception 7.K</b>   | <b>Berczy Warden Holdings Inc.</b>  | <b>Parent Zone R2-LA</b>   |
|--|---|----------------------------|
| File ZA 18 235516  |   | Amending By-law 2020-_____ |
| Notwithstanding any other provisions of By-law,177-96 the following provisions shall apply to the lands shown on Schedule “A” attached to By-law 2020-____ and denoted by the symbol *K. |   |                            |
| <b>7.K.1 Special Zone Standards</b>  |   |                            |
| The following specific Zone Standards shall apply:   |   |                            |
| a)   | Notwithstanding the provisions of Section 7.A.2.g) to the contrary, the Maximum height – 14.5 metres. |                            |

#### 4. HOLDING PROVISIONS

##### 4.1 To be filled in later.

By-law 2020-\_\_\_\_\_  
Page 8

Read a first, second and third time and passed on \_\_\_\_\_, 2020.

---

Kimberley Kitteringham  
City Clerk

---

Frank Scarpitti  
Mayor

DRAFT



**EXPLANATORY NOTE**

**BY-LAW 2020-\_\_\_\_\_**

**A By-law to amend By-law 304-87 and 177-96, as amended**

**10348 Warden Avenue**  
**Lands located west of Warden Avenue between Warden Mills Road and Major Mackenzie Drive.**

**Part of Lots 22 and 23, Concession 4.**

**Lands Affected**

The proposed by-law amendment applies to approximately 45 hectares (111.2 acres) of land located on the west side of Warden Avenue mid-way between Warden Mills Road and Major Mackenzie Drive and municipally known as 10348 Warden Avenue.

**Existing Zoning**

The subject land is currently zoned “Agriculture One (A1)” under By-law 304-87, as amended.

**Purpose and Effect**

The purpose and effect of this By-law is to amend By-law 304-87, as amended and By-law 177-96, as amended by rezoning the subject land to “Residential Two - Special \*A (R2-S\*A)”, Residential Two – Lane Access \*B (R2-LA\*B), “Community Amenity Four \*E (CA4\*E)”, “Residential Two - Special \*F (R2-S\*F)”, “Residential Two – Lane Access \*G (R2-LA\*G)”, “Residential Three \*H (R3\*H)”, “Residential Three \*I (R3\*I)”, “Residential Two - Special \*A\*J (R2-S\*A\*J)”, “Residential Two - Special \*A\*K (R2-S\*A\*K)”, “Open Space One (OS1)”, and “Open Space Two (OS2)” in By-law 177-96, as amended in order to facilitate residential development consisting of single detached and townhouse dwellings, a school, parkland, mixed use development, stormwater management facilities, and open space, including the introduction of site-specific development standards.



## 2959DES29-ZONSCHED3

2959DES29-ZONSCHED3

2959DES29-ZONSCHED3

2959DES29-ZONSCHED3

2959DES29-ZONSCHED3

2959DES29-ZONSCHED3

2959DES29-ZONSCHED3

## **Appendix B: Conditions of Draft Plan of Subdivision Approval**

### **THE CONDITIONS OF THE CITY OF MARKHAM TO BE SATISFIED PRIOR TO RELEASE FOR REGISTRATION OF PLAN OF SUBDIVISION 19TM-18009 (BERCZY WARDEN HOLDING INC.) ARE AS FOLLOWS:**

#### **1.0     General**

- 1.1     Approval shall relate to a draft plan of subdivision prepared by KLM Planning Partners Inc., identified as Project No. P-2959, Drawing Number 20:9 dated March 24, 2020, subject to outstanding City comments being addressed including, but not limited the following redline conditions. The draft plan may be further redlined revised, if necessary, in order to meet the City's requirements:
  - To ensure reliability of access for Fire Department vehicles under all conditions two means of street access, independent of each other are to be provided into the development. The following access into the subdivision are to be completed:
    - Street 1 to Warden Avenue identified as Fire Department access into the development
    - Street 2 to Warden Avenue identified as Fire Department access into the development or Street 3 to Warden Avenue identified as Fire Department access into the development
 Each access into the subdivision shall be completed prior to commencing any construction.
  - A block of townhouses shall not exceed a distance of 45m. Alternative compliance may be proposed and will be subject to the approval of the Fire Chief.
  - A 3 m wide break between each townhouse block.
  - 9 m inside turning radius be provided for all changes in direction of the fire route.
  - Minimum 12.0 m centerline turning radius provided throughout the site.
  - Reduce backlotting adjacent the Natural Heritage System to the satisfaction of the Director of Planning and Urban Design.
- 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 April, XX 2023 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 to the satisfaction of the City Solicitor.
- 1.4     The Owner acknowledges and understands that prior to final approval of this draft plan of subdivision, an amendment to the city's zoning by-laws to implement the

plan shall have come into effect in accordance with the provisions of the Planning Act.

- 1.5 The Owner agrees to obtain required approvals from York Region, the Toronto and Region Conservation Authority (TRCA) and any other applicable public agencies to the satisfaction of the Commissioner of Development Services.
- 1.6 Prior to the release for registration of any phase within this draft Plan of Subdivision, the Owner agrees to prepare and submit to the satisfaction of the City of Markham, all technical reports, studies, and drawings, including but not limited to, the master environmental servicing plan, transportation studies, functional traffic designs, stormwater management reports, functional servicing reports, design briefs, detailed design drawings, noise studies, servicing and infrastructure phasing plan, etc., to support the draft Plan of Subdivision. The Owner agrees to revise the draft Plan(s) of Subdivision as necessary to address all outstanding comments and incorporate the design and recommendations of the accepted technical reports, studies, and drawings.
- 1.7 The Owner agrees not to register the draft Plan of Subdivision until such time the Class Environmental Assessment (Class EA) Study for the collector roads in the Future Urban Area (FUA) currently being carried out by the FUA participating landowners has been completed and approved. The Owner agrees to revise this draft Plan of Subdivision as necessary to incorporate the recommendations of the Class EA Study. The Owner further agrees that, notwithstanding the maximum right-of-way width for minor collector roads, if it is determined through further review and studies that additional right-of-way width is required to accommodate additional lanes, then the required right-of-way width shall be provided without compensation and without requiring an amendment to the Berczy Glen Secondary Plan.
- 1.8 The Owner acknowledges that the Class EA Study for Elgin Mills Road E is currently being carried out by the City. The Owner agrees to revise this draft Plan of Subdivision as necessary to incorporate the recommendations of the Class EA Study.

The Owner further agrees not to register any phase of the subdivision until such time a phasing assessment is completed, detailing the timing of road widening and intersection improvements required on Elgin Mills Road East to support the phasing plan for the Berczy Glen Community area.

- 1.9 Prior to registration of any phase in the subdivision, the Owner agrees that the City will require a phasing plan accepted by the City for the Berczy Glen Community area (the "Phasing Plan"). The Owner agrees to develop the lands in accordance with the Phasing Plan to the satisfaction of the Director of Engineering.



- 1.10 The Owner agrees to design and construct all required relocations of, and modifications to existing infrastructure, including but not limited to, sewers, watermain, light standards, utilities, stormwater management facilities, and roads to the satisfaction of, and at no cost to, the City of Markham.
- 1.11 The Owner agrees to pay to the City, all required fees, in accordance with the City's By-Law No. 211-83, as amended by Council from time to time.
- 1.12 The Owner agrees in the Subdivision Agreement or the Pre-Servicing Agreement, whichever comes first, to submit financial security for each phase of the draft Plan of Subdivision as required by the City of Markham, prior to the construction of any municipal infrastructure required to service that phase of development.
- 1.13 The Owner agrees to enter into a construction agreement and/or an encroachment agreement and/or any other agreement deemed necessary to permit the construction of municipal services, roads, stormwater management facilities or any other services that are required external to the draft Plan of Subdivision and that are required to service the proposed subdivision to the satisfaction of the Director of Engineering and the City Solicitor (the "External Works"). The Owner agrees to obtain a road occupancy permit if required and/or permission or license to enter, from the external land owners prior to commencing the External Works to the satisfaction of the Director of Engineering, Director of Operations and City Solicitor. The Owner further agrees to pay all costs associated with the construction of the External Works on lands owned by the City, to the satisfaction of the Director of Engineering.
- 1.14 The Owner agrees to include in the building permit application all mitigation recommendation from the geotechnical consultant to waterproof basements, which are below the ground water to the satisfaction of the Chief Building Official on a lot specific basis. The Owner further covenants and agrees that the acceptance of these measures will be subject to approval from the Chief Building Official.

## 2.0 Roads

- 2.1 The Owner agrees to provide names of all road allowances within the draft plan of subdivision, to the satisfaction of the City and the Regional Municipality of York ("the Region").
- 2.2 The Owner agrees to design and construct all municipal roads in accordance with City standards and specifications.
- 2.3 The Owner agrees to provide temporary turning circles where required at the Owners cost and remove them and restore the streets to their normal condition at the Owners cost when required by the City, to the satisfaction of the City of Markham. The Owner agrees that the design of the temporary turning circles, and

any implications on surrounding land use, shall be addressed in the Subdivision Agreement to the satisfaction of the City.

- 2.4 The Owner acknowledges and agrees that prior to registration of any phase of development, to update and finalize the Transportation Impact Assessment Study to include a road infrastructure phasing assessment for different phases of development within the Berczy Elgin and Berczy Warden Draft Plans of Subdivision, reflective of the proposed Berczy Glenn Phasing Plan and proposed timeline for the boundary roads widening and collector roads construction. The road infrastructure phasing assessment will define the timing for the required road improvements (boundary roads, internal roads, and Berczy Creek crossing) to be in place to support the number of residential units proposed for each phase of development to the satisfaction of the Director of Engineering. Accordingly, the Owner agrees to:
  - a) Implement the recommendations of the accepted Transportation Impact Assessment Study and road infrastructure phasing assessment; and
  - b) Acquire and convey to the City any lands external to the Draft Plan of Subdivision as necessary to complete the road infrastructure requirements as recommended in the accepted Transportation Impact Assessment Study and road infrastructure phasing assessment; and
  - c) Enter into an agreement with the City and external landowners to permit construction of roads infrastructure and related services, that are required external to the draft Plan of Subdivision and that are required to service the proposed development, to the satisfaction of the Director of Engineering and the City Solicitor.
- 2.5 Prior to registration, the Owner acknowledges and agrees that as part of the Transportation Impact Assessment Study, to identify locations where pedestrian crossovers are appropriate to support and maintain continuity of active transportation network to the satisfaction of the Director of Engineering. Furthermore, the Owner agrees to design and construct pedestrian crossovers, where required, to the satisfaction of the Director of Engineering. The pedestrian crossovers shall be constructed at the Owner's sole cost.
- 2.6 Prior to registration, the Owner acknowledges and agrees that as part of the Transportation Impact Assessment Study, to confirm the timing to implement traffic control signals at the Elgin Mills Road East / Street 2 intersection and the Elgin Mills Road East / Street 1 intersection, within the context of the subject development phasing and the Elgin Mills Road East widening, to the satisfaction of the Director of Engineering. Furthermore, should it be determined that traffic signals are required as part of any phase of development but before the widening of Elgin Mills Road East, the Owner agrees to design and construct traffic control signals including turn lane requirements for the said intersections to the

satisfaction of the Director of Engineering. The traffic control signals and required turn lanes shall be constructed at the Owner's sole cost.

- 2.7 Prior to the registration, the Owner acknowledges and agrees to update and finalize the Transportation Demand Management Plan, to the satisfaction of the Director of Engineering.
- 2.8 Prior to registration, the Owner acknowledges and agrees that as part of the Transportation Impact Assessment Study, to confirm the timing to implement traffic control signals at the Warden Avenue / Street 1 intersection and the Warden Avenue / Street 2 intersection, within the context of the subject development phasing and the Warden Avenue widening, to the satisfaction of the Director of Engineering. Furthermore, should it be determined that traffic signals are required as part of any phase of development but before the widening of Warden Avenue, the Owner agrees to design and construct traffic control signals including turn lane requirements for the said intersections to the satisfaction of the Director of Engineering. The traffic control signals and required turn lanes shall be constructed at the Owner's sole cost.

### 3.0 Tree Inventory and Tree Preservation Plan

- 3.1 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.
- 3.2 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, Site Alteration Permit or Pre-Servicing Agreement to the satisfaction of the Director of Planning and Urban Design.
- 3.3 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.
- 3.4 The Owner shall submit for approval from the Director of Planning and Urban Design, as part of the tree inventory and tree preservation plan and 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 require cash in lieu for tree replacement based on valuation of section b).
  - d) The requirement for the replacement or equivalent economic value following unauthorized tree removal or damage shall be determined by the City.
- 3.5 The owner acknowledges and agrees to implement the tree compensation schedule on a phase by phase basis, including submission of an updated Tree Inventory and Preservation Plan and Landscape Plans for each phase of development.

#### 4.0 Community Design

- 4.1 The Owner shall implement and incorporate all requirements of the approved Berczy Glen Community Design Plan into all landscape plans, architectural control guidelines, engineering plans and any other required design documents.
- 4.2 The Owner shall retain a design consultant to prepare architectural control guidelines to be submitted to the Director of Planning and Urban Design for approval prior to execution of the subdivision agreement.
- 4.3 The Architectural Control Guidelines shall include provisions requiring buildings to comply with the City's Bird Friendly Guidelines.
- 4.4 The Owner shall retain a design consultant acceptable to the City's Director of Planning and Urban Design to implement the Architectural Control Guidelines.
- 4.5 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 control guidelines.
- 4.6 The Owner shall ensure that the design architect for any buildings within this draft plan of subdivision shall not also assume the role of control architect for this draft plan of subdivision.
- 4.7 The Owner acknowledges and agrees to submit townhouse siting applications for all lane-based townhouses in accordance with the City Site Plan Control By-Law 262-94, as amended, to the satisfaction of the City's Director of Planning and Urban Design.

## 5.0 Parks and Open Space

5.1 The Owner covenant and agrees that the parkland dedication requirement is 2.99 ha, calculated at a rate of 1 hectare per 300 units, as specified in the Parkland Dedication By-law 195-90, and calculated as follows:

- Number of units (758 units + 140 units) / 300 = 2.99 ha

5.2 The Owner acknowledges and agrees that the parkland dedication for this draft plan of subdivision shall be a minimum of 2.99 ha, and that this satisfies the parkland dedication requirements for a total of up to but not exceeding the approved draft plan of subdivision unit count.

5.3 The Owner covenants and agrees to convey Park Blocks 307, 308, 309, 317, 318, 319, 320, 321, 322, 323, 324, 325, and 326 to the City, free of all costs and encumbrances to the satisfaction of the Director of Planning and Urban Design, upon registration of the plan of subdivision.

| <b>Block Number</b> | <b>Area</b>     |
|---------------------|-----------------|
| Block 307           | 0.418 ha        |
| Block 308           | 2.00 ha         |
| Block 309           | 2.350 ha        |
| Block 317           | 0.06 ha         |
| Block 318           |                 |
| Block 319           |                 |
| Block 320           |                 |
| Block 321           |                 |
| Block 322           |                 |
| Block 323           |                 |
| Block 324           |                 |
| Block 325           |                 |
| Block 326           |                 |
| <b>Total</b>        | <b>4.828 ha</b> |

5.4 Conveyance of Park Blocks 307, 308, 309, 317, 318, 319, 320, 321, 322, 323, 324, 325, and 326 (4.828) will satisfy the parkland dedication for this development. Prior to registration, parkland dedication requirements (2.99 ha) will be reconciled through one of the approaches listed below. The City reserves the right to require any of these approaches or a combination thereof, at the discretion of the City's Director of Planning and Urban Design:

- a) A Master Parkland Agreement entered into between the Berczy Glen land owner group and the City;

- b) Any alternative arrangement at the sole discretion of the Director of Planning and Urban Design.

5.5 The Owner shall post approved copies of the Natural Heritage Restoration Plans for the Greenway and Open Space Blocks and Conceptual Park Development Master Plans for the parks in all sales offices for dwelling units within the draft plan of subdivision.

## 6.0 Landscape Works

6.1 Prior to the release for registration of every phase within this Draft Plan of Subdivision, the Owner shall submit landscape plans prepared by a qualified landscape architect based upon: the City of Markham FUA Urban Design Guidelines, the approved Architectural Control Guidelines, the approved Natural Heritage Restoration Plan, and the approved Berczy Glen Community Design, to the satisfaction of the Director of Planning and Urban Design and including the following:

- a) For all public streets, streetscape plan and street tree planting in accordance with the City of Markham Streetscape Manual dated June 2009;
- b) A specialized depth of topsoil (200mm) in the entire municipal boulevard to appropriately plant boulevard trees in accordance with the City of Markham Streetscape Manual dated June 2009;
- c) For all corner lots provide privacy wood screen corner lot fencing as required;
- d) Noise attenuation fencing as required;
- e) For all lots backing or flanking onto an Open Space Block, Greenway, Park Block, School Block or SWM Block, provide 1.5m high black vinyl chain-link fence on the property line installed prior to occupancy, as determined appropriate by the Director of Planning and Urban Design;
- f) For the portion of this Draft Plan of Subdivision located adjacent to an existing farm operation, provide a minimum 1.5m fence on the property line installed prior to occupancy, as determined appropriate by the Director of Planning and Urban Design;
- g) For all open space, stormwater and walkway blocks provide landscaping;
- h) A trail network;
- i) Restoration works identified in the Natural Heritage Restoration Plan;

- j) Any other landscaping as determined in the Community Design Plan, Architectural Control Guidelines and the Tree Inventory and Compensation Schedule.
- 6.2 The Owner shall construct all landscape works referred to in condition 6.1 in accordance with the approved plans at no cost to the City. The construction of trail network, item 6.1 g), may be eligible for Development Charge credits at the discretion of the Director of Planning and Urban Design.
- 6.3 The Owner shall not permit their builders to charge home purchasers for the items listed in condition 6.1.
- 6.4 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 4.1a)
- FENCING AS REQUIRED BY THE CITY
- 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 PARKS, WALKWAYS AND STORMWATER MANAGEMENT POND BLOCKS
- BUFFER PLANTING FOR OPEN SPACE, WALKWAY AND STORMWATER MANAGEMENT POND BLOCKS AND SINGLE LOADED STREET ALLOWANCES
- 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.”

## 7.0 Parkland Servicing

- 7.1 The Owner shall covenant and agree to rough grade, topsoil, seed and maintain, free of stock piles and debris, all, park blocks within the subdivision to the satisfaction of the Director of Planning & Urban Design. The park blocks shall be

maintained until such time as the parks have been constructed and formally assumed by the City.

- 7.2 The Owner shall submit grading, servicing and survey plans by a qualified person for all park blocks, to the satisfaction of the Director of Planning & Urban Design.
- 7.3 The Owner shall provide a current geotechnical report by a qualified person all park blocks, to the satisfaction of the Director of Planning & Urban Design.

## 8.0 Trail System

- 8.1 The Owner acknowledges and agrees to implement a trail system in the Open Space and Greenway blocks as per the requirements of the Community Design Plan to the satisfaction of the City's Director of Planning and Urban Design and the City's Director of Engineering. The trail system may be implemented corresponding to the time of the conveyance of the Open Space and Greenway blocks containing sections of the associated Greenway restoration works, and/or the time of construction of restoration works, to the City's Director of Planning and Urban Design's satisfaction. The Owner agrees that the trail system shall be implemented and constructed through an agreement between the owners of this draft plan, the other land owners within Berczy Glen Secondary Plan area, and the City.

## 9.0 Financial

- 9.1 Prior to execution of the subdivision agreement, the Owner shall provide a letter of credit, in an amount to be determined by the Director of Planning and Urban Design, to ensure compliance with applicable tree preservation, ecological restoration landscape works and the under-dedicated portion of the parkland dedication requirement.
- 9.2 The Owner shall provide a Land Appraisal Report to the Manager of Real Property for the purpose of determining the required letter of credit amount contribution for the under-dedicated portion of the required parkland dedication. The Land Appraisal Report is subject to the City's terms of reference and conformance with the *Parkland Dedication By-law 195-90* and with the *Planning Act*.
- 9.3 That the Owner covenants and agrees to enter into a Section 37 Agreement to secure the provision of Public Art by the City for the lands zoned XX, as required by implementing zoning by-law.

## 10.0 Municipal Services

- 10.1 The Owner agrees to design and construct all municipal services in accordance with City standards and specifications.



- 10.2 The Owner agrees to design the watermain system to service the development will have a minimum of two independent water supply points to provide for adequate system redundancy and looping for domestic and fire protection purposes to the satisfaction of the Director of Engineering.
- 10.3 The Owner agrees not to apply for any building permits until the City is satisfied that adequate road access, municipal water supply, sanitary sewers, and storm drainage facilities are available to service the proposed development.
- 10.4 The Owner agrees to revise and/or update the accepted functional servicing and stormwater management reports, if directed by the Director of Engineering in the event that field conditions show that the implementation of the servicing and stormwater management strategies recommended in the previously accepted functional servicing and stormwater management reports need to be modified.
- 10.5 The Owner acknowledges that the servicing of the lands requires construction of new sanitary sewers and, upgrades to the existing downstream sanitary sewer system that eventually connects to the York-Durham Sanitary Sewer on 16th Avenue. For this clause the construction of the new sanitary sewers and the upgrade to the existing downstream sanitary sewers are collectively referred to as the "Sanitary Upgrades". The Owner agrees to pay the City upon execution of the subdivision agreement, the Owners' share for the cost of the Sanitary Upgrades in accordance with the City's Area Specific Development Charge to the satisfaction of the Director of Engineering.

Alternatively, the City may at its discretion permit the Owner to enter into a developers' group agreement for the construction of the Sanitary Upgrades. The Owner agrees that any developers' group agreement relating to the construction of the said upgrades shall be to the satisfaction of the Director of Engineering and City Solicitor, and that its costs to undertake such upgrades will be financially secured in the Owner's subdivision agreement.

- 10.6 The Owner agrees, if the proposed sewers connect to existing downstream sewers that are not assumed by the City, to undertake and pay for a sewer video inspection program for the existing sewers to the satisfaction of the Director of Engineering. The Owner further agrees to do the sewer video inspection:
  - a) Prior to the connection being made;
  - b) Upon the removal of the temporary bulkhead or as directed by the Director of Engineering; and
  - c) Upon all roads, parking lots, driveways in the Owners Subdivision having been paved to the final grades, sidewalks, walkways, multi-use paths constructed and boulevards sodded.

The Owner further agrees to provide securities for the video inspection and for flushing and cleaning the existing downstream sewers to the satisfaction of the Director of Engineering.

- 10.7 The Owner agrees that major overland flows from the subdivision will traverse through external lands not owned by the Owner. The Owner agrees to make the necessary arrangements with the adjacent property owner to construct the overland flow route(s) on the external lands to the downstream receiving stormwater management pond, and convey lands or easement required for the conveyance of overland flows to the satisfaction of the Director of Engineering.
- 10.8 The Owner acknowledges that the stormwater management pond shown as Pond # 5 and portion of stormwater management pond shown as SWM Pond #8 in the Functional Servicing Report dated October 2019 prepared by SCS Consulting are on lands not owned by the Owner. The Owner agrees to acquire from any neighbouring landowners and convey to the City, free of all costs and encumbrances, upon registration of the plan subdivision, the lands required to construct the above stormwater management ponds to service the Owner's subdivision development to the satisfaction of the City Solicitor and Director of Engineering (the "SWM Pond Lands").

The Owner further agrees that should the Owner wish to proceed with the underground servicing work within the internal subdivision including works on the SWM Pond Lands as a part of a pre-servicing agreement, the City at its discretion may permit subject to the Owner making necessary arrangements with any neighbouring landowners for the works on the SWM Pond Lands, and provide evidence indicating the Owner has permission to access the lands and construct the works on the SWM Pond Lands, to the satisfaction of the City Solicitor and Director of Engineering, or their respective designates.

- 10.9 The Owner acknowledges that the sanitary sewer required to service the Owner's development will be required to be extended either along Warden Avenue and Major Mackenzie Drive east, or, through external lands east of Warden Avenue (the "External Lands") owned by the City and other property owner(s) (the "External Owners"). In the event the Owner is required to advance the construction of the sanitary sewer extension through the External Lands to service the Owner's development, the Owner agrees to coordinate the design and alignment of the sanitary sewer extension with the External Owners and use best efforts to ensure the alignment of sanitary sewer extension will be in its ultimate location, to the satisfaction of the Director of Engineering. The Owner further agrees that any sewers not in its ultimate will be considered a temporary sewer ("Temporary Sewer") and will not be assumed by the City.
- 10.10 The Owner acknowledges that the Functional Servicing Report dated October 2019 prepared by SCS Consulting in support of the draft plan proposes oversized

pipes including 3.0m x 1.5m box culvert to capture overland flows exceeding the hydraulic capacities of the municipal road right-of-ways (the "Oversized Storm Sewers"). The Owner covenants and agrees that the acceptance of the Oversized Storm Sewers will be at the discretion of the Director of Engineering, subject to the Owner having investigated all available options to reduce the size of the Oversized Storm Sewers to the satisfaction of the Director of Engineering.

#### 11.0 Lands to be conveyed to the City/Easements

- 11.1 The Owner agrees to grant required easements to the appropriate authority for public utilities, drainage purposes or turning circles, upon registration of the Plan of Subdivision. The Owner also agrees to provide for any easements and works external to the draft Plan of Subdivision necessary to connect watermains and storm and sanitary sewers to existing watermains, stormwater management facilities and sanitary sewers to the satisfaction of the City. The Owner agrees to construct the lands within the limit of the easement in a manner satisfactory to the Director of Engineering to allow the municipal services within the easement to be properly maintained by the City.
- 11.2 The Owner agrees to convey 0.3 metre reserves at the end(s) of Streets 1, 2, 3, 8, 9, 10, 11, 25, 26 and along north limit of Street 1 along Passafluime lands, to the City, free of all costs and encumbrances, upon registration of the Plan of Subdivision.

#### 12.0 Utilities

- 12.1 The Owner agrees that hydro-electric, telephone, District Energy System, gas and television cable services, and any other form of telecommunication services shall be constructed at no cost to the City as underground facilities within the public road allowances or within other appropriate easements, as approved on the Composite Utility Plan, to the satisfaction of the City of Markham and authorized agencies.
- 12.2 The Owner agrees to enter into any agreement or agreements required by any applicable utility companies, including Powerstream, Enwave, Enbridge, telecommunications companies, etc.
- 12.3 The Owner agrees 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.
- 12.4 The Owner agrees to include on all offers of purchase and sale a statement that advises prospective purchasers that mail delivery will be from a designated Community Mailbox. The Owners will further be responsible for notifying the

purchasers of the exact Community Mailbox locations prior to the closing of any home sale.

- 12.5 The Owner covenants and agrees to provide a suitable temporary Community Mailbox location(s), which may be utilized by Canada Post until the curbs, sidewalks and final grading have been completed at the permanent Community Mailbox locations. This will enable Canada Post to provide mail delivery to new residents as soon as homes are occupied.
- 12.6 The Owner acknowledges and agrees that standard community mailbox installations are to be done by Canada Post at locations approved by the municipality and shown on the Composite Utility Plan. The Owner agrees that should it propose an enhanced community mailbox installation, any costs over and above the standard installation must be borne by the Owner, and be subject to approval by the City in consultation with Canada Post.
- 12.7 The Owner shall covenant and agree in the subdivision agreement to be responsible for notifying the purchaser of the exact Community Mailbox locations prior to the closing of any unit sale.
- 12.8 The Owner shall covenant and agree in the subdivision agreement to provide the following for each Community Mailbox site and include these requirements on the appropriate servicing plans:
  - a) An appropriately sized sidewalk section (concrete pad) to place the Community Mailboxes on.
  - b) Any required walkway across the boulevard.
  - c) Any required curb depressions for wheelchair access.
- 12.9 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.
- 12.10 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.

### 13.0 Environmental Clearance

- 13.1 The Owner agrees to retain a “Qualified Person” to prepare all necessary Environmental Site Assessments (ESA) and file Record(s) of Site Condition with the Provincial Environmental Site Registry for all lands to be conveyed to the City. The “Qualified Person” shall be defined as the person who meets the qualifications prescribed by the *Environmental Protection Act* and O. Reg. 153/04, as amended. The lands to be conveyed to the City shall be defined as any land or easement to be conveyed to the City, in accordance with the City’s Environmental Policy and Procedures for Conveyance of Land to the City Pursuant to the Planning Act.
- 13.2 Prior to the earlier of the execution of a pre-servicing agreement or Subdivision Agreement, the Owner agrees to submit Environmental Site Assessment (ESA) report(s) prepared by a Qualified Person, in accordance with the Environmental Protection Act and its regulations and all applicable standards, for all lands to be conveyed to the City for peer review and concurrence.
- 13.3 Prior to the earlier of the execution of a pre-servicing agreement or Subdivision Agreement of a phase within the draft Plan of Subdivision, the Owner agrees to submit environmental clearance(s) and Reliance Letter(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 standard and will be signed by the Qualified Person and a person authorized to bind the Owner’s company. The City will not accept any modifications to the standard Environmental Clearance and Reliance Letter, except as and where indicated in the template.
- 13.4 The Owner agrees that if, during construction of a phase within the draft Plan of Subdivision, contaminated soils or materials or groundwater are discovered, the Owner shall inform the City of Markham immediately, and undertake, at its own expense, the necessary measures to identify and remediate the contaminated soils or groundwater, all in accordance with the Environmental Protection Act and its regulations, to the satisfaction of the City of Markham and the Ministry of the Environment, Conservation and Parks.
- 13.5 The Owner agrees to assume full responsibility for the environmental condition of the lands comprising the draft Plan of Subdivision. The Owner further agrees to indemnify and save harmless the City, its directors, officers, Mayor, councilors, employees and agents from any and all actions, causes of action, suite, claims, demands, losses, expenses and damages whatsoever that may arise either directly or indirectly from the approval and assumption by the City of the municipal infrastructure, the construction and use of the municipal infrastructure or anything done or neglected to be done in connection with the use or any environmental condition on or under lands comprising the draft Plan of Subdivision, including

any work undertaken by or on behalf of the City in respect of the lands comprising the draft Plan of Subdivision and the execution of this Agreement.

#### 14.0 Heritage

14.1 Prior to final approval of the draft plan of subdivision or any phase thereof, the Owners shall carry out a cultural heritage resource assessment for the lands within the draft plan to ensure the assessment and identification of archaeological resources, and further to mitigate any identified adverse impacts to significant heritage resources to the satisfaction of the City (Director of Planning and Urban Design) 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 prior to the issuance of a letter from the Ministry of Culture 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 archaeological assessment, to the satisfaction of the City and the Ministry of Culture.

#### 15.0 Well Monitoring Program and Mitigation Plan

15.1 Prior to the finalizing of pre-servicing agreement or subdivision agreement, whichever is earlier, the Owner agrees to complete a hydrogeological assessment report to ensure there is no impacts to the shallow and/or deep groundwater and to any of the existing active wells found within the Zone of Influence (ZOI) as determined by the consultant. The Owner further agrees to implement any mitigation measures recommended in the hydrogeological assessment report to the satisfaction of the Director of Engineering.

#### 16.0 Streetlight Types

16.1 The Owner agrees to contact the Engineering Department 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.

#### 17.0 Development Charge (DC) Credits

17.1 The City acknowledges and agrees that the portion of collector road right-of-way exceeding 23.5 metres width in the draft plan of subdivision are eligible for City Wide Development Charge Credits and agrees to reimburse the Owner for their portion of the construction and property costs associated with roads identified as Street 2 (from North Limit of subdivision Road to 145m west of Warden Avenue) and Street 3 (from north limit of subdivision to south limit of subdivision) and Street 1 (from east limit of subdivision to west limit of subdivision) within the plan of subdivision. The maximum Development Charge

Credits available to the Owner shall be the lesser of the Actual Capital Cost of the Works or the cost of the Works as established in this agreement and, shall be completed through an agreement and be consistent with the City's Development Charges Credit and Reimbursement Policy. The Owner and City acknowledge and agree that the cost is based on the estimates provided by the consultant for this portion of the works is one million, nine hundred and fifty-one thousand and ninety four dollars (\$1,951,094.00) and represents the maximum development charge credits to be granted.

## 18.0 Other City Requirements

18.1 Prior to final approval of the draft plan or any phase thereof, the Owner shall enter into a Developers Group Agreement(s) to ensure the provision of community and common facilities such as school sites, municipal services, parks and public roads in the Berczy Glen Secondary Plan area, to the satisfaction of the City (Commissioner of Development Services and City Solicitor), and a certificate confirming completion of such agreement(s) shall be provided to the City by the Developers Group Trustee to the satisfaction of the City Solicitor.

18.2 That the Owner covenants and agrees to provide written clearance from the Trustee of the Berczy Glen Secondary Plan Landowners Group respecting all of the lands within the draft plan, prior to registration of the draft plan for the proposed development or any portion of the subject lands within the draft plan, to the satisfaction of the Director of Planning and Urban Design.

18.3 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:

Parks 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 sites by type; commercial sites 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.

18.4 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.

18.5 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.

18.6 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.

18.7 The Owner shall acknowledge and agree in the subdivision agreement that to ensure reliability of access for Fire Department vehicles under all conditions, two means of street access, independent of one another are to be provided into the development. The following access into the subdivision are to be completed:

- The North and South access points leading from Warden Avenue

At no time shall either approved Fire Department vehicle access into the development be obstructed by any means (fencing, concrete barriers or other). This provision includes during daily construction, afterhours, weekends and holidays. It shall be the Owners responsibility to secure the site without obstructing these access points.

18.8 The Owner shall acknowledge and agree that single detached dwelling laneways shall not exceed 120.0 metres and townhouse and single detached laneways with detached garages shall not exceed 90.0 metres.

18.9 The Owner shall covenant and agree in the subdivision agreement to include warning clauses in agreements of purchase and sale for all units with single car garages advising purchasers of the following:

- a) the City's parking by-law requires a minimum of two parking spaces, one in the driveway and one in the garage;
- b) the City's zoning by-law restricts the width of the driveway, this width does not allow two cars to park side by side; and,
- c) overnight street parking will not be permitted unless an overnight street parking permit system is implemented by the City

18.10 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.

- 18.11 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.
- 18.12 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.
- 18.13 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.
- 18.14 The Owner covenant and agrees to convey all Open Space and Natural Heritage System blocks to the City of Markham in a physical condition to the satisfaction of the City.
- 18.15 The Owner covenants and agrees to implement the recommendations of the Environmental Impact Study prepared by Beacon Environmental, dated October 2019.
- 18.16 That prior to final approval of the draft plan, the Owner agrees to prepare and implement ecological restoration plans for all Open Space and Natural Heritage System blocks. This shall consist of detailed landscape plans prepared to the satisfaction of the Director of Planning and Urban Design to address:
  - a) Restoration of the headwater drainage feature in accordance with LPAT Minutes of Settlement (OMB Case No PL140743);
  - b) Densely planted native tree and shrubs for NHS Block 316 and Open Space Block 315;
  - c) Design, alignment and construction of the Greenway trails; and,
  - d) Provision of rear and side yard fencing where the Greenway System abuts residential lands. No access gates shall be provided adjacent to Greenway System lands.

- 18.17 The Owner covenants and agrees to provide a Letter of Credit in the subdivision agreement to secure the works identified in the ecological restoration plans.
- 18.18 The Owner covenants and agrees to include warning clauses in all agreements of purchase and sale for any lot abutting a Natural Heritage System or Open Space Block providing notice that:
- a) “Lands adjacent to this property have been conveyed to the City of Markham for environmental protection purposes. These lands will be left in an untouched and naturalized state and may be planted by the City of Markham in the future. Purchasers are advised that building encroachments, dumping of yard waste and removal of grass/vegetation are not permitted on city-owned lands. No fence gates shall be permitted between private property and the natural heritage system. Purchasers are further advised that pedestrian trails are planned to be constructed within the natural heritage system which may result in pedestrian use and activity.”
- 18.19 The Owner covenants and agrees to prepare and distribute a natural heritage stewardship guide to all purchasers abutting a Natural Heritage System or Open Space Block.
- 18.20 The Owner covenant and agrees in the subdivision agreement to implement the strategies and actions of Community Energy Plan in support of the City’s net zero emissions by 2050 objective, to the satisfaction of the Director of Sustainability and the Director of Planning and Urban Design.

## 19.0 York Region

- 19.1 The following conditions shall be included in the Subdivision Agreement:
- a) The Owner shall save harmless the City of Markham and York Region from any claim or action as a result of water or sanitary sewer service not being available when anticipated.
  - b) The Owner shall agree that the proposed direct connection of the 600mm diameter watermain on Warden Avenue to the Region's 1050mm diameter watermain on Major Mackenzie Drive shall be designed, installed and commissioned to the satisfaction of the Region.
  - c) The Owner shall agree that no direct private accesses are permitted onto Warden Avenue. All private access shall be provided via local roads or lane-ways, where appropriate. This will apply to BL-305, BL-311, BL-312 & BL-314 (as shown on DWG. No.-20:9).
  - d) The Owner shall agree to reserve an unobstructed location for the future construction of the passenger standing areas/shelter pads identified below:

On Street: Street 1  
 At Street:  
 Location: Adjacent to BL-309 (on the west side away from Street 2)  
 Standard Specifications: 1.01

On Street: Street 1  
 At Street: Street 2  
 Location: SW corner  
 Standard Specifications: 1.01

On Street: Street 1  
 At Street: Street 3  
 Location: SW corner  
 Standard Specifications: 1.01

On Street: Street 1  
 At Street: Warden Avenue  
 Location: SW corner  
 Standard Specifications: 1.01

On Street: Warden Avenue  
 At Street: Street 2  
 Location: NW corner  
 Standard Specifications: Require a bus bay (120 feet in length)

On Street: Street 2  
 At Street: North of Street 12  
 Location: Between BL-308 and BL-310  
 Standard Specifications: 1.01

- e) The Owner shall agree to advise all potential purchasers of the existing and future introduction of transit services. The Owner/consultant is to contact YRT Contact Centre (tel. 1-866-668-3978) for route maps and the future plan maps.
- f) The Owner shall agree to implement the noise attenuation features as recommended by the noise study and to the satisfaction of Development Engineering.
- g) 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.

- h) The following warning clause shall be included in a registered portion of 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".

- i) Where noise attenuation features will abut a York Region right-of-way, the Owner shall agree, as follows:
- that no part of any noise attenuation feature shall be constructed on or within the York Region right-of-way;
  - that noise fences adjacent to York Region roads may be constructed on the private side of the 0.3 metre reserve and may be a maximum 2.5 metres in height, subject to the area municipality's concurrence;
  - that maintenance of the noise barriers and fences bordering on York Region right-of-ways shall not be the responsibility of York Region.
- j) The Owner shall agree 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.
- k) The Owner shall agree to be responsible for determining the location of all utility plants within York Region right-of-way and for the cost of relocating, replacing, repairing and restoring any appurtenances damaged during construction of the proposed site works. The Owner must review, or ensure that any consultants retained by the Owner, review, at an early stage, the applicable authority's minimum vertical clearances for aerial cable systems and their minimum spacing and cover requirements. The Owner shall be entirely responsible for making any adjustments or relocations, if necessary, prior to the commencement of any construction.

19.2 The Owner covenants and agrees that prior to final approval of the plan, that:

- a) The Owner shall provide to the Region the following documentation to confirm that water and wastewater services are available to the subject development and have been allocated by the City of Markham:
- i) a copy of the Council resolution confirming that the City of Markham has allocated servicing capacity, specifying the specific source of the capacity, to the development proposed within this site plan.
  - ii) a copy of an email confirmation by City of Markham staff stating that the allocation to the subject development remains valid at the time of the request for Regional clearance of this condition.

- b) The Owner shall provide an updated Transportation Mobility Study to address the comments provided, to the satisfaction of the Region.
- c) Prior to and concurrent with the submission of the subdivision servicing application (MECP ECA) to the area municipality, the Owner shall provide a set of engineering drawings, for any works to be constructed on or adjacent to the York Region road, to Development Engineering, Attention: Manager, Development Engineering, that includes the following drawings:
  - i) Plan and Profile for the York Region road and intersections;
  - ii) Cross Section on York Region right-of-way at 20m interval where the site is abutting;
  - iii) Grading and Servicing;
  - iv) Intersection/Road Improvements, including the recommendations of the Traffic Report;
  - v) Construction Access Design;
  - vi) Utility and underground services Location Plans based on SUE Investigation (Level A accuracy for all crossing locations and Level B accuracy for alignment);
  - vii) Signalization and Illumination Designs;
  - viii) Line Painting;
  - ix) Traffic Control/Management Plans;
  - x) Erosion and Siltation Control Plans;
  - xi) Landscaping Plans, including tree preservation, relocation and removals;
  - xii) Arborist Report;
  - xiii) Requirements of York Region Transit/Viva;
  - xiv) Sidewalk locations, concrete pedestrian access to existing and future transit services and transit stop locations as required by York Region Transit/Viva;
  - xv) Functional Servicing Report;
  - xvi) Stormwater Management Report;
  - xvii) Water supply and distribution report and model;
  - xviii) Noise Study;
  - xix) Detail cost estimates for all works within Region's ROW and on Region's infrastructure.
- d) The Owner shall submit a detailed Development Charge Credit Application to York Region, if applicable, to claim any works proposed within the York Region Right-of-Way. Only those works located in their ultimate location based on the next planning upgrade for this Right-of-Way will be considered eligible for credit, and any work done prior to submission without prior approval will not be eligible for credit.

- e) The location and design of the construction access for the subdivision work shall be completed to the satisfaction of Development Engineering and illustrated on the Engineering Drawings.
- f) The Owner shall demonstrate, to the satisfaction of Development Engineering, that all existing driveway(s) along the Regional road frontage of this subdivision will be removed as part of the subdivision work, at no cost to York Region.
- g) The Owner shall demonstrate, to the satisfaction of Development Engineering, that the streetline elevations shall maintain a minimum 2% cross slope within the boulevard from the streetline to the top of curb, unless otherwise specified by Development Engineering.
- h) The Owner shall submit drawings depicting the following to the satisfaction of York Region staff:
  - i) All existing woody vegetation within the York Region road right of way,
  - ii) Tree protection measures to be implemented on and off the York Region road right of way to protect right of way vegetation to be preserved,
  - iii) Any woody vegetation within the York Region road right of way that is proposed to be removed or relocated. However, it is to be noted that tree removal within York Region roads rights of way shall be avoided to the extent possible/practical. Financial or other compensation may be sought based on the value of trees proposed for removal.
  - iv) A planting plan for all new and relocated vegetation to be planted within the York Region road right of way, based on the following general guideline:
  - v) Tree planting shall be undertaken in accordance with York Region standards as articulated in Streetscaping Policy and using species from the York Region Street Tree Planting List. These documents may be obtained from the Forestry Section. If any landscaping or features other than tree planting (e.g. flower beds, shrubs) are proposed in the York Region right-of-way by the Owner or the area municipality for aesthetic purposes they must be approved by Development Engineering and shall be maintained by the area municipality with the exception of the usual grass maintenance,
  - vi) For landscape features not maintained to York Region's satisfaction, the area municipality will be responsible for the cost of maintenance or removal undertaken by the Region.
- i) The Owner shall engage the services of a consultant to prepare and submit for review and approval, a noise study to the satisfaction of Development Engineering recommending noise attenuation features.

- j) The Owner shall agree that the following lands will be conveyed to York Region for public highway purposes, free of all costs and encumbrances, to the satisfaction of York Region Solicitor:
  - i) a widening across the full frontage of the site where it abuts Warden Avenue of sufficient width to provide a minimum of 21.5 metres from the centreline of construction of Warden Avenue and any lands required for additional turn lanes at the intersections, and
  - ii) a 15 metre by 15 metre daylight triangle at the northwest and southwest corners of Street 1 and Warden Avenue, and
  - iii) 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 Warden Avenue and adjacent to the above noted widening(s).
- k) The Owner shall provide a solicitor's certificate of title in a form satisfactory to York Region Solicitor, at no cost to York Region with respect to the conveyance of the above noted lands to York Region.
- l) 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.

- m) The Owner or the Owner's authorized representative shall submit a Statutory Declaration that no contaminant, 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, on, in or under lands to be conveyed to the Region (including soils, substrata, surface water and groundwater, as applicable): (i) at the time of conveyance, at a level or concentration that exceeds the Environmental Protection Act O. Reg. 153/04 (as amended) full depth generic site condition standards applicable to the intended use of such lands by the Region or any other remediation standards published or administered by governmental authorities applicable to the intended land use; and (ii) in such a manner, condition or state, or is emanating or migrating from such lands in a way, that would contravene applicable environmental laws.
- n) The Owner shall demonstrate, to the satisfaction of Development Engineering, that all local underground services will be installed within the area of the development lands and not within York Region's road allowance. If a buffer or easement is needed to accommodate the local services adjacent to York Region's Right of Way, then the Owner shall provide a satisfactory buffer or easement to the Area Municipality, at no cost to the Region.
- o) The Owner shall submit engineering plans for York Region's approval that identify on the plans the Transit requirements.
- p) The road allowances included within the draft plan of subdivision shall be named to the satisfaction of the City of Markham and York Region.
- q) The Owner shall provide a copy of the executed Subdivision Agreement to the Regional Corporate Services Department, outlining all requirements of the Corporate Services Department.



- r) 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.
- s) The Regional Corporate Services Department shall advise that Conditions 1 to 29 inclusive, have been satisfied.
- t) The Owner shall demonstrate that the southerly crossing of Berczy Creek Greenway will be constructed or shall cause to be constructed within an acceptable timeframe, to the satisfaction of the Region. This crossing is required to provide interconnection and relief to Elgin Mills Road and Major Mackenzie Drive, as well as other Regional intersections such as: Elgin Mills Road/Woodbine Avenue, Woodbine Avenue/Victoria Square Boulevard and Major Mackenzie Drive/Woodbine Avenue.

## 20.0 Toronto and Region Conservation Authority

- 20.1 That prior to any development, pre-servicing or site alteration, or registration of this plan or any phase thereof, the applicant shall submit and attain the approval of the TRCA for:
  - a) A comprehensive stormwater management report identifying all interim and permanent stormwater servicing and all associated phasing. This report must identify all of the proposed stormwater management facilities to which the subject lands will drain and provide details with respect to the interim stormwater servicing that is to be employed prior to all of the ultimate facilities located off of the subject property being fully operational. This report shall identify phasing and sequencing of the transition from interim to permanent facilities, and identify all interim drainage routes between the subject property and all adjacent stormwater management ponds, which may be required prior to permanent infrastructure being available. Detailed design shall be provided for all interim stormwater management ponds that may be required to service the subject lands prior to permanent facilities being available. All temporary outlets shall be designed to the satisfaction of TRCA.
  - b) A final Environmental Impact Study (EIS), including detailed impact mitigation, restoration and enhancement recommendations and plans to the satisfaction of the TRCA. This report shall also outline measures to be taken to avoid contravention of the Migratory Birds Convention Act.
  - c) Detailed engineering report and plans for the proposed development of the subject lands, and how it will comply with all related Master Environmental

Servicing Plan and TRCA requirements, to the satisfaction of the TRCA. This report and plans shall include:

- i) plans illustrating how this drainage system will tie into surrounding drainage systems and storm water management techniques which may be required to control minor or major flows. Confirmation must be provided with respect to how target flows as identified in the subwatershed study and within the approved MESP will be achieved during and post-development.
- ii) an assessment that clearly demonstrates the existing floodplain and proposed floodplain associated with the watercourse upstream, downstream, and overtopping of Warden Avenue. This must compare the risk of flooding to the roadway, determining which design storm event results in overtopping of Warden Avenue in the existing condition and in the proposed condition, and a comparison of the depth and velocity associated with the flooding for pre-development and post-development conditions.
- iii) appropriate Stormwater Management Practices (SWMP's) to be used to treat stormwater, to mitigate the impacts of development on the quality of ground and surface water resources (including thermal and turbidity impacts). This must include identification of potential construction and permanent impacts to impacted or receiving natural systems.
- iv) proposed methods for controlling or minimizing erosion and sediment on-site in accordance with current Erosion and Sediment Control (ESC) guidelines utilized by the TRCA. ESC plans and an ESC report must address phasing and staging, demonstrate how impacts to the NHS will be mitigated. The report will also have specific plans for ESC monitoring and reporting, as required by TRCA. All areas to be protected must be effectively isolated through appropriate measures prior to any site alteration being initiated. The ESC report and strategy shall also integrate all relevant mitigation measures included in the EIS. As part of the Erosion and Sediment Control Report, the identification of vulnerable receiving features is required.
- v) location and description of all SWM and foundation drain collector outlets and other SWM infrastructure within and adjacent to the Greenway System, including a detailed analysis of any potential associated grade modifications and vegetation removal and all feasible mitigation measures to the satisfaction of the TRCA. This includes demonstrated consistency with the MESP with respect to location of outfalls to minimize the impacts to sensitive natural

heritage features. Should red-line revisions to stormwater management pond blocks be necessary to meet the requirements of the TRCA, these alterations to expand blocks, or modify the size or configuration shall occur on lands within this subdivision which are currently proposed for development.

- vi) the integration of Low Impact Development (LID) measures and source and conveyance controls to mimic to the extent possible, pre-development hydrology and to reduce post-development runoff volumes. Multiple LID measures shall be used as part of an overall treatment train approach, consistent with the subwatershed study, to the satisfaction of the TRCA. The size and location of all LID measures associated with this development shall be confirmed to the satisfaction of the TRCA. Specific site water balance targets, and methods and locations for implementation of LIDs shall be provided,
- vii) identification and quantification of the specific measures that are being employed to ensure that there will be no predicted erosion related impacts on downstream areas (during and post construction), which are to be integrated into the stormwater management plan to the satisfaction of the TRCA. The report must identify in detail, how downstream erosion associated with flows generated from this development is being avoided.
- viii) detailed design of all proposed infiltration and low-impact development measures that are to be employed, demonstrating that TRCA's requirements, which include but are not limited to quality and quantity requirements, have been satisfied. Demonstration of how the receiving stormwater management ponds are being managed during the construction phase while some or all of the LIDs are not in operation.
- ix) demonstrate how the pre-development drainage patterns are being preserved, post-development (to the greatest extent possible), in accordance with the approved MESP. The report shall include an impact mitigation report which demonstrates how construction and development shall minimize the potential impacts any flow diversion on the natural systems on or off the subject property, and including any broader impacts upon the sub watershed. Alterations to the approved drainage patterns in the Subwatershed Study (SWS) will require a reassessment of the SWS model utilized, and model calibration to demonstrate how the feature-based water balance is maintained;
- x) all stormwater outfalls, outflow channels and/or flow dispersal measures associated with stormwater management discharge, be

designed to incorporate TRCA's design guidelines. This includes regard for additional enhancements to water quality, quantity control, mitigation of thermal impacts to the receiving habitat, reduce potential erosion and maximize potential infiltration, and integrate naturalized outlet channels where applicable, to the satisfaction of the TRCA;

- xi) All applicable plans illustrating that all works, site alterations, construction staging, or materials associated with these activities, will not encroach or be placed on lands to be conveyed to a public agency as part of this plan of subdivision.
  - xii) A detailed report identifying how the LPAT settlement obligations for replicating and enhancing the function of headwater feature HDF BR2-H15. This shall include identification of all proposed FDCs, with a detailed assessment of anticipated flow volumes, targets, proposed monitoring and adaptive management measures. This report shall also provide detailed design of Block 314, based upon the dimensions and parameters outlined in the LPAT settlement, with fluvial geomorphic design parameters, and a comprehensive planting and enhancement plan.
  - xiii) a comprehensive assessment of the construction methodology, area of impact, phasing, impact mitigation, contingency measures, stabilization and restoration proposed for all infrastructure crossings proposed within the Greenway system for all such infrastructure being constructed by the developer.
- 20.2 That prior to any development, pre-servicing or site alteration, the applicant shall demonstrate that suitable arrangements have been made with adjacent landowners on which all requisite stormwater management facilities and/or infrastructure has been proposed, to allow for the construction and operation of the proposed interim and/or permanent facilities and/or infrastructure. And, that the owner demonstrates that arrangements have been made for all requisite interim conveyance channels and measures to remain in place on external lands, until such time as permanent infrastructure is available to convey stormwater from the subject lands to off-site stormwater management ponds.
- 20.3 That prior to any development, pre-servicing or site alteration, or registration of this plan or any phase thereof, the applicant shall submit and attain the approval of the TRCA for:
- a) Grading plans for the subject lands. These plans must indicate how grade differentials will be accommodated without the use of retaining walls within or adjacent to natural feature blocks, associated environmental buffers, or adjacent landowners not yet draft approved. Grading encroachment within

the established environmental buffers (as determined on a site by site basis) shall not be permitted unless otherwise agreed upon by the Town and the TRCA.

- b) An adequate hydrogeological assessment, demonstrating that the groundwater related requirements of the SWS and MESP are being met or exceeded. The report shall:
  - i) provide a ground water constraint assessment that will examine existing and proposed ground water levels in relation to the proposed development, underground construction and servicing and stormwater management infrastructure. Interactions between untreated (or insufficiently treated) surface and groundwater, shallow ground water, any necessary mitigation and dewatering requirements must be identified.
  - ii) Assess the need for liners associated with the stormwater management system, and suitable liners shall be provided where necessary. All underground construction and infrastructure must be designed to not require permanent dewatering, and any potential impacts to the groundwater system that may result from the development must be assessed and mitigated;
  - iii) Provide information detailing all anticipated temporary or passive dewatering that may be required during the construction phase, including anticipated volumes, duration, discharge locations, and filtration media - as required, to the satisfaction of the TRCA.
- c) Detailed plans for any proposed trails within the NHS, identifying that potential impacts to the environmental buffers in which they are to be located have been minimized to the greatest possible extent. These shall include identification of how the impact has been minimized through location of the proposed trail, proposed grade modification and area of disturbance, proposed lighting impact mitigation, design and surfacing. As part of the supporting analysis, the applicant shall consider the integration of SiltSoxx for trail construction.
- d) Detailed water balance assessment that will identify measures that will be implemented during construction and post-construction to: mimic the pre-development surface and groundwater water balance to the greatest possible extent; maintain pre-development flow regimes and hydroperiods (e.g. quality, volume, rate, duration, timing, frequency and spatial distribution of water) to natural features; provide for on-site retention of precipitation on-site in accordance with the SWS and MESP to the satisfaction of the TRCA; mitigate against any potential on-site or downstream erosion associated with the stormwater management system; maintain and not exceed target flows to

downstream wetlands and watercourses, to the satisfaction of TRCA staff. This study must provide detailed design of the system(s), and implementation information and measures, including adaptive management and monitoring.

- e) Adaptive management report and plan. This report must identify contingency measures and specific actions that may be taken within the development area to supplement and/or modify the quantity and quality of flows being directed to natural features, including HDF BR2-H15 on an on-going basis, outline feasible mitigation measures, and to address potential turbidity and thermal impacts of SWM discharge.. The Adaptive Management Report must also include a specific section including an assessment of potential options for addressing unanticipated results of the monitoring – such as erosion downstream of the stormwater management outlet, or sediment discharge to natural features. The monitoring plan shall include monitoring data throughout construction and post-construction and provide funding securities for the long-term monitoring of this system to the satisfaction of the TRCA and the Town. Financing for the monitoring should be secured through the subdivision agreement. A detailed terms of reference shall be provided to TRCA, and to the satisfaction of TRCA prior to the completion of the report.
- f) Provide a comprehensive monitoring plan to assess the functioning and effectiveness of proposed stormwater LID (in accordance with the MESP), source and conveyance measures.
- g) If applicable, provide a monitoring plan to assess potential impacts associated with any thermal imbalance associated with the geothermal system on natural features on the site.
- h) If applicable, prepare an emergency response plan addressing any leaks and/or initial maintenance associated with the geothermal system.
- i) The applicant attain all Ontario Regulation 166/06 permits from the TRCA for all works proposed on the subject property for which permits would be required, and those related to any associated infrastructure or stormwater management works required to support this development. No grading, pre-servicing or temporary stormwater management works are to be initiated until such time as a permit from the TRCA and all requisite TRCA approvals are attained.
- j) The implementing zoning by-law recognize all natural features and environmental buffer blocks in an environmental protection or other suitable zoning category which has the effect of prohibiting development and structural encroachment, and ensuring the long term preservation of the lands in perpetuity, to the satisfaction of the TRCA.

- k) To provide for all warning clauses and information identified in TRCA's conditions.
- l) That the applicant provide confirmation that they are aware of their responsibilities with respect to all necessary approvals under the Endangered Species Act, and that they commit to attain all necessary approvals.
- m) That the owner agrees in the subdivision agreement, in wording acceptable to the TRCA;
  - i) to carry out, or cause to be carried out, to the satisfaction of the TRCA, the recommendations of the technical reports and plans referenced in TRCA's conditions, including but not limited to the mitigation measures outlined in the Environmental Impact Study, completed to the satisfaction of TRCA;
  - ii) implement on-site erosion and sediment control plans as well as monitoring in accordance with current TRCA standards or MECP/MNRF Silt Smart as applicable;
  - iii) to maintain all stormwater management, LID and erosion and sedimentation control structures operating and in good repair during the construction period.
  - iv) to erect a permanent fence to the satisfaction of the TRCA on all lots and blocks abutting lands to be conveyed to the public authority, prior to occupancy of any homes within that lot or block.
  - v) to implement all water balance/infiltration measures identified in the water balance study and feature based water balance that is to be completed for the subject property to TRCA's satisfaction;
  - vi) to implement the water balance, feature based water balance, LID and adaptive management monitoring programs and provide the requisite funding and securities for the full duration of the monitoring to the satisfaction of the TRCA;
  - vii) to gratuitously dedicate all Greenway and Open Space blocks to TRCA or City of Markham, free of encumbrances. Should the lands be conveyed to TRCA, the owner shall demonstrate that all servicing and access easements provided for, as may be required by the City of Markham.
  - viii) that prior to a request for registration of any phase of this subdivision – should registration not occur within 10 years of draft approval of this

plan - that the owner consult with the TRCA with respect to whether the technical studies submitted in support of this development remain to meet current day requirements, and that the owner update any studies, as required, to reflect current day requirements.

- ix) To implement or provide the funding required for the implementation of all restoration and enhancement plantings and works to the satisfaction of TRCA and City of Markham. And, to provide a three-year monitoring and warranty on all planted materials.
- n) That a warning clause be included in all agreements of purchase and sale, and information be provided on all community information maps and promotional sales materials for blocks and lots adjacent to Natural Heritage (Greenway) System Blocks which identifies the following:
  - i) The owners are advised that the rear lot lines are adjacent to environmental protection lands, which are regulated by the Toronto and Region Conservation Authority. These lands are considered to be part of the publicly owned environmental protection area, which is intended to remain naturalized, and will not be actively maintained. A future public trail may be located within all or a part of this area, however private uses such as picnic, barbeque or garden areas; storage of materials and/or the dumping of refuse or ploughed snow are not permitted on these lands. In addition, access to the adjacent TRCA lands through the subject property is not permitted. Private rear yard gates are prohibited.
- o) That a warning clause be included in all agreements of purchase and sale, and information be provided on all community information maps and promotional sales materials for private lots or blocks on which infiltration related infrastructure such as LID's, rear yard swales and catch basins are located which identifies the following:
  - i) That underground and/or surface stormwater management infrastructure is located on the subject property, which forms an integral part of the stormwater management infrastructure for the community. It is the owner's responsibility for the long-term maintenance of this system by ensuring that proper drainage is maintained. Grading within the rear yard, such as swales which convey stormwater to this system must remain in their original form.
- p) That the size and location of all proposed stormwater management blocks - to which the subject lands drain - be confirmed to the satisfaction of the TRCA. And, if required to meet TRCA requirements, red-line revisions be made to the plan to expand these blocks, or modify their size or configuration



into surrounding lands within this subdivision which are currently proposed for development.

- q) That the size and location of all Low Impact Development (LID) stormwater management measures associated with this development be confirmed to the satisfaction of the TRCA. And, if required to meet TRCA requirements, red-line revisions be made to the plan to provide for necessary blocks within the Plan, or modify their size or configuration into surrounding lands within this subdivision which are currently proposed for development.
- r) That the owner agrees to not enter into any agreements of purchase and sale for the units within Blocks 1-6, or Blocks 1-6, located to the south of proposed Street “1” until such time as the environmental assessment for Street 1 has been completed and the detailed design of this proposed road and valley crossing has advanced to the satisfaction of TRCA. Should modifications be required to this plan of subdivision, based upon the approved Environmental Assessment, which impact upon, or cause to eliminate the subject blocks, this Plan shall be red-line revised to make any requisite changes.
- u) Plantings and restoration – that the owner provide a comprehensive planting and restoration strategy and plans for all Greenway and natural heritage system lands. This plan shall be consistent with the Natural Heritage Restoration Plan for the Berczy Glen Secondary Plan/MESP area. And, that the owner commits to funding the implementation of the restoration and enhancement plans and all associated monitoring to the satisfaction of TRCA.
- v) That the draft plan be red-line revised, if necessary, in order to meet the requirements of TRCA’s conditions, or to meet current established standards in place as of the date of a request for registration of the Plan or any phase thereof.

## 21.0 Ministry of Natural Resources (MNR)

21.1 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.

## 22.0 York Region District School Board

22.1 That prior to final approval, the owner shall have made Agreement satisfactory to the York Region District School Board for the transfer of a

public elementary school site. The public elementary school site, Block 310, shall contain not less than 2.92 hectares (6.47 acres).

22.2 That the owner shall agree in the Subdivision Agreement in wording satisfactory to the York Region District School Board:

- a) to grade the school site and in doing so compact, fill with clean material, replace any topsoil disturbed in the grading process and at the same time sod/seed the same lands to specifications determined by the Board;
- b) to remove any buildings on the school site;
- c) to remove trees, as required to accommodate school layout;
- d) to provide a letter of credit pertaining to stockpiling and removal of topsoil, by taking the volume of topsoil to be stored upon the school site and multiplying such volume by 200% of the current market prices for waste material disposal, as set forth in the latest version of Hanscomb's Yardsticks for Costing, Cost Data for the Canadian Construction Industry, to the satisfaction of the York Region District School Board;
- e) to remove stockpiled topsoil within 30 days of written notice by the Board and in doing so compact, fill with clean material, replace any topsoil disturbed in the grading process and at the same time sod/seed the same lands to specifications determined by the Board;
  - f) to construct a black vinyl coated chain link fence, Type II 1½" mesh, 1.8 m high along all boundaries of the school blocks, including road frontage(s) at the discretion of the Board;
  - g) to construct the fences prior to the issuance of building permits for Phase 1 of the subdivision;
  - h) to erect and maintain a sign on the public school site at such time as the relevant access roads are constructed, indicating that the date has not been set for the construction of the school;
  - i) to provide a geotechnical investigation and Phase 1 and Phase 2 environmental site assessment conducted by a qualified engineer. For an elementary school site, a minimum of eight boreholes shall be required and for a secondary school site a minimum of sixteen boreholes shall be required;
  - j) to provide the foregoing at no cost to the Board;

- k) to assume any upstream and downstream charges for hydro, natural gas, sanitary and storm drainage, and water supply.
- b) That the owner shall submit to the York Region District School Board, at no cost to the Board, a letter from a qualified consultant concerning:
  - i) the suitability of the school site for school construction purposes, relating to soil bearing factors, surface drainage, topography and environmental contaminants; and
  - ii) the availability of natural gas, electrical, cable, water, storm sewer and sanitary sewer services.
- c) That the Owner shall agree in the Subdivision Agreement, in wording acceptable to the York Region District School Board that the services referred to in Condition b) ii) shall be installed to the mid-point of the frontage of the school site and positioned as designated by the Board, at no cost to the Board.
- d) That prior to final approval, the Owner shall submit to the School Board an environmental impact study for the school block, initial set of engineering plans for review and approval, and subsequently, a copy of the final engineering plans as approved by the City of Markham which indicate the storm drainage system, utilities, and the overall grading plans for the complete subdivision area.
- e) That prior to final approval, the local hydro authority shall have confirmed in writing to the Board that adequate electrical capacity will be supplied to the school site frontage by the developer at no cost to the Board.
- f) That prior to final approval, the local hydro authority shall have confirmed in writing to the Board that they are satisfied that payment for any upstream and downstream charges will be made by the original developer.
- g) That the subdivision agreement include warning clauses advising the City of Markham, property owners and purchasers of lots within the draft plan that unless the provincial funding model provides sufficient funds to construct new schools, there can be no assurance as to the timing of new school construction nor a guarantee that public school accommodation will be provided within the subject plan notwithstanding the designation of the school site.

- h) That the York Region District School Board shall advise that conditions a) to g) inclusive have been met to its satisfaction. The clearance letter shall include a brief statement detailing how each condition has been satisfied or carried out.

### 23.0 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 Ministry of Culture shall advise that Conditions 14.1 and 14.2 have been satisfied.
- b) The Regional Municipality of York Planning Department shall advise that Conditions 19.1 and 19.2 have been satisfied.
- c) The Toronto and Region Conservation Authority shall advise that Conditions 20.1 to 20.3 have been satisfied.
- d) The Ministry of Natural Resources and Forestry shall advise that Condition 21 has been satisfied.
- e) York Region District School Board shall advise that Conditions 22.1 and 22.2 have been satisfied.

Dated: XXXXXX

Ron Blake, Senior Development Manager



Report to: Development Services Committee

Meeting Date: May 11<sup>th</sup>, 2020

**SUBJECT:** Preliminary Report  
Bur Oak (ARH) Developments Inc.  
Application to amend the Official Plan to increase the  
Floor Space Index (FSI) from 1.75 to 2.2 to allow a 20-storey  
apartment building at 1709 Bur Oak Avenue (Ward 4)

File No: PLN 20 130579

**PREPARED BY:** Stacia Muradali, M.C.I.P., R.P.P., Ext. 2008  
Acting Manager, East District

**REVIEWED BY:** Ron Blake, M.C.I.P., R.P.P., Ext. 2600  
Senior Development Manager

#### **RECOMMENDATION:**

1. That the report titled “Preliminary Report, Bur Oak (ARH) Developments Inc., Application to amend the Official Plan to increase the Floor Space Index (FSI) from 1.75 to 2.2 to allow a 20-storey apartment building at 1709 Bur Oak Avenue (Ward 4), File No: PLN 19 130579”, be received.

#### **EXECUTIVE SUMMARY:**

Not applicable.

#### **PURPOSE:**

The purpose of this report is to provide preliminary information on the applications by Bur Oak (ARH) Developments Inc. to amend the Official Plan (Revised 1987), as amended, to increase the Floor Space Index (FSI) from 1.75 to 2.2 to allow a 20-storey apartment building at 1709 Bur Oak Avenue. This report contains general information regarding applicable Official Plan and/or other policies, as well as other issues. The report should not be taken as Staff’s opinion or recommendation on the application. The Official Plan Amendment application was deemed complete on September 9<sup>th</sup>, 2019.

#### **Next steps**

1. Statutory Public Meeting
2. Staff recommendation report (after draft vision of the Markham Road/ Mount Joy Secondary Plan is approved by Council).
3. Adoption of Official Plan amendment and enactment of Zoning By-law amendment if appropriate.
4. Issuance of site plan endorsement and site plan approval.
5. Submission of Draft Plan of Condominium application.

It should be noted that this application is moving forward during a period when the Province of Ontario has suspended Planning Act timelines for the review of an application and any appeal to the Local Planning Appeal Tribunal. Under the emergency legislation, municipalities have the discretion to continue the processing of applications, so long as the procedural requirements of the Planning Act can be met (e.g. sending of notices, public meetings, etc.). The application will be circulated to commenting departments and agencies. Further, staff will proceed with the normal resolution of issues, and case management will be undertaken. At the time of the writing of this report, matters respecting the holding of Public Meetings, finalization of approvals and appeals are still being resolved. The Clerk, Legal Services and Development Services are working together to address the mandatory requirements and any technical issues that arise as a result of the emergency.

## **BACKGROUND:**

### **Subject site and area context**

The subject property (1709 Bur Oak Avenue) is located at the south-west corner of Bur Oak Avenue and Markham Road and is approximately 1.74 hectares (4.3 acres). The subject site (the proposed high density portion of the subject land) is approximately 0.36 hectares (0.9 acres) and is part of a larger property which extends westward (Figure 1). A site plan application was approved in 2017 to permit the development of townhouses and two (2) mid-rise buildings and the extension of Battista Perri Drive through the remainder of the overall property west of the proposed high density portion. A Zoning By-law amendment application (discussed later in the report) to permit the proposed high density development was submitted in 2018 and the respective statutory Public Meeting was held on May 21<sup>st</sup>, 2019. A concurrent site plan application was also submitted for the proposed high density development and will be addressed in staff's final recommendation report.

There is commercial development to the north of Bur Oak Avenue, as well as commercial and industrial development on the east side of Markham Road. The Mount Joy GO Station is located across Markham Road on the east side, and the rail corridor is located further east. There are mixed use buildings fronting onto the west side of Markham Road south of the subject land to Edward Jeffreys Avenue, ranging in height from 14 to 20 storeys. There are also townhouses and a future park to the south of the subject land. The proposed high density building fronts directly on the west side of Markham Road (Figure 3). There is a 10 metre servicing easement owned by the City along the entire frontage of the subject site, which also extends along the frontages of the properties to the south.

### **Proposed development**

A 20-storey apartment building with a total Gross Floor Area (GFA) of approximately 21,370 square metres (230,024 square feet) and an FSI of approximately 2.14 is proposed (see Figure 4). A total of 243 residential units are proposed with indoor and outdoor amenity areas along Markham Road. There will be no vehicular access on Markham Road and the proposed building will share access to the future Battista Perri Drive

extension with the previously approved mid rise buildings to the west. Two (2) levels of underground parking are proposed. There are no non-residential uses proposed.

**Official Plan and Zoning**

The subject land is shown as “Mixed Use High Rise” in the City’s 2014 Official Plan (as partially approved on November 24<sup>th</sup>, 2017 and further updated on April 9<sup>th</sup>, 2018) (the “City’s 2014 Official Plan”). The “Mixed Use High Rise” designation provides for maximum height of 15 storeys and maximum FSI of 3.0. The subject land is located within the Markham Road/ Mount Joy Secondary Plan area which is currently the subject of an on-going Secondary Plan process being undertaken which is a requirement of the City’s 2014 Official Plan. The Secondary Plan will incorporate a land use planning study, transportation study and municipal servicing study which will ultimately inform opportunities and constraints facing development and growth along the Markham Road/ Mount Joy Corridor. The Markham Road/ Mount Joy Secondary Plan process will also examine how much of an increase in population and employment density is appropriate in this area as well as the services and community amenities which are needed to support the population.

Until the Markham Road/ Mount Joy Secondary Plan is approved, the policies of the City’s Official Plan (Revised 1987), as amended, including the Wismer Commons Secondary Plan, shall continue to apply in place of the City’s 2014 Official Plan. The City’s Official Plan (Revised 1987), as amended, designates the subject land “Major Commercial Area” which provides for a diverse range of uses including medium and high density residential uses subject to a rezoning process. The “Major Commercial Area” designation in the Wismer Commons Secondary Plan allows a maximum FSI of 1.75. The applicant therefore has submitted the application to amend the Wismer Commons Secondary Plan which is part of the Official Plan (Revised 1987), as amended, to increase the FSI. The proposed building has an approximate FSI of 2.14. For the purpose of the proposed Secondary Plan amendment and to allow the applicant some flexibility with construction of the building, the Secondary Plan amendment proposes to increase the permitted FSI to 2.2.

The subject land is zoned “Major Commercial \*188 (MJC\*188)” (Figure 2) which permits a range of commercial uses as well as medium and high density residential uses with a maximum FSI of 2.0 and maximum height of 30 metres or approximately 10 storeys. As previously mentioned, a related Zoning By-law amendment application was submitted in 2018 to request changes to some of the site-specific development standards including increasing the height and FSI, and reducing the parking requirements. The Zoning By-law amendment and site plan applications did not advance beyond the statutory Public Meeting, similar to other high density developments within the Markham Road/ Mount Joy Secondary Plan area. This is to facilitate the Markham Road/ Mount Joy Secondary Plan study. The applications could advance after the draft vision for the Markham Road/ Mount Joy Secondary Plan has been approved by Council which is anticipated towards the end of 2020.

**OPTIONS/ DISCUSSION:**

Matters identified through the detailed review of this application will be discussed in a future Staff recommendation report. The following is a preliminary list of matters raised for consideration to date.

1. Recent applications for high density development in the Markham Road/ Mount Joy Secondary Plan area , including the related Zoning By-law amendment application for the subject site have not been advancing beyond the statutory Public Meeting until the draft vision for the Secondary Plan has been approved by Council. This allows the City to comprehensively plan for growth in the area and to ensure that any required servicing and transportation improvements, as well as appropriate community amenities are provided to serve existing, currently proposed and future developments. Staff therefore propose that the subject Official Plan amendment application not proceed to a recommendation report until the draft vision for the Secondary Plan has been approved by Council.
2. Review of the appropriateness of the proposed increase in height and density
3. Resolution of comments from City departments and external agencies.
4. Some comments which came out of the Zoning By-law review and which need resolution include justification for the proposed parking reduction, capacity constraints of the downstream sanitary system which is being studied as part of the Secondary Plan process, potential traffic impacts, and appropriate Section 37 contributions.
5. Site plan matters such as site layout, building elevations and materials, parkland dedication and other matters will be addressed as part of a concurrent site plan application.

**FINANCIAL CONSIDERATIONS**

Not applicable.

**HUMAN RESOURCES CONSIDERATIONS**

Not applicable.

**ALIGNMENT WITH STRATEGIC PRIORITIES:**

The application is being considered within the context of the City's safe and sustainable community strategic priority.

**BUSINESS UNITS CONSULTED AND AFFECTED:**

The application has been circulated to various departments and external agencies and is currently under review. Any requirements where appropriate will be incorporated into the proposed amendment.



**RECOMMENDED BY:**

---

Ron Blake, M.C.I.P., R.P.P.  
Senior Development Manager

---

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

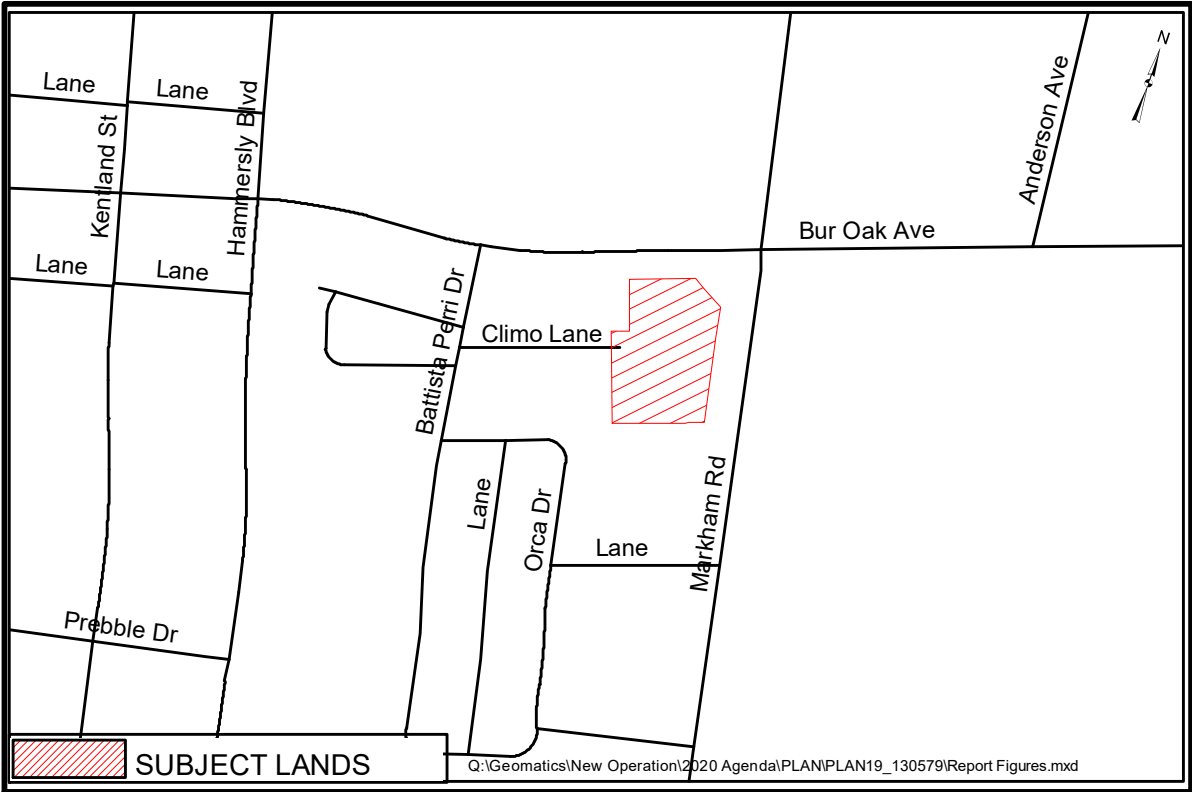
**ATTACHMENTS:**

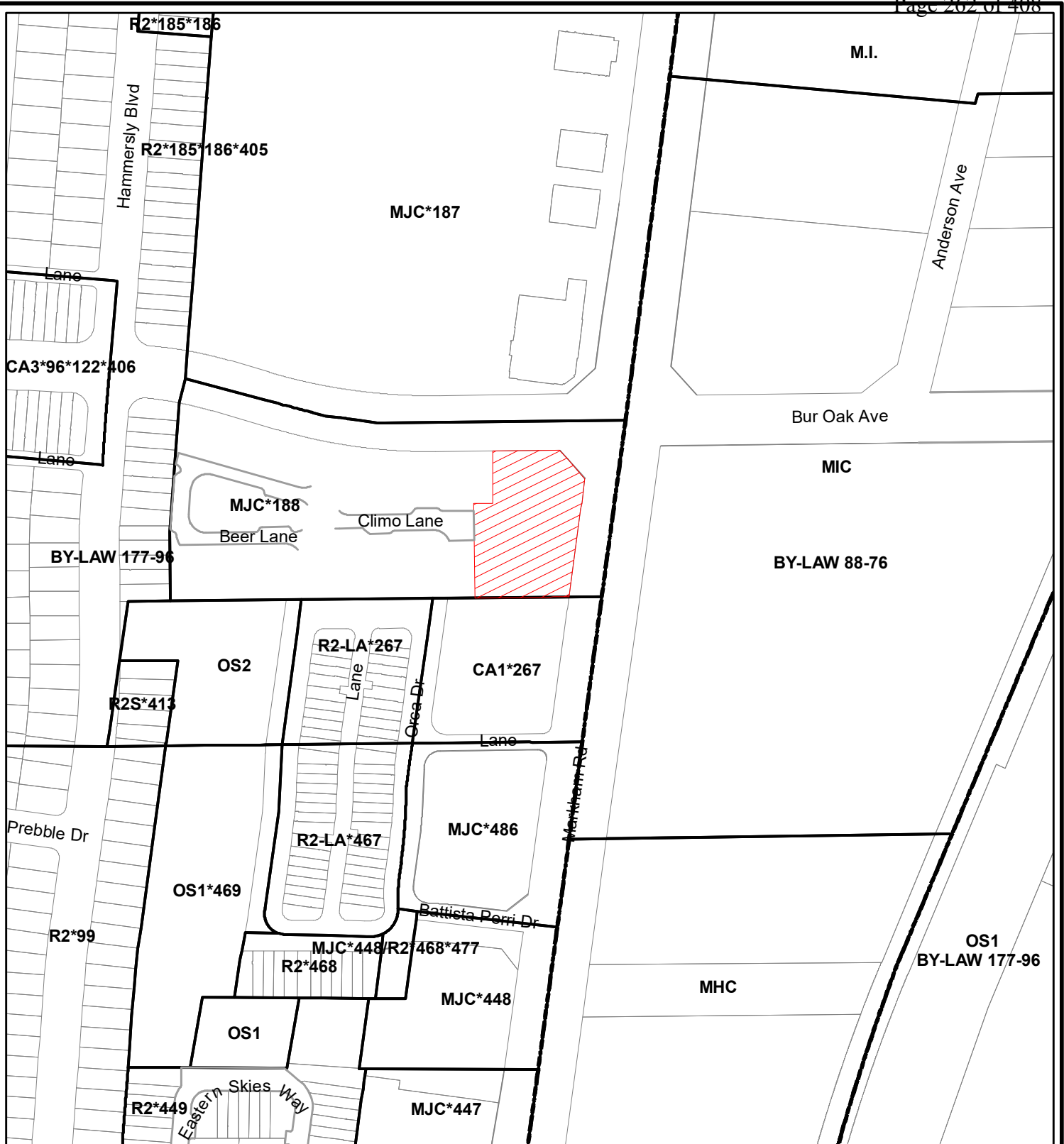
Figure 1: Location Map

Figure 2: Area Context/ Zoning

Figure 3: Air Photo

Figure 4: Proposed High Density Development





# AREA CONTEXT / ZONING

APPLICANT: Bur Oak (ARH) Developments Inc.

FILE No. PLAN19130579

 SUBJECT LANDS

Q:\Geomatics\New Operation\2020 Agenda\PLAN\PLAN19\_130579\Report Figures.mxd

DATE: 7/4/2020



DEVELOPMENT SERVICES COMMISSION

Drawn By: RT

Checked By: SM

FIGURE No. 2





# AERIAL PHOTO (2019)

APPLICANT: Bur Oak (ARH) Developments Inc.

FILE No. PLAN19130579

 SUBJECT LANDS

Q:\Geomatics\New Operation\2020 Agenda\PLAN\PLAN19\_130579\Report Figures.mxd

DATE: 7/4/2020



DEVELOPMENT SERVICES COMMISSION

Drawn By: RT

Checked By: SM

FIGURE No. 3



 SUBJECT LANDS

DATE: 7/4/2020



Report to: Development Services Committee

Meeting Date: May 11, 2020

**SUBJECT:** Highway 404 North Collector Roads, Municipal Class Environmental Assessment Study Completion (Ward 2)

**PREPARED BY:** Nehal Azmy, Senior Capital Works Engineer, Ext.2197  
Marija Ilic, Manager, Infrastructure & Capital Projects, Ext. 2136

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

### **RECOMMENDATION:**

1. That the staff report entitled “Highway 404 North Collector Roads Municipal Class Environmental Assessment, Study Completion (Ward 2)”, be received;
2. That the preferred alternative for Highway 404 North Collector Roads as set out in the Environmental Study Report be endorsed;
3. That staff be authorized to issue a Notice of Study Completion for the project and make the Environmental Study Report available for public review for a period of 30 days commencing May 2020;
4. That Staff be authorized and directed to do all things necessary to give effect to this resolution

### **PURPOSE:**

The purpose of this report is to seek Council’s endorsement of the preferred alignment of the Highway 404 North Collector Roads, to issue a Notice of Completion and submit the Municipal Class Environmental Assessment Study (“EA Study”) Report to the Ministry of the Environment, Conservation and Parks (“MECP”).

### **BACKGROUND:**

In 2006 the City of Markham (“City”) adopted an Official Plan Amendment and Secondary Plan for the Highway 404 North Planning District (“OPA 149”). It was subsequently approved by the Ontario Municipal Board (“OMB”) in May 2008. OPA 149 predominately designates these lands for employment uses.

OPA 149 is generally bounded by City of Markham municipal boundary to the north, approximately 600 metres north of Elgin Mills Road East to the south, Highway 404 to the west and Woodbine Avenue to the east, and a small area at the south end located between Woodbine Avenue and a Hydro One transmission corridor. The Secondary Plan area is illustrated in **Attachment A**.

The approved *OPA 149 Secondary Plan Schedule BB – Transportation* figure (**Attachment B**), illustrates the conceptual collector road network that may be required to

---

service the area. In order to confirm the transportation network for the area, an EA Study is required to evaluate alternatives and develop preferred alignments of the collector roads.

In June 2017, the City retained CIMA Canada Inc. to undertake the Highway 404 North Collector Roads Municipal Class Environmental Assessment Study.

### **OPTIONS/ DISCUSSION:**

This study follows the Municipal Engineers Association Municipal Class Environmental Assessment process for a Schedule C project (October 2000, as amended in 2007, 2011 and 2015).

#### **Public Consultation**

The consultation process followed for this EA Study includes publishing of a Notice of Project Commencement, two public open houses/information centres ("PIC"), and meetings with reviewing agencies and stakeholders.

The Notice of Project Commencement was issued on November 9, 2017. PICs were held as informal drop-in centres at the Victoria Square Community Centre. PIC No. 1 was held on June 13, 2018. It provided the study overview, identified the problems in the area, presented possible alternative solutions and requested public input.

PIC No. 2 was held on April 24, 2019 and it identified the preferred alignments for the Highway 404 North Collector Roads.

Stakeholders, Councilors, review agencies, affected property owners and Indigenous Groups were notified of the study commencement and invited to attend the PICs. Notices were advertised in the local newspaper and mailed to all stakeholders and property owners in the study area. Notice of Study Completion will be published upon completion of the study and filing of the ESR with the MECP.

#### **Stakeholders / Agencies Consultation**

As part of the EA process, a considerable number of meetings have taken place with stakeholders, review agencies and affected property owners to discuss their concerns and to attempt to find an acceptable preferred roads network.

Review agencies and stakeholders consulted included MECP, the Ministry of Tourism, Culture and Sport, the Ministry of Transportation, the Regional Municipality of York, TransCanada Pipelines, Toronto and Region Conservation Authority, Enbridge Gas and Hydro One.

#### **Recommended Alternative**

Following feedback received from the public and agencies, the preliminary recommended collector road network required to serve the future developments within the Highway 404 North Planning District area was confirmed to be the preferred alignment as illustrated in **Attachment C**.

---

Typical cross section of Collector Roads A, D and E1 is illustrated in **Attachment D** and has the following characteristics:

- 24.5 metre right-of-way with urban cross-section
- Two through lanes, one per direction
- 5.0 metre two-way centre left-turn lane
- 3.0 metres active transportation buffer on both sides.

Typical cross-section for Collector Road C1 (extension of Honda Boulevard, and aligning with the existing road) is illustrated in **Attachment E** and has the following characteristics:

- 32.0 metre right-of-way with urban cross-section
- Four through lanes, two per direction
- 5.0 metre two-way centre left-turn lane
- 3.0 metre active transportation buffer on both sides.

### **Environmental Study Report**

An Environmental Study Report (“ESR”) has been prepared to document the study process, evaluation of design alternatives and recommended road alignments within the Highway 404 North Planning District area.

The next step is to file the ESR with the MECP. A Notice of Study Completion will be issued for the project, which will make the Environmental Study Report available for public review for a period of 30 days. During this review period, the public has the option to request a Part II Order (order under Part II of the EA Act) to the MECP if they feel that significant outstanding issues have not been addressed in the ESR, and request a higher level of assessment. MECP will respond to the Part II Order request in one of four ways:

1. Request mediation with the requestor and the City to help address concerns before making a decision
2. Deny the request
3. Deny the request but require the City to fulfill additional conditions before the project can proceed (i.e. further studies or more public consultation)
4. Require the City to conduct a higher review of the project through an Individual Environmental Assessment

If there are no Part II Order requests during the review period, the MECP will advise the City that it may proceed with implementation of the project.

### **Property Requirements**

In order to implement the recommended collector roads network, property must be acquired from TransCanada Pipelines, Enbridge Gas Distribution, Honda Canada, Hydro One and private property owners.

The extent of required property will be determined at the detailed design stage and staff will report back separately on property acquisition. Detailed design for Honda Boulevard extension to 19<sup>th</sup> Avenue is anticipated to be undertaken in 2021.



---

**Construction Schedule**

The construction schedule for this project is subject to timing of development in the Highway 404 North Planning District area and to Council and budget approval.

**FINANCIAL CONSIDERATIONS:**

The preliminary construction cost for the Highway 404 North Collector Roads is estimated at the total amount of \$18,290,000, in accordance with the Environmental Study Report. As the road infrastructure is to support growth, it will be funded through Development Charges Reserve. These costs will be included in the next update of the Development Charge Background Study.

**HUMAN RESOURCES CONSIDERATIONS:**

Not Applicable

**ALIGNMENT WITH STRATEGIC PRIORITIES:**

The proposed new Collector Road Network is required to support planned growth in the Highway 404 North Planning District area. 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 Planning Department and Real Property have reviewed this report and concur with the recommendations.

**RECOMMENDED BY:**

Brian Lee, P.Eng.  
Director, Engineering

Arvin Prasad, MCIP, RPP  
Commissioner, Development Services

**ATTACHMENTS:**

Attachment A - Highway 404 Secondary Plan  
Attachment B - Approved OPA 149 Secondary Plan - Transportation  
Attachment C - Highway 404 North Collector Roads Preferred Alignments  
Attachment D - Collector Road Cross Section (24.m ROW)  
Attachment E - Collector Road Cross Section (32.0m ROW)



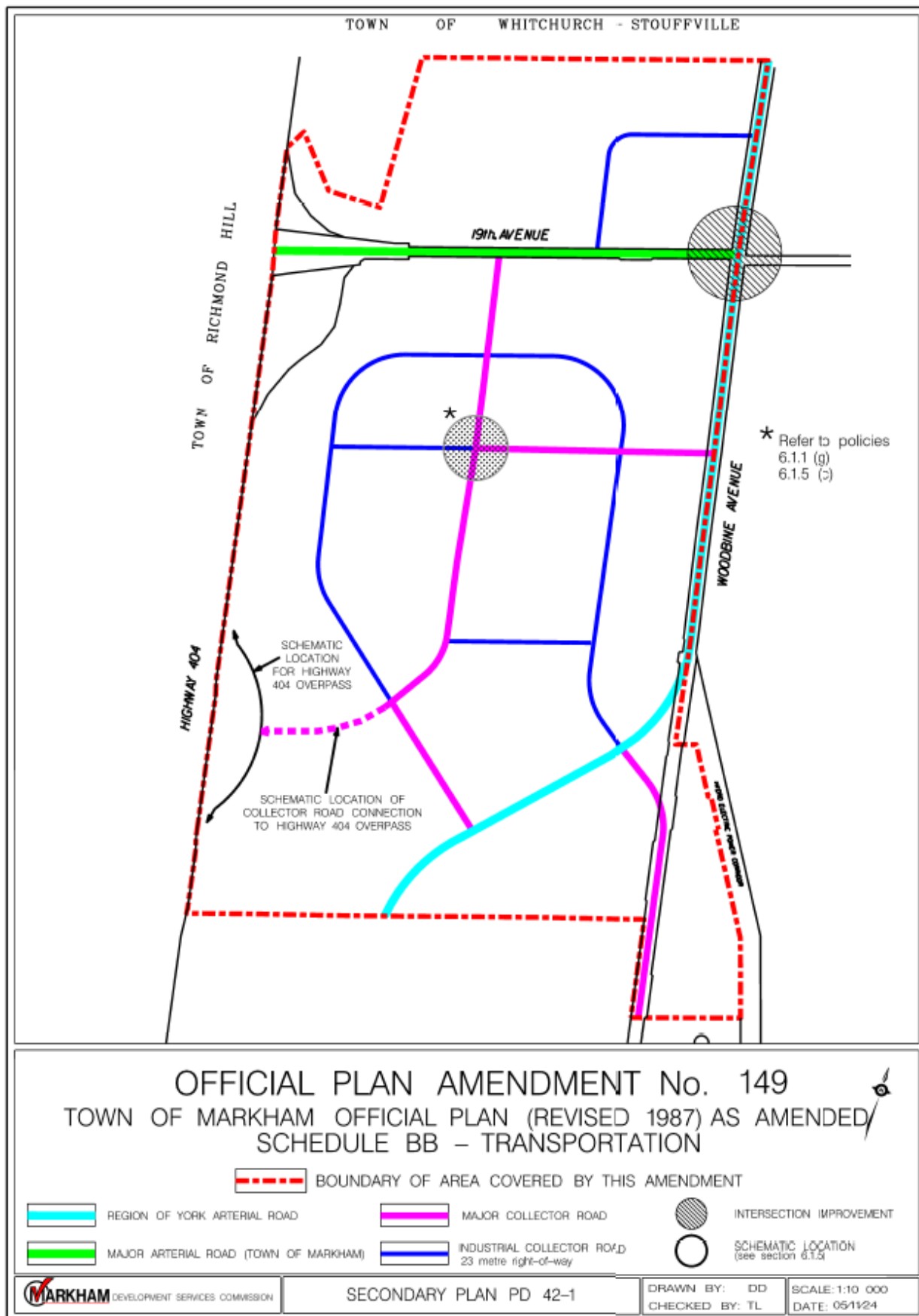


# HIGHWAY 404 NORTH SECONDARY PLAN

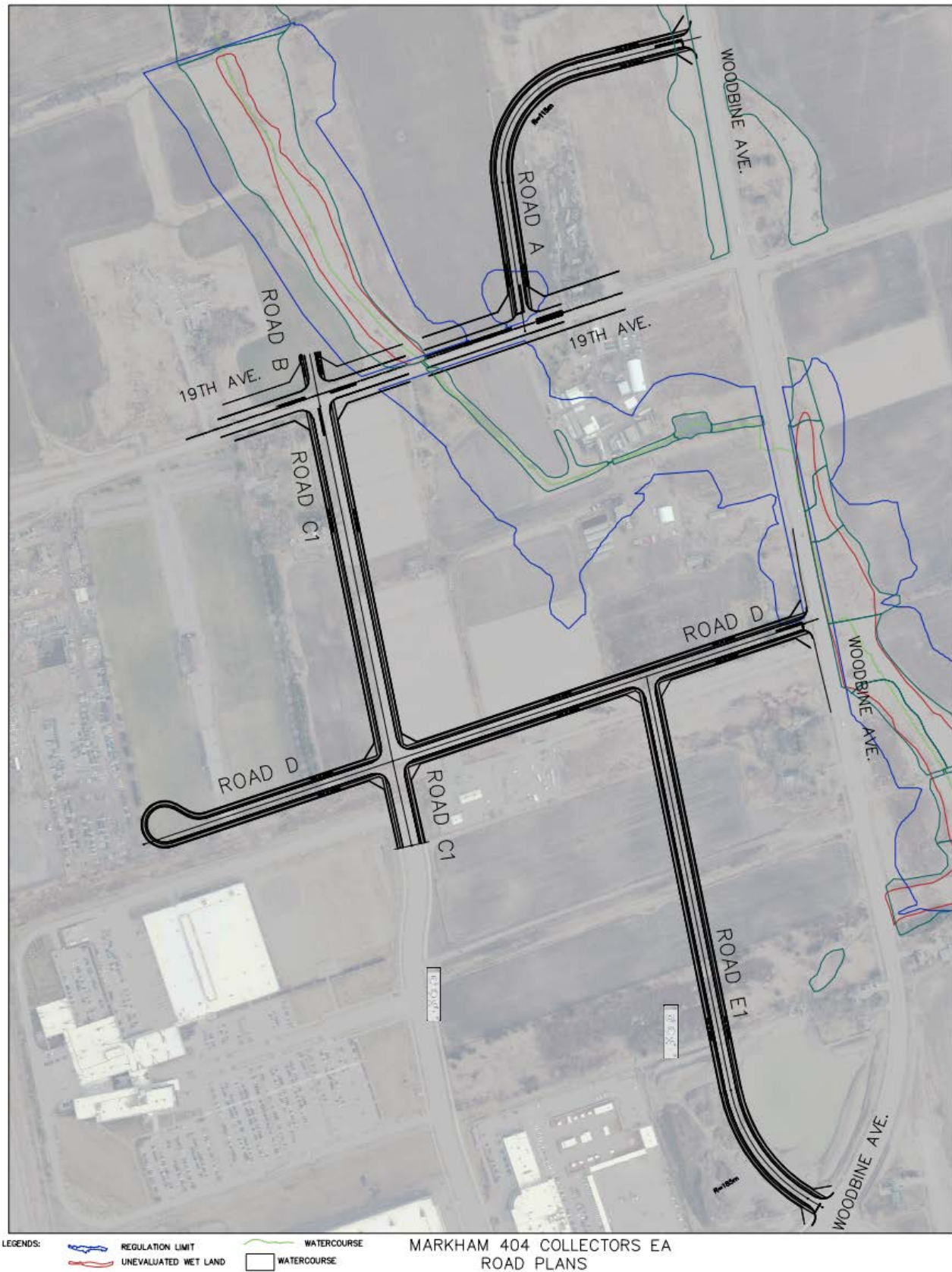


 OPA149 Lands





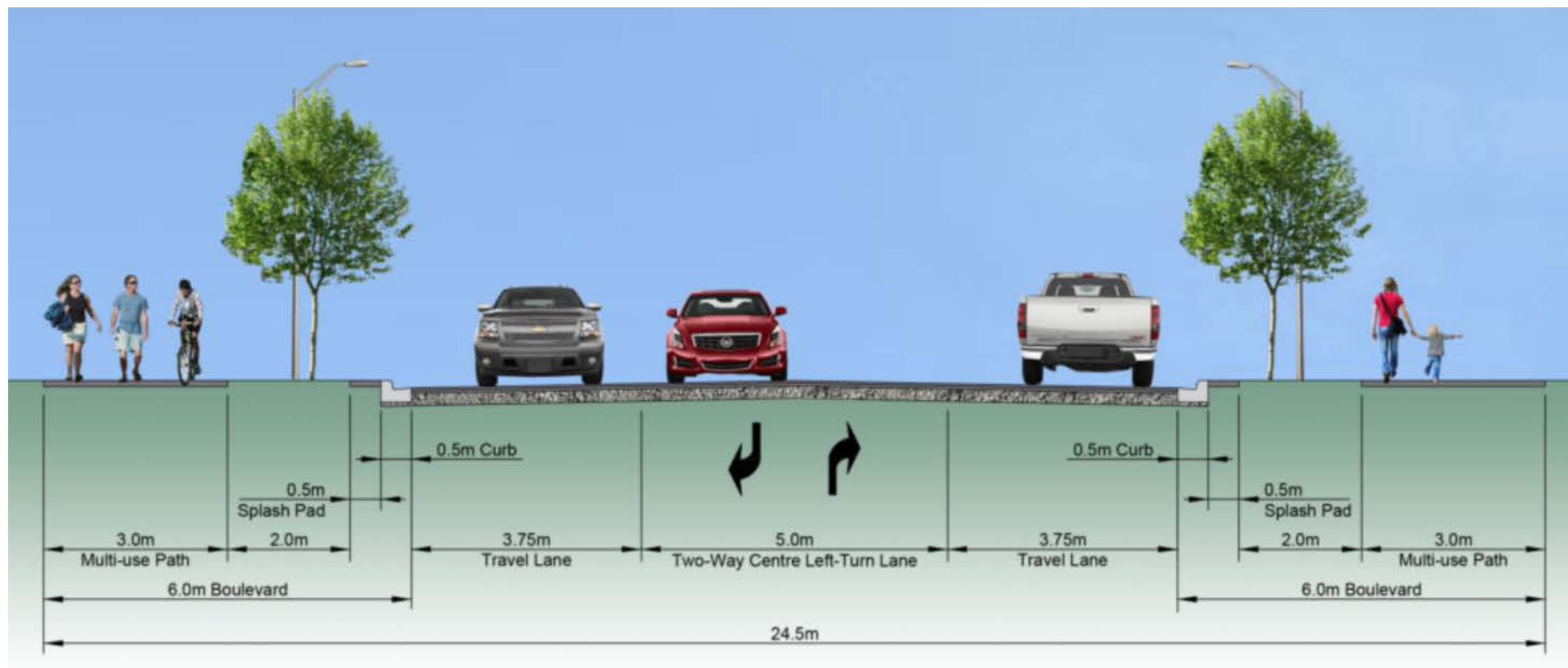
**ATTACHMENT B**  
**APPROVED OPA 149 SECONDARY PLAN- TRANSPORTATION**



## ATTACHMENT C

### HIGHWAY 404 COLLECTOR ROADS PREFERRED ALIGNMENT

# Highway 404 North Collector Roads Municipal Class Environmental Assessment

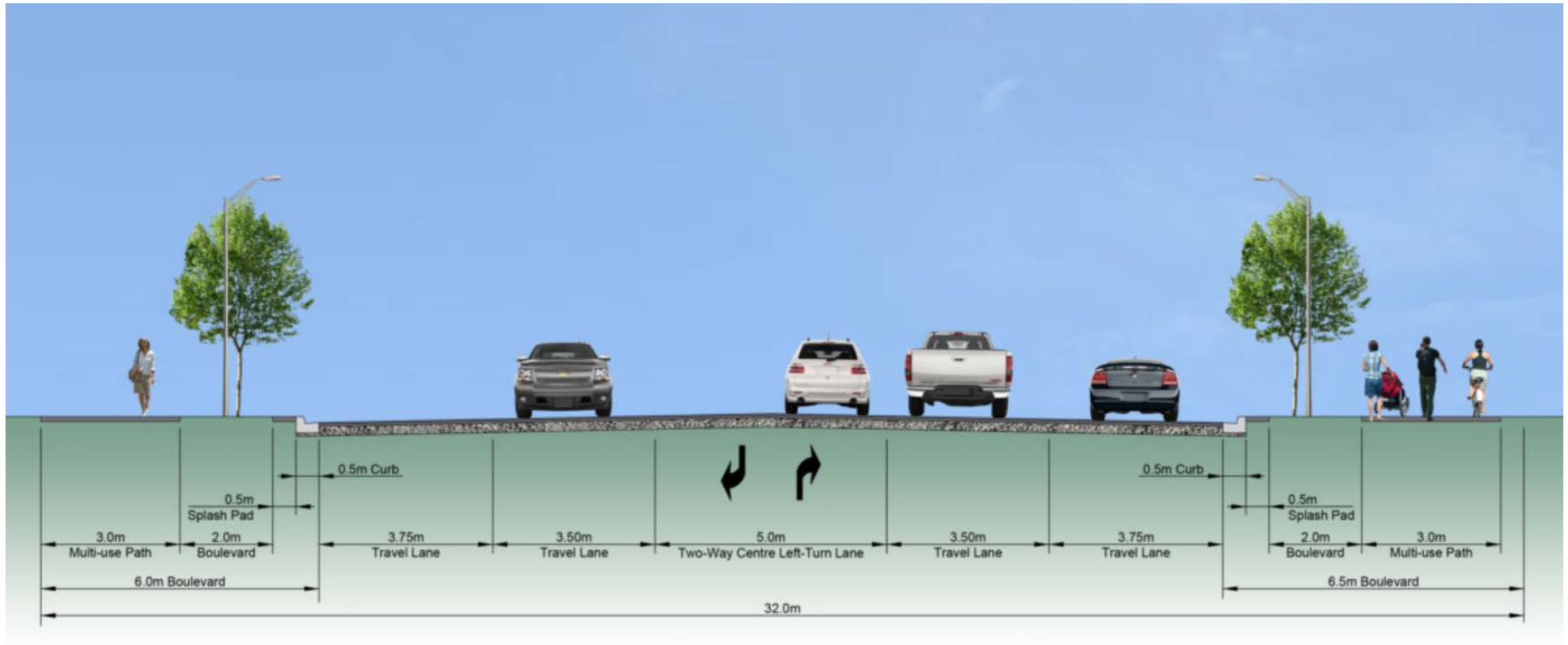


Roads A, D and E1 Typical Cross Section

ATTACHMENT D

HIGHWAY 404 COLLECTOR ROADS CROSS SECTION (24.5m ROW)

## Highway 404 North Collector Roads Municipal Class Environmental Assessment



**Road C1 Typical Cross-Section**

**ATTACHMENT E**

**HIGHWAY 404 COLLECTOR ROADS CROSS SECTION (32.0m ROW)**

---

**From:** Van Dusen, Regina on behalf of Regional Clerk  
**Sent:** Monday, May 4, 2020 2:22 PM  
**Subject:** ACTION REQUIRED - Regional Council Decision - Transfer of Part III Prosecutions to the Regional Municipality of York  
**Attachments:** Transfer of PartIII Prosecutions to the Regional Municipality of York.pdf

**CAUTION: This email originated from a source outside the City of Markham. DO NOT CLICK on any links or attachments, or reply unless you recognize the sender and know the content is safe.**

On April 30, 2020 Regional Council made the following decision:

1. That Council authorize the execution of amending agreements between the Province, The Regional Municipality of York (York Region) and the nine local municipalities which amend the Memorandum of Understanding and the Local Side Agreement involving the prosecution of offences commenced under Part III of the *Provincial Offences Act* (POA).
2. That Council seek resolutions from the nine local municipalities in the suggested form to delegate authority to York Region to enter into amending agreements with the Province to amend the Memorandum of Understanding and the Local Side Agreement on behalf of the local municipalities (Attachment 1).

The original staff report is attached for your information and I draw attention to the proposed resolution included as Attachment 1.

Please contact Hans Saamen, Director of Prosecutions, at 1-877-331-3309 ext.73212 if you have any questions with respect to this matter.

Regards,

**Christopher Raynor** | Regional Clerk, Office of the Regional Clerk, Corporate Services

---

The Regional Municipality of York | 17250 Yonge Street | Newmarket, ON L3Y 6Z1  
1-877-464-9675 ext. 71300 | [christopher.raynor@york.ca](mailto:christopher.raynor@york.ca) | [york.ca](http://york.ca)

Our Mission: **Working together to serve our thriving communities – today and tomorrow**



# The Regional Municipality of York

Committee of the Whole  
Finance and Administration  
April 16, 2020

Report of the Regional Solicitor

## Transfer of Part III Prosecutions to the Regional Municipality of York

### 1. Recommendations

1. That Council authorize the execution of amending agreements between the Province, The Regional Municipality of York (York Region) and the nine local municipalities which amend the Memorandum of Understanding and the Local Side Agreement involving the prosecution of offences commenced under Part III of the *Provincial Offences Act* (POA).
2. That Council seek resolutions from the nine local municipalities in the suggested form to delegate authority to York Region to enter into amending agreements with the Province to amend the Memorandum of Understanding and the Local Side Agreement on behalf of the local municipalities (Attachment 1).

### 2. Summary

This report seeks Council authorization to execute agreements that amend the Memorandum of Understanding and the Local Side Agreement to transfer the prosecution of Part III proceedings from the Province to York Region. Local municipalities are also parties to these agreements requiring amendment. To facilitate the transition, a draft resolution delegating local Councils' authority to York Region to execute these agreements on their behalf is proposed for circulation to the local municipalities.

#### Key Points:

- On June 30, 1999, the Province entered into agreements with York Region and the nine local municipalities to transfer the operation of the Provincial Offences Court and the prosecution of proceedings commenced under Parts I and II of the POA to York Region. The Province retained the prosecution of proceedings commenced under Part III of the POA, except for those proceedings already prosecuted by municipalities
- In December, 2017, the Province amended the POA to allow for an agreement to be entered into for the transfer of proceedings commenced under Part III of the POA
- For transfer of Part III prosecutions to occur, the amending agreements must be signed by the Province, York Region and the nine local municipalities



### 3. Background

#### **Province transferred Provincial Offences Court program to Municipalities in 1999**

Between April 29 and June 30, 1999, the Province, York Region and the nine local municipalities signed the Memorandum of Understanding and the Local Side Agreement which transferred to operation of the Provincial Offences Court and the prosecution of charges laid using the process under Parts I and II of the POA to York Region. Part I involves an officer issuing a ticket to a defendant with three options available – pay the set fine (plus costs and victim fine surcharge), complete a walk-in guilty plea, or request a trial. Part II involves parking tickets. The Province retained the prosecution of charges laid using the process under Part III of the POA, except for those offences previously prosecuted by municipalities. Part III proceedings are commenced by swearing an Information and serving a summons requiring a defendant to appear in court and involve more serious charges.

#### ***Provincial Offences Act* amended to allow for transfer of Part III prosecutions**

On Dec 14, 2017, Bill 177 (*Stronger, Fairer Ontario Act (Budget Measures) 2017*) received Royal Assent. Sections 162 and 173 of the POA were amended to allow the Province to enter into agreements with municipalities to prosecute Part III charges. These are primarily charges for offences under the *Highway Traffic Act*, *Compulsory Automobile Insurance Act*, and the *Dog Owners' Liability Act*.

York Region currently prosecutes Part III charges under municipal by-laws, and some Provincial statutes and regulations including the *Building Code Act*, *Fire Protection and Prevention Act*, *Health Protection and Promotion Act*, and *Smoke Free Ontario Act*. Other Part III charges laid under various other Provincial statutes and regulations are prosecuted by the ministry responsible for the Act and are not included in the transfer (e.g. Ministry of Labour, Ministry of Transportation, and Ministry of the Environment).

#### **Authorization to execute amending agreements required**

The transfer will require the Province and local municipalities to sign amending agreements to the Memorandum of Understanding as well as the Local Side Agreement. Authorization to sign these agreements will be required from York Region Council as well as the nine local municipalities since all are named as parties to the original agreements.

### 4. Analysis

#### **Provisions contained in the draft agreement would facilitate the transfer**

The draft amending agreement to the Memorandum of Understanding contains provisions that would transfer the prosecution of proceedings commenced under Part III of the POA to York Region, with the exception of certain Part III proceedings. The provisions contained in the draft agreement would facilitate the transfer.

The draft amending agreement to the Local Side Agreement contain provisions that would transfer files from the Province to York Region, with an effective date for the transfer to be agreed upon. It also requires York Region to make available workspace and access to technology for the Province for those matters retained by the Province.

### **Efficiencies may be realized through the transfer**

The transfer of Part III prosecutions from the Province to York Region will create efficiencies in the operation of the Provincial Offences Court including:

- The opportunity to end segregated dockets and improve trial scheduling by combining Part I and III charges together in one courtroom (currently Part I and Part III charges are segregated into separate courtrooms)
- The opportunity to end conflicting court appearances for officers having to attend in separate courtrooms as Part I and III charges laid by an officer can now be combined into the same courtroom
- Enhanced service delivery to the public by having one prosecution office for defendants, agents, lawyers and witnesses to deal with (currently there are two offices - Provincial prosecutors and Regional prosecutors)
- A more streamlined process and simplified communications regarding which office is dealing with the matter as there will only be one office for the majority of charges
- The majority of appeals will be handled by Regional prosecutors which will improve customer service, allow for more efficient use of court time and create consistency in the appeal court
- Police will have one prosecution office with one disclosure process
- Greater control in response to local specific issues/concerns/practices and procedures
- Professional development opportunities for staff

### **Initiative supports the 2019 to 2023 Strategic Plan and aligns with Vision 2051**

The transfer of Part III prosecutions to York Region will enhance the delivery of court services to the community through a more efficient and streamlined process, aligning with the 2019 to 2023 Strategic Plan priority area of supporting community health, safety and well-being and delivering trusted and efficient services. The transfer reflects an open and responsive government, a focus area of Vision 2051.

## 5. Financial

Four additional staff to address the workload associated with the transfer of Part III charges have been hired. There is no additional budget impact to York Region.

## 6. Local Impact

There is no budget impact to the local municipalities as the POA program is operated solely at the expense of York Region. Local prosecutions will continue to be conducted by York Region. Local city managers and CAO's are aware of the pending transition and the attached draft resolution is intended to provide a template for local Council's delegation.

## 7. Conclusion

The Province is seeking to transfer the prosecution of proceedings commenced under Part III of the POA, except for certain offences. The transfer will improve the functioning of the POA court and make it more user friendly for the public to deal with one prosecution office. Amending agreements to the Memorandum of Understanding and Local Side Agreement must be executed by York Region and the nine local municipalities for the transfer to occur. Authorization is required from Council to execute the amending agreements. It is also necessary to seek resolutions from the nine local municipalities to delegate authority to York Region to execute the amending agreements.

---

For more information on this report, please contact Hans Saamen, Director of Prosecutions, at 1-877-331-3309 ext.73212. Accessible formats or communication supports are available upon request.

Recommended by: **Joy Hulton**  
Regional Solicitor

Approved for Submission: **Bruce Macgregor**  
**Chief Administrative Officer**

April 3, 2020  
Attachment (1)  
10587203

## **ATTACHMENT 1**

### **Resolution of Council**

Whereas the Province entered into a Memorandum of Understanding and a Local Side Agreement with The Regional Municipality of York and the nine local municipalities with an effective date of June 30, 1999, for the operation of the Provincial Offences Court, the prosecution of charges laid using the process under Parts I and II of the *Provincial Offences Act*, and the transfer of records, files, assets, revenue and financial arrangements,

And whereas the Province intends to transfer the prosecution of charges laid using the Part III process under the *Provincial Offences Act*, along with all records, files and assets, through amending agreements to the Memorandum of Understanding and the Local Side Agreement,

Council of the (insert name of local municipality) hereby delegates authority to The Regional Municipality of York to execute amending agreements with the Province to amend the Memorandum of Understanding and the Local Side Agreement on behalf of (insert name of local municipality).



Report to: General Committee

Meeting Date: May 19, 2020

---

**SUBJECT:** 2020 Unionville Business Improvement Area and Markham Village Business Improvement Area Operating Budgets  
**PREPARED BY:** Sandra Skelcher, Sr. Manager, Financial Planning and Reporting  
Kishor Soneji, Senior Accountant

---

**RECOMMENDATION:**

1. That the report titled “2020 Unionville Business Improvement Area and Markham Village Business Improvement Area Operating Budgets” dated May 19, 2020 be received; and,
2. That the 2020 Operating Budget in the amount of \$214,221 for the Unionville Business Improvement Area (UBIA) be approved; and,
3. That the 2020 Operating Budget in the amount of \$309,951 for the Markham Village Business Improvement Area (MBIA) be approved; and,
4. That the Special Tax Rate levy, in the amount of \$214,221 for the UBIA members and \$239,640 for the MBIA members be included in the 2020 Tax Levy By-law; and further,
5. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**PURPOSE:**

To obtain Council approval of the UBIA and MBIA 2020 Operating Budgets.

**BACKGROUND:**

The Business Improvement Areas (BIAs) are geographical areas encompassing the Main Street of Unionville and the Main Street of Markham. Each association co-ordinates promotion of the businesses within their areas.

The Management Board of the UBIA approved their 2020 operating expenditure budget in the amount of \$214,221 (Exhibit I) on April 22, 2020.

The Management Board of the MBIA approved their 2020 operating expenditure budget in the amount \$309,951 (Exhibit II) on February 20, 2020.

The majority of funding for the operating budgets of the BIAs will be raised by means of a Special Tax Rate applied to commercial properties within each respective Business Improvement Area boundary.

Each property within the BIA boundary pays a portion of the total levy, based on their proportionate assessment share to the total BIA assessment base.

The following example outlines how the Special Tax Rate and the BIA levy for an individual property is calculated. It also illustrates the effects of assessment appeals on the BIA funding.

If an operating budget of \$200,000 is approved and the BIA has a total property assessment base of \$50,000,000 then the Special Tax Rate is calculated to be 0.4% ( $\$200,000 \div \$50,000,000$ ).

A property with an assessment value of \$1,000,000 will have a BIA levy of \$4,000 ( $\$1,000,000 \times 0.4\%$ ).

If the aforementioned property successfully appeals their property assessment and it is reduced to \$750,000, then their BIA levy would be reduced accordingly, to \$3,000 ( $\$750,000 \times 0.4\%$ ). Therefore, the actual funding recovered by the BIA through the levy would be \$1,000 less than budgeted (\$4,000-\$3,000).

|  |              |                 |
|--|--------------|-----------------|
| Operating Budget Approved              | \$200,000    | (A)             |
| BIA Total Property Assessment Base     | \$50,000,000 | (B)             |
| Special Tax Rate                       | 0.4%         | (C) = (A) ÷ (B) |
| Assessment Value of a Property         | \$1,000,000  | (D)             |
| BIA Tax Levy of the Property           | \$4,000      | (E) = (D) x (C) |
| Assessment Value Revised Due to Appeal | \$750,000    | (F)             |
| Revised BIA Tax Levy of the Property   | \$3,000      | (G) = (F) x (C) |
| Levy Decrease Due to Appeal            | (\$1,000)    | (G) - (E)       |

The authority to establish this tax rate and to levy taxes for the two BIAs will be included in the 2020 levying by-law.

## **DISCUSSION:**

### **Unionville BIA Operating Budget**

The UBIA approved an operating expenditure budget of \$214,221. Details of the 2020 budget in comparison with the 2019 budget and audited actuals are outlined in Exhibit I. The UBIA ended 2019 with an accumulated surplus of \$6,144. The UBIA made 2020 budget revisions & re-allocations based on 2019 results and 2020 plan.

When compared to the 2019 budget, there is an overall decrease in revenue of \$13,000 due to a combination of the following items:

|                              | <b>2020</b>          | <b>2019</b>          | <b>Incr. /</b>        |
|------------------------------|----------------------|----------------------|-----------------------|
|                              | <b><u>Budget</u></b> | <b><u>Budget</u></b> | <b><u>(Decr.)</u></b> |
| Advertising Sales            | -                    | 3,000                | (3,000)               |
| Fundraising & Other Revenues | -                    | 10,000               | (10,000)              |

The 2020 expenditure budget increased by \$3,222 mainly due to the following items:

|                                 | <b>2020</b>          | <b>2019</b>          | <b>Incr. /</b>        |
|---------------------------------|----------------------|----------------------|-----------------------|
|                                 | <b><u>Budget</u></b> | <b><u>Budget</u></b> | <b><u>(Decr.)</u></b> |
| Street Beautification           | 28,000               | 12,000               | 16,000                |
| Advertising                     | 52,371               | 51,000               | 1,371                 |
| Event & Entertainment Promotion | 48,000               | 58,150               | (10,150)              |
| Office Expenses                 | 20,900               | 12,814               | 8,086                 |
| Contracted Services             | 62,950               | 71,000               | (8,050)               |
| Property Tax Adjustments        | -                    | 4,000                | (4,000)               |

The Management Board of the UBIA approved the budget on April 22, 2020 (Exhibit III).

### **Markham Village BIA Operating Budget**

The MBIA approved an operating expenditure budget of \$309,951. Details of the 2020 budget in comparison with the 2019 budget and audited actuals are outlined in Exhibit II. The MBIA ended 2019 with an accumulated surplus of \$176,033. The MBIA made 2020 budget revisions & re-allocations based on 2019 results and 2020 plans.

When compared to the 2019 budget, there is a decrease in revenue of \$33,686 due to the following items:

|                            | <b>2020</b>          | <b>2019</b>          | <b>Incr. /</b>        |
|----------------------------|----------------------|----------------------|-----------------------|
|                            | <b><u>Budget</u></b> | <b><u>Budget</u></b> | <b><u>(Decr.)</u></b> |
| Event Promotion            | 14,500               | 17,483               | (2,983)               |
| Grants and Interest Income | 21,000               | 52,021               | (31,021)              |

---

The 2020 expenditure budget decreased by \$21,466 mainly due to the following items:

|                       | <b>2020</b>          | <b>2019</b>          | <b>Incr. /</b>        |
|-----------------------|----------------------|----------------------|-----------------------|
|                       | <b><u>Budget</u></b> | <b><u>Budget</u></b> | <b><u>(Decr.)</u></b> |
| Salaries & Benefits   | 97,882               | 88,602               | 9,280                 |
| Office Expenses       | 32,100               | 34,389               | (2,289)               |
| Street Beautification | 23,000               | 17,000               | 6,000                 |
| Contracted Services   | 15,264               | 15,984               | (720)                 |
| Advertising           | 24,082               | 41,517               | (17,435)              |
| Event Promotion       | 86,523               | 102,925              | (16,402)              |

The Management Board of the MBIA approved the budget on February 20, 2020 (Exhibit IV).

#### **FINANCIAL CONSIDERATIONS:**

The annual tax rates and levy by-law is also included on the May 19, 2020 General Committee agenda and includes the BIA special tax rate for Council approval.

#### **RECOMMENDED BY:**

Joel Lustig  
Treasurer

Trinela Cane  
Commissioner, Corporate Services

#### **ATTACHMENTS:**

Exhibit I - Unionville Business Improvement Area 2020 Budget

Exhibit II - Markham Village Business Improvement Area 2020 Budget

Exhibit III - Unionville Business Improvement Area 2020 Budget Board Meeting minutes

Exhibit IV - Markham Village Business Improvement Area 2020 Budget Board Meeting minutes



## EXHIBIT I

**UNIONVILLE BUSINESS IMPROVEMENT AREA  
2020 BUDGET**

|   | <b>2020<br/>Budget</b> | <b>2019<br/>Budget</b> | <b>2019<br/>Actual</b> | <b>2020 Budget vs.<br/>2019 Budget<br/>Incr./ (Decr.)</b> |
|---|------------------------|------------------------|------------------------|---|
| <b>Revenues</b>                                     |                        |                        |                        |   |
| Member Tax Levy                                     | 214,221                | 214,221                | 214,221                | -   |
| Advertising Sales                                   | -                      | 3,000                  | 6,375                  | (3,000)   |
| Fundraising & Other Revenues:                       |                        |                        |                        |   |
| Celebrate Markham Grant (Olde Tyme X'mas)           | -                      | -                      | 8,000                  | -   |
| Central Counties Tourism Grant                      | -                      | -                      | 35,225                 | -   |
| Digital Main Street Grant                           | -                      | -                      | 10,000                 | -   |
| Summer Career Placement Grant                       | -                      | 10,000                 | -                      | (10,000)  |
| Sponsorships  | -                      | -                      | 6,931                  | -   |
| Promotion   | -                      | -                      | 9,427                  | -   |
| Sundry Revenue                                      | -                      | -                      | 12,847                 | -   |
| Interest  | -                      | -                      | 1,204                  | -   |
| <b>Total Revenues</b>                               | <b>214,221</b>         | <b>227,221</b>         | <b>304,230</b>         | <b>(13,000)</b>   |
| <b>Expenditures</b>                                 |                        |                        |                        |   |
| Office Expenses                                     | 20,900                 | 12,814                 | 22,118                 | 8,086   |
| Audit Fees  | 2,000                  | 2,035                  | 2,035                  | (35)  |
| Street Beautification                               | 28,000                 | 12,000                 | 18,498                 | 16,000  |
| Advertising   | 52,371                 | 51,000                 | 41,341                 | 1,371   |
| Event & Entertainment Promotion                     | 48,000                 | 58,150                 | 141,686                | (10,150)  |
| Contracted Services                                 | 62,950                 | 71,000                 | 55,659                 | (8,050)   |
| Property Tax Adjustments                            | -                      | 4,000                  | 527                    | (4,000)   |
| <b>Total Expenditures</b>                           | <b>214,221</b>         | <b>210,999</b>         | <b>281,864</b>         | <b>3,222</b>  |
| <b>Net Revenues / (Expenses)</b>                    | <b>-</b>               | <b>16,222</b>          | <b>22,366</b>          | <b>(16,222)</b>   |
| Accumulated Surplus / (Deficit), beginning of year  | 6,144                  | (16,222)               | (16,222)               | 22,366  |
| <b>Accumulated Surplus / (Deficit), end of year</b> | <b>6,144</b>           | <b>-</b>               | <b>6,144</b>           | <b>6,144</b>  |

## EXHIBIT II

**MARKHAM VILLAGE BUSINESS IMPROVEMENT AREA  
2020 BUDGET**

|   | <b>2020<br/>Budget</b> | <b>2019<br/>Budget</b> | <b>2019<br/>Actual</b> | <b>2020 Budget vs.<br/>2019 Budget<br/>Incr./ (Decr.)</b> |
|---|------------------------|------------------------|------------------------|---|
| <b>Revenues</b>                                     |                        |                        |                        |   |
| Member Tax Levy                                     | 239,640                | 239,322                | 239,322                | 318   |
| Supplementary tax                                   | -                      | -                      | 318                    |   |
| Event Promotion                                     | 14,500                 | 17,483                 | 15,047                 | (2,983)   |
| Grants and Interest Income                          | 21,000                 | 52,021                 | 29,721                 | (31,021)  |
| Washroom Maintenance Recovery                       | 22,591                 | 22,591                 | 22,591                 | -   |
| <b>Total Revenues</b>                               | <b>297,731</b>         | <b>331,417</b>         | <b>306,999</b>         | <b>(33,686)</b>   |
| <b>Expenditures</b>                                 |                        |                        |                        |   |
| Salaries & Benefits                                 | 97,882                 | 88,602                 | 91,794                 | 9,280   |
| Office Expenses                                     | 32,100                 | 34,389                 | 29,877                 | (2,289)   |
| Audit Fees  | 2,100                  | 2,000                  | 2,035                  | 100   |
| Street Beautification                               | 23,000                 | 17,000                 | 26,040                 | 6,000   |
| Advertising   | 24,082                 | 41,517                 | 31,167                 | (17,435)  |
| Event Promotion                                     | 86,523                 | 102,925                | 78,318                 | (16,402)  |
| Contracted Services                                 | 15,264                 | 15,984                 | 16,307                 | (720)   |
| Washroom Maintenance                                | 19,000                 | 19,000                 | 19,241                 | -   |
| Property Tax Adjustments                            | 10,000                 | 10,000                 | -                      | -   |
| <b>Total Expenditures</b>                           | <b>309,951</b>         | <b>331,417</b>         | <b>294,779</b>         | <b>(21,466)</b>   |
| <b>Net Revenues / (Expenses)</b>                    | <b>(12,220)</b>        | <b>-</b>               | <b>12,220</b>          | <b>(12,220)</b>   |
| Accumulated Surplus / (Deficit), beginning of year  | 176,033                | 163,813                | 163,813                | 12,220  |
| <b>Accumulated Surplus / (Deficit), end of year</b> | <b>163,813</b>         | <b>163,813</b>         | <b>176,033</b>         | <b>-</b>  |



SETTLED IN 1794

**Teleconference / Videoconference Meeting****Unionville BIA****Date: Wednesday, April 22<sup>nd</sup>, 2020**

| BIA BOARD MEMBERS | In Attendance | Regrets |
|-------------------|---------------|---------|
| Niina Felushko    | Yes           |         |
| Natasha Usher     | No            | Yes     |
| Shibani Sahney    | Yes           |         |
| Rob Kadlovski     | Yes           |         |
| Roger Kanda       | No            | Yes     |
| Tony Lamanna      | Yes           |         |
| Sylvia Morris     | No            |         |
| Sarah Isles       | Yes           |         |

**Executive Director:** Sara Sterling**City:** Deputy Mayor Don Hamilton**Ward 3 Councillor** Reid McAlpine**Call to order** by Chair Niina Felushko - At 10:01 am

Motion to start the meeting by Rob Kadlovski

Seconded by Shibani Sahney

**Approval of Agenda**

Motion by Deputy Mayor Don Hamilton

Seconded by Tony Lamanna

All were in favour

**2020 Budget:**

Chair Niina Felushko presented the revised 2020 Budget to the Board. The Budget had already been approved at the AGM in February, however the City gave us permission to revise it if we needed to due to COVID-19. Small changes in spending and less sponsorship were the main changes to the budget. The importance of having funds for recovery plans was highlighted.

**Approval of Revised 2020 Budget**

Motion by Rob Kadlovski

Seconded by Deputy Mayor Don Hamilton

All were in favour

**Other items:**

There was a conversation about a flowers on the street, parking on the street and social distancing continuing into the Fall at least, likely. Councillor McAlpine is still waiting to hear back from City employees with a report on the No Parking motion as well as the street going North/South.

Destination Markham was discussed – their new Board is now active and they have \$1 million to spend. DM has committed to reach out to each BIA but they have not yet contacted Sara. Sara will connect with them as soon as possible.

The Deputy Mayor also suggested Sara connect with Don De Los Santos re: Celebrate Markham.

Rob Kadlovski asked Sara to send to the Board a list of the events that were previously scheduled, and an updated list now, with costs. Sara will get this to the Board before the end of the week.

**Meeting adjourned :** at 10:38 am

Motion by Niina Felusko

Seconded by Shibani Sahney

All were in favour

**Next meeting:** Wednesday, May 13<sup>th</sup>, 2020 at 10AM

**MARKHAM VILLAGE B.I.A.  
REGULAR BOARD MEETING MINUTES  
FEBRUARY 20, 2020 7:30 AM  
Approved April 14 2020**

Present:

Paul Cicchini (Chair)  
Brian Rowsell (Secretary)  
Karen Rea  
Tony Paul (PHONE)  
Daniel Imbrogno

Staff: Victoria Campbell  
Guests: Phil Howes, David Bainbridge  
Regrets: Andrew Keyes

---

**1. CALL TO ORDER**

The meeting was called to order at 7:41 a.m. by Chairman Paul Cicchini. .

**2. DECLARATION OF TAX AND ENVIRONMENTAL OBLIGATIONS**

The board was advised by the Chair that to the best his knowledge and abilities the BIA is meeting all taxation and environmental obligations.

**3. DISCLOSURE OF PECUNIARY INTEREST**

The Chair requested that Board Members advise of any conflicts of interest as they arise throughout the meeting.

**4. ADOPTION OF THE MINUTES**

No minutes from our last meeting as there was no Quorum

**5. DELEGATIONS - None**

**6. BUSINESS ARISING OUT OF THE MINUTES –**

**7. FINANCIAL**

**2020 Budget**

A proposed budget for 2020 was presented as prepared by Victoria and Phil

Phil reported that the anticipated chargeback of \$10,000 from the municipal levy was not required, resulting in a surplus for 2019 which is carried forward to 2020. Due to the uncertainties from potential chargebacks still coming back it was

**MARKHAM VILLAGE B.I.A.  
REGULAR BOARD MEETING MINUTES  
FEBRUARY 20, 2020 7:30 AM**

**Approved April 14 2020**

decided to put it back into this year's budget, resulting in cutbacks to the advertising and event projected expenses. The 2020 budget projects an operating deficit equal to the surplus from 2019. Motion by Daniel Imbrogno, seconded by Brian Rowsell to approve this budget with changes noted above for presentation at the Annual General Meeting to be held March 2

8. Victoria reported that there is a Neighborhood Networks program that will monitor 28 networks to monitor reviews at a very nominal cost of \$100.

9. Doors Open is scheduled for September

**10. ADJOURNMENT** – The meeting was adjourned at 8:53 am.

**NEXT MEETING – March 26th - BIA Office, 7:30 am.**



Report to: General Committee

Meeting Date: May 19, 2020

**SUBJECT:** 2020 Tax Rates and Levy By-law**PREPARED BY:** Shane Manson, Senior Manager, Revenue & Property Tax**RECOMMENDATION:**

1. That the report dated May 19<sup>th</sup>, 2020 entitled “2020 Tax Rates and Levy By-law” be received; and,
2. That a by-law to provide for the levy and collection of property taxes totalling \$757,117,957 required by the City of Markham, the Regional Municipality of York, Province of Ontario (Education) and Business Improvement Areas, in a form substantially similar to Appendix A (attached), satisfactory to the City Solicitor and provides for the mailing of notices and requesting payment of taxes for the year 2020, as set out as follows, be approved; and,

| <b>TAX LEVYING BODY</b>         | <b>2020 TAX LEVY AMOUNT</b> |
|---------------------------------|-----------------------------|
| City of Markham                 | \$163,032,116               |
| Region of York                  | \$341,430,831               |
| Province of Ontario (Education) | \$252,201,149               |
| Markham Village BIA             | \$239,640                   |
| Unionville BIA                  | \$214,221                   |
| <b>Total</b>                    | <b>\$757,117,957</b>        |

3. That staff be authorized to levy against Markham Stouffville Hospital and Seneca College the annual levy pursuant to Section 323 of the *Municipal Act, 2001*, as outlined in Section 9 of the attached by-law once the required information is received from the Ministry of Training, Colleges and Universities; and,
4. That the attached by-law be passed to authorize the 2020 Tax Rates and Levy By-law; and further,
5. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**PURPOSE:**

The purpose of this report is to obtain authorization for the adoption of the tax rates for the 2020 tax year for the levy requirements of the City of Markham, the Regional Municipality of York and the Province of Ontario (Education).

**BACKGROUND:**

The Municipal Act, 2001 provides that the Council of a local municipality shall, after the adoption of estimates for the year, pass a by-law to levy a separate tax rate upon all property assessed in the local municipality rateable for local municipal purposes, upper tier purposes and education purposes, as may be appropriate.

**OPTIONS/ DISCUSSION:**

Council has approved its 2020 Budget estimates for City services, requiring property taxes to be levied as follows:

|                                |               |
|--------------------------------|---------------|
| 2020 City of Markham Tax Levy: | \$163,032,116 |
| 2020 Markham Village BIA:      | \$239,640     |
| 2020 Unionville BIA:           | \$214,221     |

The Regional Municipality of York has approved its 2020 Budget estimates requiring property taxes, Railway Rights of Way and Utilities to be levied as follows:

|   |                 |
|---|-----------------|
| 2020 Regional Municipality of York total requisition: | \$1,184,919,210 |
| 2020 City of Markham % share:                         | 28.81%          |
| 2020 City of Markham \$ share:                        | \$341,430,831   |

All the required regulations establishing the education tax rates for the 2020 property tax levy have been passed by the Province of Ontario and received by the Municipality. The total 2020 levy to be raised for education purposes is \$252,201,149.

Property Tax Installment Dates

The 2020 final tax instalment due dates for the residential class are July 6 and August 5. The non-residential properties are billed later in 2020 due to added provincial legislated requirements. The tax instalment due dates for Commercial, Industrial and Multi-Residential classes are October 5 and November 5.

Property Tax Rates by Classification and Levying Body

| Levying Body | Residential      | % of Rate      | Commercial       | % of Rate      | Industrial       | % of Rate      |
|--------------|------------------|----------------|------------------|----------------|------------------|----------------|
| City         | 0.153572%        | 24.45%         | 0.204573%        | 13.37%         | 0.252350%        | 14.33%         |
| Region       | 0.321619%        | 51.20%         | 0.428429%        | 28.01%         | 0.528484%        | 30.01%         |
| Education    | 0.153000%        | 24.36%         | 0.896686%        | 58.62%         | 0.980000%        | 55.66%         |
| <b>Total</b> | <b>0.628191%</b> | <b>100.00%</b> | <b>1.529688%</b> | <b>100.00%</b> | <b>1.760834%</b> | <b>100.00%</b> |



**FINANCIAL CONSIDERATIONS**

The proposed tax rates have been calculated to achieve the tax revenue requirements of the 2020 budgets, as approved by the Councils of the City of Markham and The Regional Municipality of York. The education tax rates are established via a Regulation issued by the Province of Ontario.

**HUMAN RESOURCES CONSIDERATIONS**

Not applicable

**ALIGNMENT WITH STRATEGIC PRIORITIES:**

Not applicable

**BUSINESS UNITS CONSULTED AND AFFECTED:**

Legal Services Department

**RECOMMENDED BY:**

[Insert text here]

[Insert text here]

**ATTACHMENTS:**

Appendix A - Draft Levy By-law

**APPENDIX A: 2020 TAX RATES AND LEVY BY-LAW****THE CORPORATION OF THE CITY OF MARKHAM  
DRAFT BY-LAW NO. 2020-XXX**

BEING A BY-LAW TO PROVIDE FOR THE LEVY AND COLLECTION OF SUMS REQUIRED BY THE CORPORATION OF THE CITY OF MARKHAM FOR THE YEAR 2020 AND TO PROVIDE FOR THE MAILING OF NOTICES REQUIRING PAYMENT OF TAXES FOR THE YEAR 2020.

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

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

**WHEREAS** estimates have been prepared showing the sum of \$163,032,116 raised for the lawful purpose of The Corporation of the City of Markham for the year 2020, \$341,430,831 for the Region of York and \$252,201,149 for the Boards of Education; and,

**WHEREAS** the Assessment Roll made in 2019 and upon which 2020 taxes are to be levied, was returned by the Municipal Property Assessment Corporation and is the last revised Assessment Roll; and

**WHEREAS** the total taxable assessment within the City of Markham is \$101,993,157,466; and,

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

- 1. THAT** the following property tax ratios are to be applied in determining tax rates for taxation in 2020:

| PROPERTY CLASS    | 2020 TAX RATIO |
|-------------------|----------------|
| Residential       | 1.000000       |
| Multi-Residential | 1.000000       |
| Commercial        | 1.332100       |
| Industrial        | 1.643200       |
| Pipeline          | 0.919000       |
| Farmland          | 0.250000       |
| Managed Forest    | 0.250000       |

2. **THAT** the sum of \$163,032,116 shall be levied and collected for the City of Markham purposes for the year 2020 such amount to be provided for as follows:

| CLASS                                      | ASSESSMENT               | TAX RATE  | TAXES                |
|--|--------------------------|-----------|----------------------|
| Residential (RT)                           | 87,963,731,628           | 0.153572% | 135,087,702          |
| Residential Shared as PIL (RH)             | 2,206,000                | 0.153572% | 3,388                |
| Residential Farm Awaiting Development (R1) | 18,322,000               | 0.038393% | 7,034                |
| Multi-Residential (MT)                     | 1,033,181,400            | 0.153572% | 1,586,678            |
| Commercial (CT/DT/ST/GT)                   | 9,079,790,400            | 0.204573% | 18,574,829           |
| Commercial (XT/YT/ZT)                      | 1,802,046,320            | 0.204573% | 3,686,506            |
| Commercial (CU/DU/SU)                      | 79,717,900               | 0.143201% | 114,157              |
| Commercial (XU/YU/ZU)                      | 41,827,900               | 0.143201% | 59,898               |
| Commercial (CJ)                            | 4,231,000                | 0.143201% | 6,059                |
| Commercial (CH)                            | 19,330,800               | 0.204573% | 39,546               |
| Commercial (CX)                            | 292,138,518              | 0.143201% | 418,346              |
| Commercial (C1)                            | 20,261,100               | 0.038393% | 7,779                |
| Industrial (IT/LT)                         | 1,056,393,000            | 0.252350% | 2,665,803            |
| Industrial (IH)                            | 55,851,700               | 0.252350% | 140,942              |
| Industrial (JH)                            | 4,902,000                | 0.252350% | 12,370               |
| Industrial (IU)                            | 9,149,800                | 0.164027% | 15,008               |
| Industrial (IK)                            | 3,600,300                | 0.164027% | 5,905                |
| Industrial (IX)                            | 195,239,300              | 0.164027% | 320,246              |
| Industrial - New Occupied (JT)             | 30,119,300               | 0.252350% | 76,006               |
| Industrial (II)                            | 58,144,900               | 0.038393% | 22,324               |
| Pipelines (PT)                             | 93,425,000               | 0.141133% | 131,853              |
| Farmland (FT)                              | 127,351,500              | 0.038393% | 48,894               |
| Managed Forest (TT)                        | 2,195,700                | 0.038393% | 843                  |
| <b>TOTAL</b>                               | <b>\$101,993,157,466</b> |           | <b>\$163,032,116</b> |

3. **THAT** the sum of \$327,536,871 shall be levied and collected for the City of Markham's share of the Regional Municipality of York Budget for the year 2020, such amount to be provided for as follows:

| CLASS                                      | ASSESSMENT     | TAX RATE  | TAXES       |
|--|----------------|-----------|-------------|
| Residential (RT)                           | 87,963,731,628 | 0.321619% | 282,908,074 |
| Residential Shared as PIL (RH)             | 2,206,000      | 0.321619% | 7,095       |
| Residential Farm Awaiting Development (R1) | 18,322,000     | 0.080405% | 14,732      |
| Multi-Residential (MT)                     | 1,033,181,400  | 0.321619% | 3,322,908   |
| Commercial (CT/DT/ST/GT)                   | 9,079,790,400  | 0.428429% | 38,900,455  |
| Commercial (XT/YT/ZT)                      | 1,802,046,320  | 0.428429% | 7,720,489   |
| Commercial (CU/DU/SU)                      | 79,717,900     | 0.299900% | 239,074     |

|                                |                          |           |                      |
|--------------------------------|--------------------------|-----------|----------------------|
| Commercial (XU/YU/ZU)          | 41,827,900               | 0.299900% | 125,442              |
| Commercial (CJ)                | 4,231,000                | 0.299900% | 12,689               |
| Commercial (CH)                | 19,330,800               | 0.428429% | 82,819               |
| Commercial (CX)                | 292,138,518              | 0.299900% | 876,124              |
| Commercial (C1)                | 20,261,100               | 0.080405% | 16,291               |
| Industrial (IT/LT)             | 1,056,393,000            | 0.528484% | 5,582,868            |
| Industrial (IH)                | 55,851,700               | 0.528484% | 295,167              |
| Industrial (JH)                | 4,902,000                | 0.528484% | 25,906               |
| Industrial (IU)                | 9,149,800                | 0.343515% | 31,431               |
| Industrial (IK)                | 3,600,300                | 0.343515% | 12,368               |
| Industrial (IX)                | 195,239,300              | 0.343515% | 670,676              |
| Industrial - New Occupied (JT) | 30,119,300               | 0.528484% | 159,176              |
| Industrial (II)                | 58,144,900               | 0.080405% | 46,751               |
| Pipelines (PT)                 | 93,425,000               | 0.295568% | 276,134              |
| Farmland (FT)                  | 127,351,500              | 0.080405% | 102,397              |
| Managed Forest (TT)            | 2,195,700                | 0.080405% | 1,765                |
| <b>TOTAL</b>                   | <b>\$101,993,157,466</b> |           | <b>\$341,430,831</b> |

4. **THAT** the sum of \$252,201,149 shall be levied and collected for the City of Markham's share of the Boards of Education Budget for the year 2020, such amount to be provided for as follows:

| CLASS                                      | ASSESSMENT               | TAX RATE  | TAXES                |
|--|--------------------------|-----------|----------------------|
| Residential (RT)                           | 87,963,731,628           | 0.153000% | 134,584,509          |
| Residential Farm Awaiting Development (R1) | 18,322,000               | 0.038250% | 7,008                |
| Multi-Residential (MT)                     | 1,033,181,400            | 0.153000% | 1,580,768            |
| Commercial (CT/DT/ST/GT)                   | 9,079,790,400            | 0.896686% | 81,417,209           |
| Commercial (XT/YT/ZT)                      | 1,802,046,320            | 0.896686% | 16,158,697           |
| Commercial (CU/DU/SU)                      | 79,717,900               | 0.896686% | 714,819              |
| Commercial (XU/YU/ZU)                      | 41,827,900               | 0.896686% | 375,065              |
| Commercial (CX)                            | 292,138,518              | 0.896686% | 2,619,565            |
| Commercial (C1)                            | 20,261,100               | 0.038250% | 7,750                |
| Industrial (IT/LT)                         | 1,056,393,000            | 0.980000% | 10,352,651           |
| Industrial (IU)                            | 9,149,800                | 0.980000% | 89,668               |
| Industrial (IX)                            | 195,239,300              | 0.980000% | 1,913,345            |
| Industrial - New Occupied (JT)             | 30,119,300               | 0.980000% | 295,169              |
| Industrial (II)                            | 58,144,900               | 0.038250% | 22,240               |
| Pipelines (PT)                             | 93,425,000               | 1.250000% | 1,167,813            |
| Farmland (FT)                              | 127,351,500              | 0.038250% | 48,712               |
| Managed Forest (TT)                        | 2,195,700                | 0.038250% | 840                  |
| <b>TOTAL</b>                               | <b>\$101,903,035,666</b> |           | <b>\$251,355,829</b> |

|   |                      |
|---|----------------------|
| Plus: Taxable – Full Share PIL (CH, CJ, RH, IH, JH, IK) |                      |
| Taxed at education rate but revenue retained by City    | \$845,320            |
| <b>TOTAL EDUCATION LEVY</b>                             | <b>\$252,201,149</b> |

5. **THAT** a Waste Collection and Disposal Grant totaling \$152,583 shall be provided proportionately to the following Residential Condominium properties.

| CONDOMINIUM NUMBER | ADDRESS             | UNITS |
|--------------------|---------------------|-------|
| YRC #226           | 7811 Yonge Street   | 148   |
| YRC #344           | 8111 Yonge Street   | 199   |
| YRC #550           | 7451 Yonge Street   | 21    |
| YRC #618           | 55 Austin Drive     | 142   |
| YRC #636           | 25 Austin Drive     | 149   |
| YRC #784           | 7805 Bayview Avenue | 341   |
| YRC #792           | 610 Bullock Drive   | 235   |
| YRC #794           | 7825 Bayview Avenue | 337   |

6. **THAT** the sum of \$239,640 shall be levied on non-residential properties located within the boundaries of the City of Markham's Markham Village Business Improvement Area for the year 2020, such amount to be provided for as follows:

| CLASS      | ASSESSMENT   | TAX RATE  | TAXES     |
|------------|--------------|-----------|-----------|
| Commercial | \$86,429,700 | 0.277266% | \$239,640 |

7. **THAT** the sum of \$214,221 shall be levied on non-residential properties located within the boundaries of the City of Markham's Unionville Business Improvement Area for the year 2020, such amount to be provided for as follows:

| CLASS      | ASSESSMENT   | TAX RATE  | TAXES     |
|------------|--------------|-----------|-----------|
| Commercial | \$57,518,800 | 0.372436% | \$214,221 |

8. **THAT** the sum of \$1,286 shall be levied against all properties in the Farmland Class and collected for membership fees in the Federation of Agriculture for the Region of York for the year 2020, such amount to be provided for as follows:

| CLASS         | ASSESSMENT    | TAX RATE  | TAXES   |
|---------------|---------------|-----------|---------|
| Farmland (FT) | \$127,351,500 | 0.001010% | \$1,286 |

9. **THAT** there shall be a levy upon the Markham Stouffville Hospital in the estimated amount of \$25,200 pursuant to Subsection 323(3) of the *Municipal Act, 2001*, such amount being the sum of \$75.00 for each of the estimated 336 provincially rated beds

and a levy upon Seneca College in the estimated amount of \$126,600 pursuant to Subsection 323(1) of the *Municipal Act, 2001*, such sum being \$75.00 for each of the estimated 1,688 full time enrolled students as determined by the Minister of Training, Colleges and Universities. The figures included here are 2019 figures as the 2020 information is not yet available from the Ministry of Municipal Affairs and Housing.

**10. THAT** there shall be levied upon Utility Transmission Lines (UH) the sum of \$763,676 for the year 2020, such amount to be provided for as follows:

| DESCRIPTION  | ACRES  | RATE<br>PER<br>ACRE | CITY             | REGION           | EDUCATION        | TOTAL            |
|--------------|--------|---------------------|------------------|------------------|------------------|------------------|
| Hydro One    | 373.86 | \$834.02            | \$100,770        | \$211,037        | --               | \$311,807        |
| Hydro One*   | 373.86 | \$1,208.66          | --               | --               | \$451,870        | \$451,870        |
| <b>TOTAL</b> |        |                     | <b>\$100,770</b> | <b>\$211,037</b> | <b>\$451,870</b> | <b>\$763,676</b> |

\* Education revenue of \$451,870 retained by City

**11. THAT** there shall be levied upon Railway Rights of Ways (WT) the sum of \$480,180 for the year 2020, such amount to be provided for as follows:

| DESCRIPTION                | ACRES  | RATE<br>PER<br>ACRE | CITY            | REGION           | EDUCATION        | TOTAL            |
|----------------------------|--------|---------------------|-----------------|------------------|------------------|------------------|
| Canadian National Railways | 246.66 | \$624.33            | \$49,769        | \$104,229        | --               | \$153,997        |
| Canadian National Railways | 246.66 | \$822.69            | --              | --               | \$202,925        | \$202,925        |
| Canadian Pacific Railways  | 48.42  | \$624.33            | \$9,770         | \$20,460         | --               | \$30,230         |
| Canadian Pacific Railways  | 48.42  | \$822.69            | --              | --               | \$39,835         | \$39,835         |
| Metrolinx                  | 85.20  | \$624.33            | \$17,191        | \$36,002         | --               | \$53,193         |
| <b>TOTAL</b>               |        |                     | <b>\$76,729</b> | <b>\$160,691</b> | <b>\$242,759</b> | <b>\$480,180</b> |

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

| EFFECTIVE / EXPIRY DATE | PURPOSE     | AMOUNT     |
|-------------------------|-------------|------------|
| (2006-2025)             | Buttonville | \$6,178.67 |

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

| EFFECTIVE / EXPIRY DATE | PURPOSE       | AMOUNT              |
|-------------------------|---------------|---------------------|
| (2007-2021)             | Milmar Court  | \$6,838.24          |
| (2010-2024)             | Robinson St   | \$3,791.88          |
| (2013-2022)             | Glenridge     | \$54,568.47         |
| (2016-2025)             | Main Street   | \$7,229.40          |
| (2016-2025)             | Houghton Blvd | \$45,397.55         |
| <b>TOTAL</b>            |               | <b>\$117,825.54</b> |

- 14. THAT** pursuant to Regional By-law No. A-0303-2002-020, a tax rebate totaling \$7,173.94 (City share is \$1,753.79) be provided to the Markham District Veterans Association for its property located at 7 Washington Street for 2020 upon the provision of documentation in a form satisfactory to the Treasurer.

- 15. THAT** the Treasurer shall add to the Collector's Roll, all or any arrears for service provided by: the *Power Commission Act* (hydro-electric power), the *Weed Control Act*, the *Ditches and Watercourses Act*, the *Public Utilities Act*, the *Tile Drainage Act*, and the *Ontario Building Code*; and any other collection agreements charges approved by Council which shall be collected by the Collector in the same manner and at the same time as all other rates and levies.

- 16. THAT** the Interim Tax Levies which were payable in two instalments on February 5, 2020, and March 5, 2020 shall be shown as a reduction on the final levy.

- 17. THAT** the net amount of taxes levied by this By-law shall be due and payable in equal instalments as follows.

| PROPERTIES                                   | INSTALMENTS                               |
|--|---|
| Residential, Farmland and Pipelines          | 1. July 6, 2020<br>2. August 5, 2020      |
| Commercial, Industrial and Multi-Residential | 1. October 5, 2020<br>2. November 5, 2020 |

- 18. THAT** those residential property owners who have applied and meet the conditions for the 11 instalment Pre-authorized Payment Program for taxes as approved by Council will have the taxes levied under this By-law paid by automatic withdrawal in six (6) equal instalments:

- i. July 1, 2020;
- ii. August 1, 2020;
- iii. September 1, 2020;
- iv. October 1, 2020;

- v. November 1, 2020; and
- vi. December 1, 2020.

**19. THAT** those residential property owners who have applied and meet the conditions for the 6 instalment Pre-authorized Payment Program for taxes as approved by Council will have the taxes levied under this By-law paid by automatic withdrawal in three (3) equal instalments:

- i. July 6, 2020;
- ii. August 5, 2020; and
- iii. September 8, 2020.

**20. THAT** those commercial, industrial and multi-residential property owners who have applied and meet the conditions for the 6 instalment Pre-authorized Payment Program for taxes as approved by Council will have the taxes levied under this By-law paid by automatic withdrawal in three (3) equal instalments:

- i. October 5, 2020;
- ii. November 5, 2020; and
- iii. December 7, 2020.

**21. THAT** those residential property owners who have applied and meet the conditions for the 4 instalment Pre-authorized Payment Program for taxes as approved by Council will have the taxes levied under this By-law paid by automatic withdrawal in two (2) equal instalments:

- i. July 6, 2020; and
- ii. August 5, 2020.

**22. THAT** those commercial, industrial and multi-residential property owners who have applied and meet the conditions for the 4 instalment Pre-authorized Payment Program for taxes as approved by Council will have the taxes levied under this By-law paid by automatic withdrawal in two (2) equal instalments:

- i. October 5, 2020; and
- ii. November 5, 2020.

**23. THAT** as provided in Subsections 345(1) and (2) of the *Municipal Act 2001*, if the taxes or any class or instalment thereof so levied in accordance with this By-law remain unpaid following the due date, a penalty of zero per cent (0.00%) on the fourth day of default and zero per cent (0.00%) per month (0% per annum), on the first day each calendar month beginning April 1, 2020 thereafter, of the taxes remaining unpaid shall be levied until December 31, 2020.

**24. THAT** as provided in Subsection 345(3) of the *Municipal Act, 2001*, if any taxes levied pursuant to this By-law remain unpaid as at December 31, 2020, interest at the rate of one and one quarter per cent (1.25%) per month (15% per annum) of the unpaid taxes shall be levied from January 1, 2021 and for each month or fraction thereof until such taxes are paid.



- 
- 25. THAT** all taxes levied by any By-law and which remain unpaid as at the date of passing this By-law, shall have interest charged at the same rate of zero per cent (0.00%) per month (0% per annum) calculated on the unpaid taxes, on the first day of each calendar month beginning April 1, 2020 thereafter, of the taxes remaining unpaid shall be levied until December 31, 2020.
- 26. THAT** the Treasurer of The Corporation of The City of Markham is hereby authorized and directed to serve personally or to mail or cause to be mailed notices of the taxes hereby levied to the person or persons taxed at the person's residence or place of business or upon the premises in respect of which the taxes are payable by such person, or the ratepayer's mortgage company or third party designated by the property owner.
- 27. THAT** taxes are payable to The Corporation of The City of Markham, 101 Town Centre Boulevard, Markham, Ontario, L3R 9W3. Upon payment of any applicable fee, and if paid on or before the due date imprinted on the bill, taxes may also be paid at most chartered banks in the Province of Ontario.
- 28. AND THAT** those residents who qualify for the Low Income Seniors and Low Income Disabled Tax Deferral program shall apply to the City of Markham – Property Tax Division in accordance with the program policies as established by The Regional Municipality of York. The amount of deferral for 2020 will be determined once the application has been received and approved. The deferral amount may not be reflected on the 2020 final tax billing issued in accordance with this By-law.

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS X<sup>th</sup> DAY OF XX, 2020.

X\_\_\_\_\_  
**KIMBERLEY KITTERINGHAM**  
CITY CLERK

X\_\_\_\_\_  
**FRANK SCARPITTI**  
MAYOR



## Community & Fire Services Commission

### MEMORANDUM

To: Mayor and Members of Council  
 From: Brenda Librecz, Commissioner, Community & Fire Services,  
 Phoebe Fu, Director, Environmental Services  
 Prepared by: Claudia Marsales, Senior Manager, Waste & Environmental Management  
 Date: May 12, 2020  
 Re: Memorandum to General Committee May 19th 2020 - Styrofoam Recycling Cost Analysis

#### RECOMMENDATION:

The purpose of the memo is to respond to General Committee's question regarding the business case related to the Styrofoam Recycling Program that was part of the Single Use Plastic Reduction Strategy.

1. That the Memorandum – Styrofoam Recycling Program Cost Analysis (Single Use Plastics Program) be received.

#### BACKGROUND:

- Since 1999, Markham's four Recycling Depots have accepted clean Styrofoam from residents. Styrofoam is recyclable but not accepted by York Region's curbside Blue Box program. If Styrofoam is set-out at the curb, it is collected as part of the garbage stream.
- There is a North American market for Styrofoam to be recycled into building materials provided that the material can be adequately reduced in volume to render transportation cost effective.
- In 2011, Markham received grant from product producers (Continuous Improvement Fund – CIF) to purchase a Styrofoam densifier. It is located in a shed at 8100 Warden Avenue
- The costs to purchase and install the densifier are outlined below:

| Original Project Funding                   |               |
|--|---------------|
| Total Cost to purchase & install equipment | \$91,090 (A)  |
| CIF Funding                                | (\$56,090)    |
| City Funding                               | \$35,000      |
| Actual Expenditures                        |               |
| Installation/Inspection/Purchase           | \$85,910 (B)  |
| Funds Remaining                            | \$5,180 (A-B) |
| Revised City Funding                       | \$29,820      |

#### STYROFOAM COLLECTION AND PROCESSING COSTS:

There are two ways Markham residents can dispose of styrofoam: leave it at the curb to be collected by Miller Waste as garbage, or drop clean styrofoam off at a one of Markham's Recycling Depots. Markham's Recycling Depots receive approximately 27 tonnes of Styrofoam annually.

Further, Northumberland County and York Region do not own or operate densifiers. Therefore, they pay the City to process their clean Styrofoam.

***The City's overall Styrofoam program costs \$100K annually, utilizing The Recycle People (third party contractor) for the transport, processing and marketing of the material. The various revenue sources offset the program's costs by \$97.3K resulting in an annual net cost to the City of \$2,700.***

Table below summarizes the cost related to Styrofoam between the two methods:

|                      | Method 1: Garbage  | Method 2: Markham Depot / Densifier  |
|----------------------|--|--|
| Collection           | As Markham's waste collection is paid on a per household basis, there is no impact on collection costs<br><br><b>At the time of starting this initiative, Markham was paying for their waste by the tonnes versus per household. Hence there was cost saving by having it dropped off at the depots.</b> | Resident drops clean Styrofoam at Markham's Recycling Depot, therefore there are no collection costs |
| Transport & Disposal | York Region pays the costs to transport and dispose of garbage at a cost of \$100/tonne<br>This would equate to \$2,710 of cost annually if the current 27 tonnes of Styrofoam that is currently recycled were to end up in the garbage stream   | The City's current Styrofoam recycling program is operating at a net cost of \$2,700 per year.       |

A minor increase in volume is projected at the Recycling Depots as a result of the proposed ban on curbside packaging Styrofoam. This will have minimal cost impact to the City's operating costs.

#### **ENVIRONMENTAL BENEFITS:**

Styrofoam is 5% plastic and 95% air. These qualities make it an excellent packing material for industry as it reduces transport costs and is easily molded to protect shipped products.

Since there is a recycling market for Styrofoam, taking the leadership in collecting it at the City's Recycling Depots and then advancing it to recycling markets has a high environmental value.

The City undertook the densification of Styrofoam to significantly reduce the transport costs of shipping it to recycling markets. The densifier compacts Styrofoam at a 20:1 ratio. Prior to the acquisition of the densifier, the City was sending approximately 100 full trailer loads of loose Styrofoam to markets per year. ***By densifying Styrofoam, Markham reduced the number of annual transport loads by 95% while shipping the same volume of material.*** This results in lower costs, reduced greenhouse emissions, and advances the recycling of Styrofoam into productive uses. The program is cost effective and highly beneficial to the environment.

By recycling Styrofoam and banning packaging Styrofoam from the waste stream, Markham is significantly reducing the volume of Styrofoam going to landfill or ending up as litter in parks and streams.

#### **CONCLUSION**

Markham residents have been recycling Styrofoam at the depots since 1999. With minimal costs to the City, Markham's Styrofoam recycling program has contributed to the City's high diversion rate of 82% and has helped position Markham as a world class leader in the 3R's. By investing in the densification process, Markham has been able to recycle Styrofoam into a useful product and also helped support both York Region and Northumberland County's Styrofoam recycling programs.



Report to: General Committee

Meeting Date: May 4, 2020

**SUBJECT:** Single Use Plastic Reduction Strategy – Phase 1  
**PREPARED BY:** Claudia Marsales, Senior Manager, Waste & Environmental Management

**RECOMMENDATION:**

- 1) That the report entitled “Single Use Plastic Reduction Strategy – Phase 1” be received; and,
- 2) That the presentation entitled “Single Use Plastic Reduction Strategy - Phase 1 - Presentation” be received; and,
- 3) That the Waste and Environmental Management Department undertake a review of all municipal facilities for opportunities to eliminate or reduce non-essential single use plastic (“SUP”) products and collaborate with the appropriate staff to source alternative products; and,
- 4) That a community-wide education program be implemented to raise awareness of the SUP issue and provide options for SUP reduction; and,
- 5) That effective October 20, 2020 (Waste Reduction Week) packaging Styrofoam be banned from curbside collection; and,
- 6) That staff report back on the results of Phase 1 actions and outline Phase 2 recommendations regarding the implementation of a potential municipal by-law or other methods to reduce plastic retail shopping bags and polystyrene convenience food containers from distribution in Markham including the estimated financial impact and legal implications associated with the implementation and enforcement of a by-law; and,
- 7) That a copy of this report be forwarded to York Region and the local municipalities for their information; and further,
- 8) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**EXECUTIVE SUMMARY:**

N/A

**PURPOSE:**

The purpose of this report is to provide an overview of the SUP issue, review how other governments are addressing the problem, and to provide options and recommendations

---

for a phased approach that demonstrates leadership in the reduction of SUPs at the local level.

**BACKGROUND:**

At the November 2019 meeting of General Committee the following motion was approved:

*That staff be directed to report back to General Committee relative to the proposed motion for Single Use Plastics (SUPs) Declaration.*

**Environmental Impact of SUPs**

SUPs are plastic items that are typically used only once before being discarded. SUP products are commonly defined as the following types of plastic material:

- Beverage and party cups and lids
- Coffee/hot beverage stoppers
- Straws and stir sticks
- Cutlery
- Styrofoam packaging and take-out food containers
- Grocery/produce bags

The commonly targeted list of SUPs does not include dog waste bags or water/pop bottles. Dog waste bags are compostable in Markham's Green Bin and water/pop bottles are recyclable in all municipal Blue Box systems. In 2008, Council endorsed a Zero Waste policy, which encourages refillables and restricts the use of single use bottled water when potable water is available.

The above list of SUPs are particularly problematic from an environmental sustainability perspective because they are inherently designed to be discarded immediately after use, and have limited reuse, recyclability or compost options. Additionally, many SUPs end up as litter on roads, parks and trails and in creeks. SUPs placed at the curb for recycling can become litter when blown from open Blue Boxes, or while the containers are being emptied into the collection vehicle.

Once in the natural environment, SUPs are unsightly, expensive to remove and pose a physical and chemical threat to wildlife and our own food chain.

Further, as plastics in the environment age, they disintegrate into smaller and smaller pieces, making them ingestible by smaller and smaller organisms, which allows plastic to infiltrate further into the food chain and pollute our food sources. Eventually, plastics are broken into such small fragments that they become virtually impossible to remove from the environment and continue to accumulate in the ecosystem.

The carbon footprint of an SUP item can be reduced over its useful lifespan by switching to paper/fiber-based or compostable items, or with more durable materials that can be reused over and over.

---

## **Federal Government Approach to SUP**

In 2018, Canada became one of five G7 signatories to the Ocean Plastics Charter. The Federal Government has also announced more specialized actions including working with industry to prevent and retrieve abandoned, lost or discarded fishing gear, which is a major contributor to plastic debris in the ocean. They also committed to reduce SUPs by 75% by 2030 within its own federal operations.

More recently, the Federal Government announced a ban on harmful single-use plastics as early as 2021 under the *Canadian Environmental Protection Act*. This ban would also ensure companies, which manufacture plastic products or sell items with SUP packaging are responsible for managing the collection and recycling of this material.

## **Provincial Government Approach to SUPs**

In March 2019, the Provincial Government released a discussion paper on reducing litter and waste, which included recognition of the need to reduce plastic waste. The discussion paper proposed action in the following four areas:

- Reducing and diverting food and organic waste from households and businesses
- Reducing plastic waste
- Reducing litter in our neighborhoods
- Increasing opportunities for the people of Ontario to participate in waste reduction efforts – possibility invoking measures that include deposit return systems for plastic beverage containers – and bans or other restrictions on specific types of SUPs

Prince Edward Island and Newfoundland & Labrador have enacted province-wide bans on the free distribution of plastic shopping bags and require retailers to charge a minimum fee per bag.

## **Municipal Approach to SUPs**

Municipalities across Canada have implemented or are in the process of implementing programs to reduce the prevalence of SUPs in their communities. Many municipalities in British Columbia, Alberta, Manitoba and Quebec have addressed SUP's with a variety of approaches.

Controls on plastic bags and other forms of SUP's are currently being considered by Toronto and Edmonton.

Vancouver is putting in place strong controls on many forms of SUPs including straws, take-out food containers, cups, cutlery and bags. Most municipal controls that have been introduced are in the form of bans on the free distribution of plastic shopping bags. They typically specify a film thickness below which low-grade bags are subject to the ban, and most require a minimum fee to be charged for shopping bags. Many provide exceptions for specialty uses where alternatives are more difficult for consumers and retailers to use.

---

## **Options for Markham to Reduce SUPs**

Staff have examined options available for SUP reduction as well as the trajectories of potential regulation at the federal and provincial levels and recommend an approach that focuses on the following areas of activity and action:

### **1. Demonstrate Municipal Leadership in SUPs with Reduction at City Facilities**

The significant reduction or complete elimination of SUPs from Markham facilities would publicly demonstrate the importance the City places on environmental stewardship and leadership, which will contribute to the success of the 2020-2023 Strategic Plan: Building Markham's Future Together in protection of the natural environment.

Staff recommends a review of all municipal processes and policies that are recognized to generate the use of non-essential SUP products on municipal property and identify opportunities to work with the appropriate departments to reduce, remove or eliminate SUP products. SUP items that could be replaced with viable fibre options include plastic cups, stir sticks, straws, cutlery, food plates and plastic bags.

The City also hosts numerous public events and provides facilities where others host events and provide services on behalf of the City. While staff are confident that most SUPs can be reduced or eliminated from municipal facilities, it will be an ongoing challenge to discourage facility users from bringing SUPs on-site. Ongoing education will be needed.

### **2. Public Education to Reduce SUPs**

Staff recommend that the City undertake a public education program to raise awareness of the importance and benefits of SUP reduction in our community. This program would also be used to prepare residents for the potential regulations being brought forward at the federal level and provincial levels.

SUP education is critical to generating the kind of individual action that the community will need to make significant reductions in the procurement and use of these materials. Information would be provided about the financial impacts associated with SUPs in the natural environment and include details concerning the Keep Markham Beautiful program and other community clean-up initiatives. Additionally, education would provide recognition of other programs, businesses and organizations that have taken measures to reduce SUP use.

Public education would be conveyed via the City's website and through social media channels. Additionally, information would be provided to City employees via online training, incentives and other means to raise awareness of the SUP reduction objectives of the City and how employees can reduce SUPs during their workday.

### **3. Implementing a Curbside Ban for packaging Styrofoam**

---

In 2013, Markham successfully banned electronic materials (e.g. TVs, computers, etc.) from curbside garbage collection. The ban resulted in increased electronic waste diversion and contributed directly to collection cost savings.

In 2017, a ban of household textiles from curbside collection was implemented by Council and resulted in over 17 million pounds of textile material diverted for re-wear, re-use and recycling in support of local charities.

Packaging Styrofoam refers to the large pieces that encase electronic equipment, furniture, and appliances; not food packaging such as meat trays or take-out containers. Currently residents are encouraged to take this material to Markham's Recycling Depots; however, residents can place this material in clear bags for collection in the garbage stream. Styrofoam is not accepted in the blue box system in York Region.

If approved, staff recommends the packaging Styrofoam ban become effective Tuesday October 19, 2020. This is the first collection day during Ontario's annual Waste Reduction Week.

An extensive education and promotion program would be launched over the summer of 2020 to educate residents on all available opportunities to recycle packaging Styrofoam at any of Markham's four Recycling Depots and at the Region of York's Community Environmental Centers.

A ban on the curbside collection of packaging Styrofoam is a bold step that would help raise awareness on the recyclability of this material.

Packaging Styrofoam is currently processed at Markham's Styrofoam densification facility at 8100 Warden Avenue and recycled into plastic building material such as crown mouldings and baseboards.

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

While senior levels of government have announced their intention to implement measures to reduce SUP material, Ontario municipalities are actively considering how best to proceed with local level programs and initiatives.

It is important to recognize that many local businesses and organizations are already leading by example. Early adopters of plastic reduction initiatives like A&W Restaurants, Whole Foods, the LCBO, Sobeys and many others have either taken steps to substitute SUPs with other types of materials or provide products that can be reused.

Through these recommended actions, Markham has an opportunity to not only become part of this movement, but to be recognized as a leader in community action to reduce SUPs in the environment.



---

**FINANCIAL CONSIDERATIONS**

SUP elimination and outlined education initiatives in 2020 will be borne by existing budgets and, if required, would be added to future operating and capital budget for consideration.

**HUMAN RESOURCES CONSIDERATIONS**

Accessibility Considerations: SUP products may be required for those with disabilities. While most SUPs are items of convenience, consideration must be included to not restrict access to products that may be required for those who require them for daily living.

Potential impacts to those with disabilities will be considered.

**ALIGNMENT WITH STRATEGIC PRIORITIES:**

Building Markham's Future Together: 2020-2023 Strategic Plan: This initiative furthers the Safe, Sustainable & Complete Community goal by enhancing the natural environment through sustainable integrated planning, public awareness, and municipal leadership.

Aligns with goals of greenMarkham.

**BUSINESS UNITS CONSULTED AND AFFECTED:**

Finance, Recreation Services, Culture, Sustainability & Asset Management, Corporate Communications.

**RECOMMENDED BY:**

Phoebe Fu,  
Director Environmental Services

Brenda Librecz  
Commissioner of Community and  
Fire Services

**ATTACHMENTS:**

N/A



# **General Committee Monday May 4, 2020**

## **Single Use Plastics Reduction Strategy – Phase 1**



# 1. Purpose of Report

- ✓ Provide an overview of the Single-use Plastic (SUP) issue
- ✓ Review how other governments are addressing the problem
- ✓ Provide options and recommendations for a phased approach that demonstrates leadership in the reduction of SUPs at the local level.





## 2. Environmental Impact of SUP's

SUPs are plastic items that are used only once before being discarded.

Common single-use plastics:

- Beverage/party cups and lids
- Coffee/hot beverage stoppers
- Straws, stir sticks, cutlery
- Styrofoam packaging and take-out food containers
- Grocery/produce bags

Top reasons these items are particularly problematic:

1. Inherently designed to be discarded immediately after one use
2. Have limited reuse, recyclability or compost options
3. End up as litter on roads, parks, trails and in creeks





### 3. Exclusions

Targeted list of SUPs does not include:

- Dog waste bags are compostable in Markham's Green Bin
- Water/pop bottles are recyclable in all municipal Blue Box systems
  - In 2008, Council endorsed a Zero Waste policy, which encourages refillables and restricts the use of single use bottled water when potable water is available.





## 4. Government Approach to SUP

Federal Government announced a ban on harmful single-use plastics as early as 2021 under the Canadian Environmental Protection Act.

- Provincial Government released a discussion paper on reducing litter and waste, which included recognition of the need to reduce plastic waste:
  - Reducing plastic waste
  - Reducing and diverting food and organic waste
  - Reducing litter
  - Increasing waste reduction efforts - Potentially invoking measures that include deposit return systems and bans or other restrictions on specific types of SUPs
- Prince Edward Island and Newfoundland & Labrador have enacted province-wide bans on the free distribution of plastic shopping bags



## 5. Municipal Approach to SUP

Municipalities across Canada have implemented or are in the process of implementing programs to reduce the prevalence of SUPs in their communities.

Controls on plastic bags and other forms of SUP's are currently being considered by Toronto and Edmonton.

Vancouver is putting in place strong controls on many forms of SUPs including straws, take-out food containers, cups, cutlery and bags.



Most municipal controls that have been introduced are in the form of bans on the free distribution of plastic shopping bags.



## 6. Options for Markham to Reduce Single Use Plastics

**Facilities  
& Public  
Events**

**Promotion  
&  
Education**

**Curbside  
Ban of  
Packaging  
Styrofoam**





## A. Facilities

- Significant reduction or complete elimination of SUPs from Markham facilities would:
  - Publicly demonstrate the importance the City places on environmental stewardship and leadership
  - Contribute to the success of the 2020-2023 Strategic Plan: Building Markham's Future Together in protection of the natural environment.

### Staff Recommendations:

- Review all municipal processes and policies that generate the use of non-essential SUP products on municipal property
- Identify opportunities to work with the appropriate departments to reduce, remove or eliminate SUP products
- Replace SUP items with viable paper based options including plastic cups, stir sticks, straws, cutlery, food plates and plastic bags.



## B. Public Education

- City undertake a public education program to raise awareness of the importance and benefits of SUP reduction in our community. This program would also be used to prepare residents for the potential regulations being brought forward at the federal level and provincial levels.
- Public education via the City's website and through social media channels.
- Information would be provided to City employees via online training, incentives and other means to raise awareness of the SUP reduction objectives of the City and how employees can reduce SUPs during their workday.





## C. Curbside Ban of Packaging Styrofoam

Markham's Waste Diversion Strategies:

- In 2013 banned electronic materials from curbside collection.
- In 2017 banned household textiles from curbside collection resulting in 17 million pounds of diverted textile material.

A ban on the curbside collection of packaging Styrofoam is a bold step that would help raise awareness on the recyclability of this material.

Packaging Styrofoam - Large pieces that encase electronic equipment, furniture, and appliances; *not* food packaging such as meat trays or take-out containers.

- Styrofoam is not accepted in the York Region's blue box system.
- Residents are encouraged to take this material to Recycling Depots or place in clear bag garbage.

### Staff Recommendations:

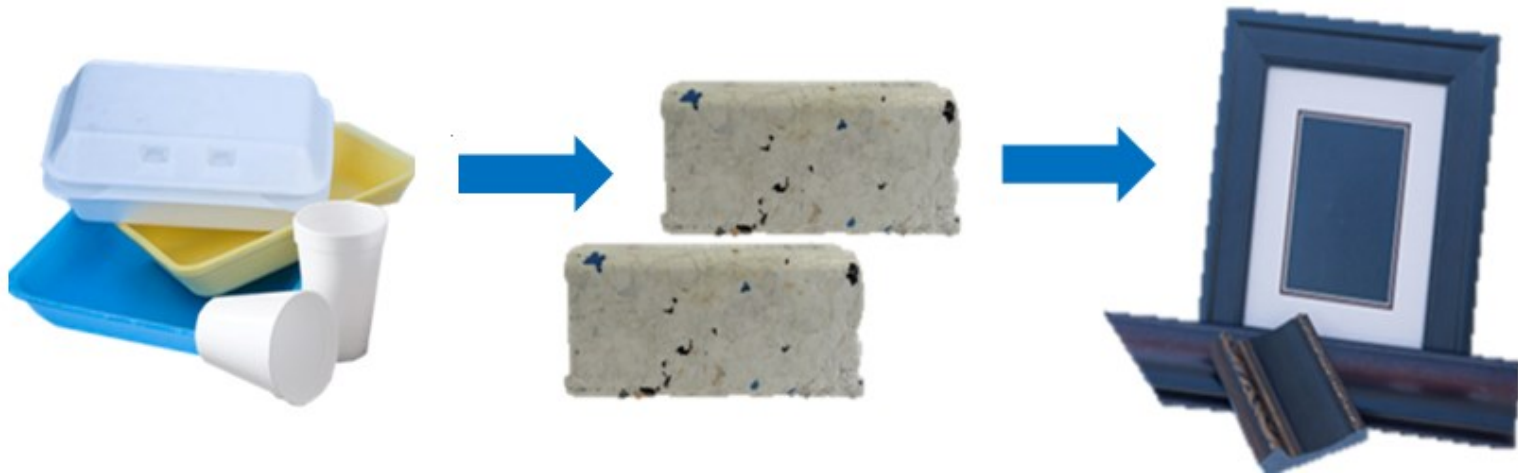
- Introduce a packaging Styrofoam ban effective Tuesday October 19, 2020 - the first collection day during Canada's annual Waste Reduction Week.
- Launch an extensive promotion & education program over the summer of 2020





## 7. Markham's Polystyrene Foam Densifier

- ✓ Densifier is located at the rear of 8100 Warden Ave.
- ✓ Markham was the first Ontario community to establish a densification program for residential polystyrene
- ✓ Clean polystyrene (Styrofoam) is collected at all Markham Recycling Depots and compacted into bricks for transportation
- ✓ Recycled into building material, such as picture frames, crown moulding, plastic lumber and baseboards
- ✓ Has capacity to process additional material





## 8. Markham's Polystyrene Foam Densifier Video

<https://www.dropbox.com/s/sl8pvhozcdy6hrt/Markham%20Polystyrene%20Recycling%20Program%202012.mp4?dl=0>



## 9. CONCLUSION

- While senior levels of government have announced their intention to implement measures to reduce SUP material, Ontario municipalities are actively considering how best to proceed with local level programs and initiatives.
- It is important to recognize that many local businesses and organizations are already leading by example. Early adopters of plastic reduction initiatives like A&W Restaurants, Whole Foods, the LCBO, Sobeys and many others have either taken steps to substitute SUPs with other types of materials or provide products that can be reused.

Through these recommended actions, Markham has an opportunity to not only become part of this movement, but to be recognized as a leader in community action to reduce SUPs in the environment.





## 10. RECOMMENDATIONS:

- 1) **THAT** the report entitled “Single Use Plastic Reduction Strategy – Phase 1” be received;
- 2) **AND THAT** the Waste and Environmental Management Department undertake a review of all municipal facilities for opportunities to eliminate or reduce non-essential single use plastic (“SUP”) products and collaborate with the appropriate staff to source alternative products;
- 3) **AND THAT** a community-wide education program be implemented to raise awareness of the SUP issue and provide options for SUP reduction;
- 4) **AND THAT** effective October 20, 2020 (Waste Reduction Week) packaging Styrofoam be banned from curbside collection;
- 5) **AND THAT** staff report back on the results of Phase 1 actions and outline Phase 2 recommendations regarding the implementation of a potential municipal by-law or other methods to reduce plastic retail shopping bags and polystyrene convenience food containers from distribution in Markham including the estimated financial impact and legal implications associated with the implementation and enforcement of a by-law.
- 6) **AND THAT** a copy of this report be forwarded to York Region and the local municipalities for their information;
- 7) **AND FURTHER THAT** Staff be authorized and directed to do all things necessary to give effect to this resolution.





Report to: General Committee

Meeting Date: May 19, 2020

**SUBJECT:** AMO request for Preferred Municipal Blue Box Transition Timing

**PREPARED BY:** Claudia Marsales, Senior Manager, Waste & Environmental Management

### **RECOMMENDATION:**

- 1) That the Report entitled “AMO request for Preferred Municipal Blue Box Transition Timing ” be received; and,
- 2) That the City of Markham jointly with York Region and the Local Municipalities support 2025 as the preferred Blue Box transition date (year 3) of the transition process; and,
- 3) That the City of Markham elect to continue to provide Blue Box collection services to residents (post transition) on behalf of the product producers should both parties arrive at mutually agreeable commercial terms; and,
- 4) That the City of Markham reserve the option to amend Markham’s transition date and collection service preference at any time if it is determined to be financially and operationally beneficial to the City; and,
- 5) That staff be directed to report back in the fall of 2020 after release of the Provincial Blue Box regulations; and,
- 6) That the City Clerk be directed to forward a copy of this resolution to the Association of Municipalities of Ontario, York Region and Local Municipalities; and the Ontario Ministry of the Environment, Conservation and Park; and further,
- 7) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

### **EXECUTIVE SUMMARY:**

N/A

### **PURPOSE:**

The purpose of this Report is to recommend a preferred Blue Box program transition year and collection service approach in response to a request by the Association of Municipalities of Ontario (AMO).



---

**BACKGROUND:****Province moves forward with Blue Box transition process**

The Province's 2016 *Waste Free Ontario Act* is designed to transition the operational and financial responsibility for Ontario's Blue Box recycling program from municipalities to product producers.

In August 2019, the Minister of the Environment, Conservation and Parks (MOECA) and the Minister of Municipal Affairs and Housing, issued an official direction letter to all stakeholders outlining the next steps and timelines of the Blue Box transition process.

The Province intends to release regulations by fall 2020. Transition is planned to occur between 2023 and 2025, with one third of Ontario households transitioning in each year. Ministry staff have indicated that the municipal transition of the Blue Box program will be mandatory.

Shifting the responsibility and cost of recycling to product producers is intended to incentivize better product and packaging design and increase diversion. Product producers, not municipalities, are best positioned to manage the full lifecycle of the products they design. Government policies should focus responsibility on those that can most effectively and efficiently drive change.

The concept of product producer responsibility is not new, and has been embraced by European countries and the Province of British Columbia.

It is important to note that Ontario municipalities will continue to be responsible for garbage, organics and yard waste services.

**AMO calls for municipal input to the transition process**

To support the transition process, in December, 2019, AMO requested all municipal Councils across Ontario pass a non-binding resolution indicating:

- The municipality's preferred transition year between 2023 -2025;
- The municipality's service delivery preference to either continue to act as the collection service provider on behalf of the product producers or "hand over the keys" and have product producers directly provide collection services to residents.

While AMO recognizes it is difficult for municipal governments to indicate preferences without program specifics, AMO believes it is in municipalities' best interest to publicly declare their preferences now to ensure their input is considered.

These non-binding resolutions will be consolidated by AMO to provide a complete picture of how and when municipalities across Ontario would prefer to transition to better inform future stakeholder discussions.

Local municipalities and York Region have worked together to develop a common transition timeframe that minimizes risk across the entire system

---

Waste Management is a shared responsibility in York Region. Local municipalities collect materials and the Region transfers, processes, sells, and disposes of these materials. The system is integrated and interdependent.

The current system operates under 4 separate municipal collection contracts and 3 regional transfer and processing contracts, all with differing expiry dates and extension terms. The intended goal is to provide AMO a joint transition strategy and preferred transition year for both collection and processing.

Richmond Hill, Vaughn, and the Northern 6, all have long-term contracts stretching beyond 2023 and some extending beyond 2025. Choosing the later transition date would minimize the need for contract amendments and potential contract penalties. While these contracts contain off-boarding clauses for blue box collection, it is not clear whether these clauses will be successful or enforceable as they have yet to be tested in court.

The Region's contracts for material transfer and processing expire in the early part of the transition timeframe but provide additional flexibility offered by contract extension terms.

York Region and local municipal staff have been working together to understand potential implications of the various transition timing options including operational, financial and contract term considerations on the collections, transfer and processing stages of the system.

#### **New Long-term Collection Contract addresses transition**

Markham's current collection contract is operating under short term extension and a Request for Proposals process for a new long-term contract is underway. The new collection contract will have a term of 8 years in order to amortize the collection fleet needed to perform the service taking the contract beyond the transition timeframe by several years.

A key risk of entering into long term collection contract is that a municipality may not be able to cost effectively, terminate, or alter their contracts to take advantage of potential savings resulting from the transition process.

Markham's Request for Proposals (RFP) document includes a formula that will provide staff the ability to determine the cost of Blue Box transition in each contract year.

Once transition details are known, City staff will be able to calculate the cost/ benefit impacts of early or later transition timing. Staff are therefore recommending the City reserve the right to change the preferred transition date at any time if it is deemed to be financially beneficial to the City.

Given the need to respond by June 30, 2020 to AMO's call for action, all parties have determined a transition date of 2025 is preferred. It is recognized that these resolutions are non-binding and transition timing can be amended in the future.

---

It is important to note that due to the shared responsibility for waste management between York Region and the lower tier municipalities, the choices made by York Region may influence Markham's future transition timing. As an example, York Region currently provides processing for Blue Box materials collected by the lower-tier municipalities (i.e. sorting and finding end markets). If York Region chooses to transition its processing role to Producers before the City does, Markham may be responsible for new costs previously covered by York Region, such as transfer or added transportation costs to different processing facilities in the GTA.

### **Staff support Markham continuing as a service provider to collect the Blue Box on behalf of producers for a fee**

Due to our integrated waste management system, transitioning Markham's Blue Box program is not as simple as severing the collection of Blue Box materials from the other waste collection services offered by the City.

As an example, Markham is currently serviced by a mix of side and rear loaders designed to co-collect recyclables and organics in the same truck. Garbage is collected bi-weekly in a separate vehicle and leaf and yard material is collected from April to December. Transitioning or removing recycling collection will affect how the remaining waste collection services are delivered.

While few details are available at this time regarding future service options, staff expect that municipalities will have the option to continue to collect Blue Box materials on behalf of product producers for a fee.

To achieve this preferred outcome, staff are recommending that Markham pursue a transition approach where Markham will continue to collect Blue Box materials on behalf of product producers if we are able to reach a mutually beneficial agreement. This approach will minimize costs while reducing the potential impacts to customer service levels by leveraging the efficiency of the existing integrated waste collection system.

### **Financial and operational uncertainty remain significant challenges moving forward**

Uncertainty remains the biggest challenge to making decisions on the transition process. Until the Province finalizes the regulations and commercial terms between municipalities and product producers are negotiated, key issues remain unknown.

While more details are required to fully inform Council decision making, staff have identified the following additional areas of concern:

- It is unknown whether the product producers will provide or allow for co-collection of different material streams in conjunction with blue box materials;
- It has not been confirmed how multi-residential collection, super mailboxes, depot services, BIA's will be addressed;

- 
- The location of future Blue Box transfer and processing facilities has not been determined and could impact future program costs as these costs are currently York Region's responsibility;
  - Impacts to inter connected municipal waste management programs such as resident education (e.g., waste calendar), curbside enforcement, comments on planning applications
  - List of accepted blue box materials is currently unknown

These issues will be assessed as more information becomes available and will be brought to council through subsequent staff reports.

### **CONCLUSION:**

The Province's new blue box plan presents significant challenges in planning for future collection services and ensuring Markham's diversion programs continue to provide the convenient, reliable collection services our residents expect.

Future negotiations and commercial arrangements will need to be carefully considered to ensure a smooth transition that maintains current service levels, collection efficiencies, and minimizes negative impacts to collection operations and customer service to our residents.

The Council resolution being provided to AMO is non-binding and Markham retains the right to amend Markham's transition date and collection service preference at any time if it is determined to be financially and operationally beneficial to the City;

Staff will continue to actively participate in the Blue Box program transition process. As details for the Blue Box program regulation becomes available, staff will report back to Council on the impact on Markham's waste management system, cost analysis, and proposed next steps for Council direction.

### **FINANCIAL CONSIDERATIONS**

Since 2005, product producers have been required to pay to municipalities up to 50% of the collection and processing costs for the municipal Blue Box program. For Markham, recycling costs (as calculated in the most recent annual Blue Box Data call) are approximately \$4.1M including collection, depots, multi-residential, BIA's, administration and education.

The City receives annual funding from product producers of approximately \$1.3M known as the Waste Diversion Ontario (WDO) grant.

---

The transition process may provide additional opportunities to reduce Blue Box operating costs. Once further details are known, Staff will analyze the costs, benefits, and risks of transitioning in each of the three years and advise Council accordingly.

The recommendations of this staff report do not have any financial implications at this time as the Council declaration is non-binding and allows Markham to unilaterally make changes as more details on the transition become available.

Future financial considerations as a result of the Blue box transitioning will include:

- Potential reduction of municipal collection costs
- Potential costs if Markham exits the recycling component of its long term collection contract
- Additional costs for transfer which are currently funded by York Region

#### **LEGAL CONSIDERATIONS**

N/A

#### **HUMAN RESOURCES CONSIDERATIONS**

N/A

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

Building Markham's Future Together: 2020 – 2023 Strategic Plan. Safe, Sustainable & Complete Community - Protect and enhance our natural environment and built form and Markham Green

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

N/A

#### **RECOMMENDED BY:**

Phoebe Fu  
Director Environmental Services

Brenda Librecz  
Commissioner, Community & Fire  
Services

#### **ATTACHMENTS:**

AMO request for Preferred Municipal Blue Box Transition Timing -Presentation



# **General Committee Monday May 19, 2020**

## **AMO request for Preferred Municipal Blue Box Transition Timing**



# 1. Purpose of Report

**To recommend a preferred  
Blue Box Program transition year and  
collection service approach in response  
to a request by AMO -  
Association of Municipalities of Ontario**





## 2. Province moves forward with transition

2016 *Waste Free Ontario Act* designed to transition operational & financial responsibility of Blue Box program from municipalities to product producers

### **August 2019**

Minister issued official direction letter outlining next steps and timelines of Blue Box transition process

### **Fall 2020**

Province to release regulations

### **2023 – 2025**

Transition scheduled to occur with 1/3 of Ontario households transitioning per year

Ministry staff has indicated that transition will be mandatory

- Shifting responsibility and cost of recycling to product producers is intended to incentivize better product and packaging design and increase diversion
- **Municipalities to remain responsible for garbage, organics and yard waste**





### 3. AMO calls for municipal input

December 2019, AMO requested municipal Councils pass and submit non-binding resolutions indicating:

- ☐ Preferred Transition Year (2023, 2024 or 2025)
- ☐ Service Delivery Preference:
  1. Continue to act as collector on behalf of producers
  2. “Hand over keys” and have producers provide collection

**AMO believes publicly declaring preferences now is in municipalities' best interest to ensure input is considered**

**All non-binding resolutions will be consolidated by AMO to provide picture of how/when municipalities prefer to transition**



## 4. York Region & LMs - Common transition timeframe

### York Region - 2-tier, integrated waste management system

- Locals collect materials and Region transfers, processes and sells/disposes
- **4** municipal collection contracts & **3** regional transfer/processing contracts, all with different expiry and extension terms

#### Goal:

**Provide AMO with a joint transition strategy and preferred transition year for both collection and processing**

- Vaughan, RH & N6 have long-term contracts, choosing a later transition year would minimize contract termination penalties
- These contracts contain “off-boarding” clauses, but clauses are untested in courts
- Region contracts for transfer and processing expire early in transition window but can be extended
- Region and Local Municipalities are working together to understand implications of all transition timing options



## 5. New collection contract addresses transition

Markham's collection contract operating under short term extensions

RFP process underway, long contract term (8 years) needed to amortize fleet cost - 8 year term takes contract past transition window

**RFP includes formula to allow Staff to determine cost of Blue Box transition in each contract year, Staff can calculate cost-benefit of early or late transition**

**Staff recommend City reserves right to change preferred transition year depending on which date is most financially beneficial**

**Region and Locals have determined transition year 2025 is preferred but can amend preference in future**

Because of 2-tier system, YR decision impacts Markham, example:  
If YR chooses to transition **processing** role before Markham transitions **collection** role, Markham would be responsible for costs previously covered by YR (i.e. transfer and/or hauling)



## 6. Staff support Markham as collector on behalf of producers

- Due to 2-tier system, transition is not as simple as severing Blue Box service from other collection services
- City currently co-collects Blue Box & Green Bin in same truck, garbage collected bi-weekly and yard waste collected seasonally
- Transitioning Blue Box affects how other services are delivered
- Few details about future service delivery available, Staff expect municipalities can opt to collect on behalf of producers for a fee



*Example of a co-collection truck*

Staff recommend the City pursue this arrangement, it will likely minimize costs and reduce customer service impacts by leveraging efficiencies of current system



## 7. Uncertainty remains biggest challenge

Staff have identified areas of concern:

- Unknown if producers will provide/allow for co-collection
- Unsure how multi-res, super mailboxes, depots, or BIAs will be addressed
- Location of future Blue Box transfer & processing facilities unknown, this could impact future costs for City as these costs are currently responsibility of Region
- Unknown impacts to interconnected programs such as public education, curbside enforcement and development review
- List of accepted Blue Box materials is unknown



**These items will be assessed as more information becomes available and brought to Council by Staff as reports**



## 8. Conclusion

Blue Box transition process presents challenges in planning for future and ensuring convenient, reliable service to residents

Future negotiations/arrangements must be carefully considered to minimize negative impacts on collection and customer service

Council resolution for AMO is non-binding, Markham retains right to amend transition year and collection service preference at any time if determined to be financially/operationally beneficial to City

Staff to continue to participate in Blue Box transition process, report back on impacts and recommend next steps



## 8. Financial Considerations

- Producers required to pay up to 50% of Blue Box program costs to municipalities
- Markham's recycling costs (as per most recent Data Call) are approx. \$4.1M including curbside/multi-res collection, depots, education & admin costs
- City receives approx. \$1.3M in annual funding from producers
- Transition process may provide opportunities to reduce Blue Box costs, once more details known

**Recommendations have no financial implications as Council declaration is non-binding allowing City to make changes in future**





## 9. Recommendations

- 1) THAT the Report entitled “AMO request for Preferred Municipal Blue Box Transition Timing ” be received; and
- 2) THAT the City of Markham jointly with York Region and the Local Municipalities support 2025 as the preferred Blue Box transition date (Year 3) of the transition process; and
- 3) THAT the City of Markham elect to continue to provide Blue Box collection services to residents (post transition) on behalf of the product producers should both parties arrive at mutually agreeable commercial terms; and
- 4) THAT the City of Markham reserve the option to amend Markham’s transition date and collection service preference at any time if it is determined to be financially and operationally beneficial to the City; and
- 5) THAT Staff be directed to report back in the fall of 2020 after release of the Provincial Blue Box regulations; and





## Recommendations (cont'd)

- 6) THAT the City Clerk be directed to forward a copy of this resolution to the Association of Municipalities of Ontario, York Region and Local Municipalities and the Ontario Ministry of the Environment, Conservation and Parks; and
- 7) THAT Staff be authorized and directed to do all things necessary to give effect to this resolution





Report to: General Committee

Meeting Date: May 19, 2020

**SUBJECT:** Pilot Private Plumbing Protection Program (5P) Update  
**PREPARED BY:** Rob Grech, Manager, Stormwater, ext. 2357  
 Lijing Xu, Wastewater Hydraulic Engineer, ext. 2967

**RECOMMENDATION:**

1. That the report titled “Pilot Private Plumbing Protection Program (5P) Update” be received; and,
2. That Staff be authorized to extend the Private Plumbing Protection Program (project #18324) for an additional two years starting on May 1, 2020 until April 30, 2022; and,
3. That the two year program extension be funded by the remaining funds allocated to the original pilot program through the Stormwater Fee Reserve; and,
4. That the consulting engineering services required to support the two year extended program be continued with R.V. Anderson & Associates Limited with the remaining funds under their existing purchase order PO PD18054 and PD18073; and,
5. That By-law 2018-20 be repealed and replaced in its entirety with the Private Plumbing Protection Rebate By-law 2020-XXX substantially in the form attached as Appendix “A” to this Staff report; and,
6. That Staff report back to Council after the two year extension period to assess the further extension of the program; and further,
7. 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 extend the Private Plumbing Protection Program for an addition two years until April 30, 2022.

**BACKGROUND:**

In May 2018, Council approved a two-year Pilot Private Plumbing Protection Program (5P). The program aims to incent property owners to install devices on their plumbing systems to isolate the private system from the municipal system, in order to prevent back up during large storm events. The program is complementary to the City’s Flood Control program, which focuses on long-term upgrades to the municipal storm sewer system. The 5P program allows property owners to install these devices in the short term, which reduces risk prior to the implementation of long-term sewer upgrade projects.

A series of private plumbing protection measures were approved by Council in May 2018, to help with the costs for property owners who had installed the devices since May 1, 2017.

The table below summarizes the maximum rebate amounts for each eligible protection measure approved by Council in May 2018. Property Owners have the option to install one or more protection measures under the program, based on the specific conditions at each property.

---

| Protection Measure                           | Maximum Rebate Amount |
|--|-----------------------|
| Backwater Valve on Sanitary Lateral (indoor) | \$1,750               |
| Backwater Valve on Storm Lateral (indoor)    | \$1,750               |
| Backwater Valve on Storm Lateral (outdoor)   | \$2,000               |
| Weeping Tile Disconnection                   | \$3,000               |
| Sump Pump Installation                       | \$5,000               |
| Storm Lateral Relining/Repair                | \$2,500               |
| Sanitary Lateral Relining/Repair             | \$2,500               |

The existing rebate application process is as follows:

1. Property owners determine required work in consultation with qualified contractor and confirm eligible rebate amount
2. Property owners submit building permit application
3. Building Department issues the permit
4. Property owners hire qualified contractors to complete the installation
5. Building Department inspects completed works
6. Property owners submit rebate application form, including invoices to Environmental Services
7. City issues rebate cheque to property owners

Property owners are eligible for rebates subject to the following under the pilot program:

- The property is connected to the City's sewer system
- The property is not subject to any contraventions, work orders or outstanding municipal requirements
- No outstanding municipal fines, tax payments, or fees
- Downspouts have been disconnected from the City's sewer system
- The property owner provides the necessary documentation required in the application forms, and complies with program requirements
- The property owner has obtained any necessary permits for the new installation
- The new installation adheres to the *Building Code Act, 1992*, S.O. 1992, c. 23 and the Ontario Building Code O. Reg. 332/12, as amended or any successor thereof;
- The property owner signs a release form in favour of the City

The City originally estimated 250 applications would be received in the first two years of the pilot program, with an average rebate per application of approximately \$5,200.

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

Since the program was initiated in May 2018, the City has received a total of 195 applications, with an average rebate per application of about \$4,000. The majority of the installations have been installed in flood prone areas identified through the City's Flood Control Program, as shown in Attachment B and summarized in the table below.

---

| Area            | Number of Applications |
|-----------------|------------------------|
| Thornhill       | 117                    |
| Markham Village | 44                     |
| Don Mills       | 2                      |
| Unionville      | 7                      |
| Other Areas     | 25                     |
| TOTAL           | 195                    |

While the number of applications have been less than the City's original estimates, the program awareness and applications are increasing through time due to the City's education program brochures and web site. Since public feedback has generally been positive, Staff recommend continuing with this program for another two years as an effective method to reduce flood risk within the City of Markham.

Through the pilot program, the City has identified the following issues and proposed mitigation measures to improve the program administration and effectiveness:

Issue #1:

Currently, any property within the City of Markham is eligible for the rebate. Based on the results of the two year pilot, the majority of the applications are within flood prone areas.

Recommended Program Change:

Staff recommend that this eligibility be changed to restrict the rebate to areas where flood risks are known to the City, or where risks can be demonstrated by the property owner. As part of the rebate application process, Staff will conduct a review prior to the devices being installed in order to:

- Ensure devices are being installed in areas that are prone to flooding
- Ensure appropriate device selection

Issue #2:

If a property is not connected to the City's municipal sewer system, the property owner is currently not eligible for the rebate program, even though they may be at risk of flooding. This policy limits participation for property owners who would benefit from the program in flood prone areas.

Recommended Program Change:

Program eligibility should be changed to remove the requirement that a property have a municipal sewer connection. Any property that is in a known flood prone area, or can demonstrate that flood risk exists are eligible for the rebate.

Issue #3:

The installation of flood proofing devices is a *Building Code* requirement for the completion of other works, in certain situations, such as infill development in flood prone

---

areas. The rebate program should not apply to these installations, as it is a requirement of the building approval process.

**Recommended Program Change:**

Update the eligibility requirements such that installations that are required by the *Building Code* in completing other works are not eligible for the rebate program.

**Issue #4:**

The pilot program currently only allows for a rebate to be provided for sanitary sewers installed inside a house, as this is how they are usually installed. Property owners have requested that the valve be installed outside the house to avoid digging up the basement during the installation. This option would provide the same level of protection as indoor installations.

**Recommended Program Change:**

Update the Eligible Protection Measures & Maximum Rebate Amounts Table to include outdoor installations on the sanitary line as eligible for rebate, to a maximum amount of \$2,000.

**Issue #5:**

No deadline for submission of rebate applications was specified during the pilot program.

**Recommended Program Change:**

Update eligibility requirements such that the deadline for submitting the rebate application is July 31, 2022.

**Summary of Program Changes:**

**The Proposed Process for Rebate Application:**

1. Property owners determine required work in consultation with qualified contractor and confirm eligible rebate amount
2. Property owners submit proposed work plan to City for review (NEW STEP)
3. Environmental Services Staff review the work plan to ensure that it satisfies the desired outcomes of the City Flood Mitigation Strategy (NEW STEP)
4. Environmental Service Staff inform property owners to proceed or change the work plan (NEW STEP)
5. Property owners submit building permit application
6. Building Department issues the permit
7. Property owners hire qualified contractor to complete the installation
8. Building Department inspects completed works
9. Property owners submit rebate application form including invoices to Environmental Services
10. City issues rebate cheque to property owners

Proposed Eligibility Requirements

Property owners are eligible for rebates subject to the following:

- The property must be located in known flood prone areas, or demonstrate existence of flood risk in the area (NEW REQUIREMENT)
- The property is not subject to any contraventions, work orders or outstanding municipal requirements
- No outstanding municipal fines, tax payments, or fees
- The property owner has obtained approval of the work from the Environmental Services Department prior to installation (NEW REQUIREMENT)
- Downspouts have been disconnected from the City's sewer system
- The property owner provides the necessary documentation required in the application forms, and complies with program requirements
- The property owner has obtained any necessary permits for the new installation
- The new installation adheres to the *Building Code Act, 1992*, S.O. 1992, c. 23 and the Ontario Building Code O. Reg. 332/12, as amended or any successor thereof;
- The property owner signs a release form in favour of the City
- The work is not required as part of other works in meeting Ontario Building Code requirements (NEW REQUIREMENT)
- The deadline to submit applications for rebate is July 31, 2022 (NEW REQUIREMENT)

Proposed Eligible Protection Measures & Maximum Rebate Amounts

The updated eligible measures and associated rebate amounts are summarized in the table below.

| <b>Private Plumbing Protection Measure</b>   | <b>Maximum Rebate Amount</b> |
|--|------------------------------|
| <b>Backwater Valve</b> – Indoor Installed on Sanitary Lateral  | \$1,750                      |
| <b>Backwater Valve</b> – Indoor Installed on Storm Lateral   | \$1,750                      |
| <b>Backwater Valve</b> – Outdoor Installed on Sanitary Lateral (NEW)   | \$2,000                      |
| <b>Backwater Valve</b> – Outdoor Installed on Storm Lateral  | \$2,000                      |
| <b>Weeping Tile</b> - Disconnected from Sanitary Lateral and Redirect to Storm Lateral by gravity connection | \$3,000                      |
| <b>Weeping Tile</b> - Disconnected from Sanitary Lateral and Sump Pump Installation                          | \$5,000                      |
| <b>Lateral Reline/Repair</b> – Storm   | \$2,500                      |
| <b>Lateral Reline/Repair</b> – Sanitary  | \$2,500                      |

**FINANCIAL CONSIDERATIONS**

The budget and projected actual expenses as of the end of the current program are summarized as follows:

| <b>Account</b>     | <b>Approved Budget</b> | <b>Projected Amount Spent</b> | <b>Projected Remaining Funds</b> |
|--------------------|------------------------|-------------------------------|----------------------------------|
| 750-101-5699-18324 | \$1,370,000            | \$815,898                     | <b>\$554,102</b>                 |

The estimated costs of the program extension are as follows:

| <b>Item</b>                                    | <b>Cost</b>      |
|--|------------------|
| Rebate Amount (120 at \$4,000 per application) | \$480,000        |
| Contract Extension – RV Anderson & Associates  | \$69,102         |
| Marketing & Program Promotion                  | \$5,000          |
| <b>Total Cost</b>                              | <b>\$554,102</b> |

No new funding is required for the extension of the program – the program extension will be funded by the remaining funds allocated to the original pilot program, funded by the stormwater reserve. The total projected remaining funds available is \$554,102, which is the same as the total cost of the program extension.

The contract with RV Anderson & Associates will be extended to April 30, 2022 to continue support of the program and the unused portion of the existing Purchase Order (PD18054 & PD18073) will fund this work.

#### **HUMAN RESOURCES CONSIDERATIONS**

Not applicable.

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

The extension of the private plumbing protection rebate program is aligned with the City's objectives to provide better quality services to the public and is consistent with "Building Markham's Future Together" strategic plan's goal of a Safe, Sustainable & Complete Community.

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

Finance, Building and Legal Departments have been consulted on the process changes to the building permit approval process.

#### **RECOMMENDED BY:**

Phoebe Fu, Director,  
Environmental Services Dept.

Brenda Librecz, Commissioner  
Fire & Community Services

#### **ATTACHMENTS:**

Appendix A – Private Plumbing Protection Rebates By-law 2020-xxxx

Appendix B – Pilot Private Plumbing Protection Rebate Application Status Map



## By-law 2020-xx

### Being a By-law to establish a program to provide rebates for the Private Plumbing Protection Program to reduce the risk of basement flooding

---

**WHEREAS** pursuant to subsections 10(1) and 11(1) of the *Municipal Act, 2001*, S.O. 2001, c.25 (the “Act”) a municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

**AND WHEREAS** pursuant clause 8 of subsection 11(2) of the Act a municipality may pass by-laws respecting the protection of persons and property;

**AND WHEREAS** pursuant to clause 6 of subsection 11(3) of the Act a municipality may pass by-laws relating to drainage and flood control;

**AND WHEREAS** the Council of The Corporation of the City of Markham deems it advisable and in the public interest to provide financial assistance on the terms set out in this By-law as an incentive to encourage property owners to implement Private Plumbing Protection Measures on their property to reduce the risk of basement flooding;

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

#### 1. DEFINITIONS

1.0 In this By-law:

“**Backwater Valve**” means a **Check Valve** designed for use in a gravity drainage system;

“**Check Valve**” means a valve that permits flow in only one direction and prevents a return flow;

“**City**” means The Corporation of The City of Markham;

“**Downspout**” means roof runoff collection pipe;

“**Property Owner**” means a registered owner of **Property** in the City of Markham;

“**Property**” means a separate parcel of land in the City of Markham that has been assigned a Property Identifier Number in the land registry system;



“**Licensed Plumber**” means a plumber licensed with the Ontario College of Trades as a journeyman plumber;

“**Lateral**” means a **Property’s** storm or sanitary pipe connection to the municipal **Storm Sewer** or **Sanitary Sewer**;

“**New Installation**” means a **Private Plumbing Protection Measure** implemented after this By-law comes into effect;

“**Private Plumbing Protection Measure**” means a measure implemented in a plumbing and drainage system including backwater valves, sump pumps, weeping tile disconnection and lateral relining/repair for the purpose of reducing the risk of basement flooding;

“**Retroactive Installation**” means a **Private Plumbing Protection Measure** implemented after April 30, 2017 and before the coming into force of this By-law;

“**Sanitary Sewer**” means a sewer intended to carry only sanitary and industrial wastewaters from residences, commercial buildings, industries, and institutions, in which storm, surface, and groundwater are not intentionally admitted;

“**Storm Sewer**” means a municipal sewer intended to carry only storm water, surface runoff from streets and adjacent property, and flow from foundation drains and ditches;

“**Weeping Tile**” (foundation drain) means a pipe or series of pipes that collect groundwater around the foundation or footing of a structure for protection against hydrostatic pressures and for discharge to an approved point of discharge;

## 2. APPLICATION OF BY-LAW

2.0 This By-law applies to **Property Owners** who meet eligibility requirements as set out in Section 3 of this By-law relating to **Retroactive Installations** or **New Installations**.

## 3. ELIGIBILITY REQUIREMENTS

3.0 A **Property Owner** will be entitled to receive a rebate, in accordance with the provisions of this By-law, if they meet all of the following requirements:

- (a) The **Property** must be located in known flood prone areas, or the Property Owner must demonstrate the existence of flood risk in the area to the satisfaction of the City;
- (b) The **Property** is not the subject of any contraventions, work orders or outstanding municipal requirements;
- (c) There are no outstanding municipal fines, arrears of taxes, fees or penalties assessed against the **Property Owner**;

- (d) The **Downspouts** on the **Property** must be properly disconnected from the **City** sewer system;
- (e) The **Property Owner** has obtained approval of the work from the Environmental Services Department prior to installation;
- (f) The **Property Owner** applying for the rebate must provide the necessary information and documentation set out in the rebate application forms and must be otherwise compliant with the program requirements;
- (g) The **Property Owner** or their agent has obtained any necessary permits for the **New Installation**;
- (h) Any proposed **Private Plumbing Protection Measure** must not be required by the *Building Code Act, 1992*, S.O. 1992, c. 23 and the Ontario Building Code O. Reg. 332/12, as amended or any successor thereof as part of other works;
- (i) The **New Installation** must be installed in accordance with the *Building Code Act, 1992*, S.O. 1992, c. 23 and the Ontario Building Code O. Reg. 332/12, as amended or any successor thereof;
- (j) The **Property Owner** must execute a release in favour of the **City**, in a form to be provided by the **City**, and
- (k) The rebate application must be submitted to the **City** by a date specified by the City.

#### 4. REBATE AMOUNTS

4.0 The rebates provided for in this By-law are subject at all times to the availability of funding and may be eliminated by Council through repeal of this By-law at any time without further notice to any affected persons. Nothing in this By-law requires the **City** to provide funding for the rebates set out in this By-law.

4.1 The **City** may grant rebates for each **Private Plumbing Protection Measure** up to the following maximum amounts, for eligible costs only, as described in Section 5 below:

| <b>Private Plumbing Protection Measure</b>   | <b>Maximum Rebate Amount</b> |
|--|------------------------------|
| <b>Backwater Valve</b> – Indoor Installed on Sanitary <b>Lateral</b>   | \$1,750                      |
| <b>Backwater Valve</b> – Indoor Installed on Storm <b>Lateral</b>  | \$1,750                      |
| <b>Backwater Valve</b> – Outdoor Installed on Sanitary <b>Lateral</b>  | \$2,000                      |
| <b>Backwater Valve</b> – Outdoor Installed on Storm <b>Lateral</b>   | \$2,000                      |
| <b>Weeping Tile</b> - Disconnected from Sanitary <b>Lateral</b> and Redirect to Storm <b>Lateral</b> by gravity connection | \$3,000                      |
| <b>Weeping Tile</b> - Disconnected from Sanitary <b>Lateral</b> and Sump Pump Installation                                 | \$5,000                      |
| <b>Lateral Reline/Repair</b> – Storm   | \$2,500                      |
| <b>Lateral Reline/Repair</b> – Sanitary  | \$2,500                      |

## 5. ELIGIBLE COSTS

Eligible costs include:

- a) Material and labour costs for the implementation of the **Private Plumbing Protection Measure**;
- b) Permit fees;
- c) Consulting or inspection costs to determine appropriate **Private Plumbing Protection Measures** to be implemented on the **Property**, and
- d) Cost of **Downspout** disconnection prior to the installation of a **Backwater Valve** or sump pump.

## 6. SHORT TITLE

This By-law shall be known as the “Private Plumbing Protection Rebates By-law”.

## 7. EFFECTIVE DATE

This By-law shall come into force and effect on the date of enactment and passage.

Read a first, second, and third time and passed on xxxx, 2020.

---

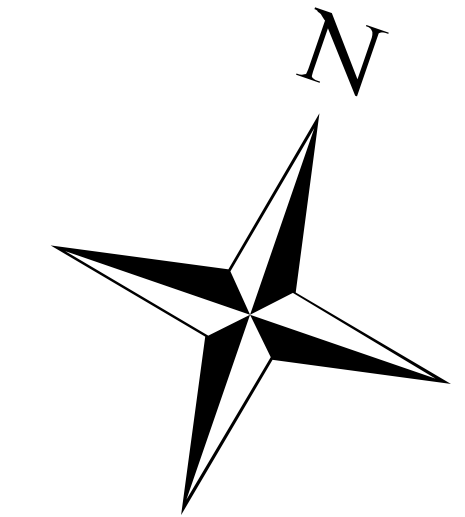
Kimberley Kitteringham  
City Clerk

---

Frank Scarpitti  
Mayor

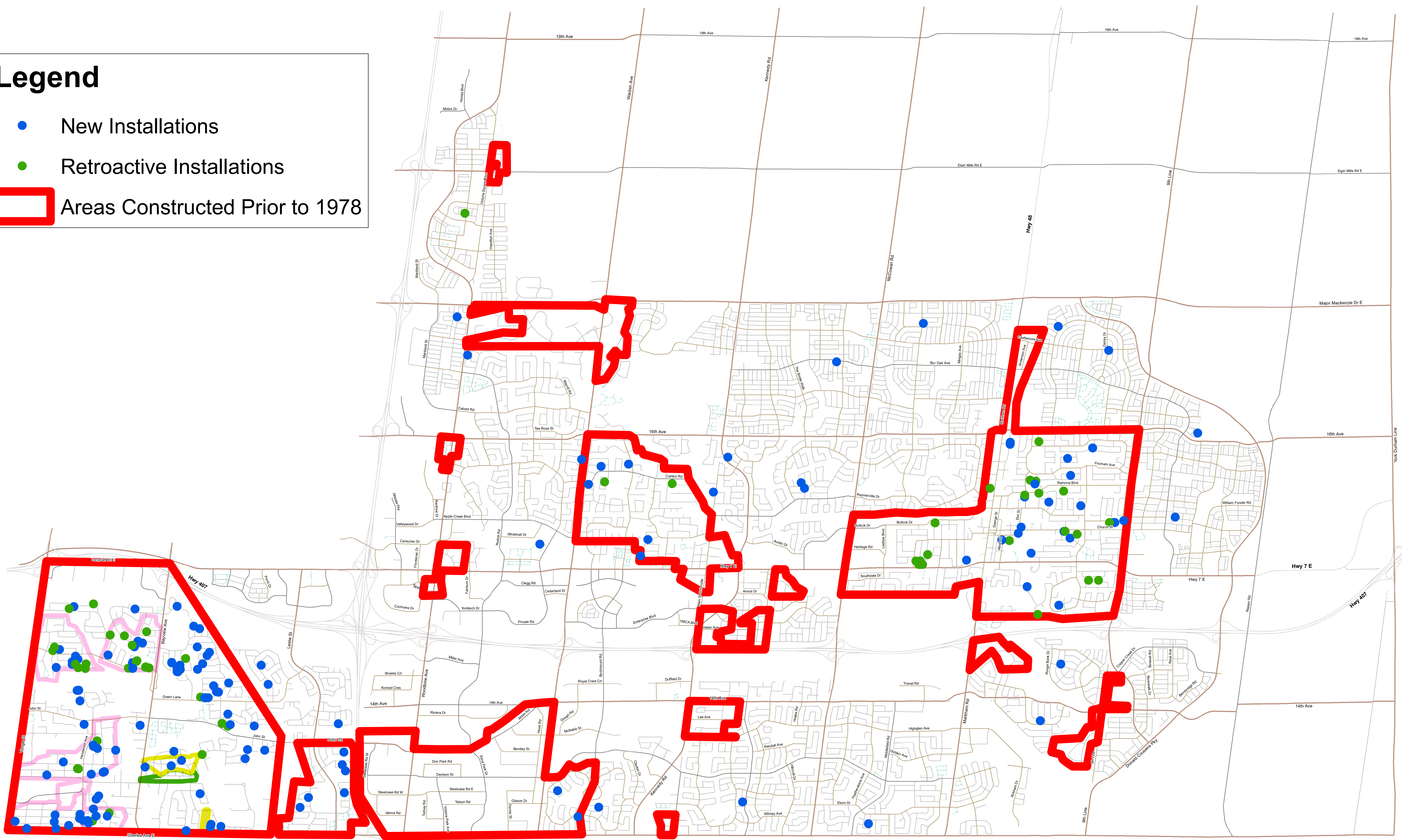


# Private Plumbing Protection Rebate Application Status



## Legend

- New Installations
- Retroactive Installations
- Areas Constructed Prior to 1978







Report to: Development Service Committee

Meeting Date: May 25, 2020

**SUBJECT:** Recommendation Report  
Demolition Permit Application Accessory Building  
31 Wales Avenue  
Markham Village Heritage Conservation District, Ward 4  
File No. 20 112282 DP

**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 staff report entitled “Recommendation Report, Demolition Permit Application, Accessory Building, 31 Wales Avenue, Markham Village Heritage Conservation District, Ward 4, File No. 20 112282 DP”, dated May 25, 2020 be received;
- 2) That Council endorse the demolition of the frame accessory building at 31 Wales Avenue, with the conditions that the applicant consult and comply with any requirements of the City’s Urban Design staff to address the protection of mature trees during demolition, and that the owner advertise the heritage materials for salvage in a local newspaper, to the satisfaction of the Manager of Heritage Planning;
- 3) And that Staff be authorized and directed to do all things necessary to give effect to this resolution.

### **PURPOSE:**

To recommend the demolition of a frame accessory building at 31 Wales Avenue, Markham Village.

### **BACKGROUND:**

#### **The owners of the property propose to demolish an old accessory building**

The owners of 31 Wales Avenue wish to demolish a one and a half storey, frame accessory building located in the rear yard of the subject property. This building, a former stable and village-scaled storage barn, dates from c.1910. The owners plan to replace the existing building due to concerns about its structural condition with a new, detached accessory building through future Site Plan Control and Building Permit applications.

#### **The property is located within a heritage conservation district**

As the property is designated under Part V of the Ontario Heritage Act, review of the demolition permit application by Heritage Markham is required and the approval of Council is necessary to permit the demolition of the existing accessory building.

---

**Staff explored the option of repairing, rather than replacing the existing structure with the applicant**

Staff proposed the idea of repairing the existing c.1910 accessory building with the applicant, instead of demolition and replacement. The owners are of the opinion that the building cannot be reasonably repaired due to structural issues and plan to replace it. The owners are open to the idea of making any heritage materials from the building available for use elsewhere.

**Heritage Markham reviewed the application on May 13, 2020**

Heritage Markham Committee reviewed the demolition permit application at its meeting of May 13, 2020 and did not oppose the approval of the application based on the information provided by the applicant. The recommendations of Heritage Markham are included in the recommendations of this staff report.

**Urban Design**

Urban Design staff has advised that there are mature trees around the existing accessory building that should be protected during demolition. They have noted that if the applicant plans to build a replacement structure in this location or further back on lot, this may impact mature trees. This is a matter that will be highlighted at a future Request for Pre-Consultation relating to the anticipated Site Plan Control application.

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

As a property 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 of the authority to approve “alterations” to staff does not include the authority to consider applications for demolition or removal which are addressed under Part IV and V of the Act. No delegation provisions apply in such circumstances.

Therefore, all applications for demolition of buildings and structures within heritage conservation districts, whether of significant cultural heritage value or not, must be considered by Council.

**The proposed demolition of the accessory building can be supported**

Heritage Markham and Heritage Section staff have, in similar situations, accepted the demolition of accessory buildings within the Markham Village Heritage Conservation

---

District (examples include 44 Church Street, 30 Washington Street) on the basis that they are typically located in rear yards and therefore have a minor visual presence in the District, and also because the later accessory buildings are of light stud frame construction and have minimal foundations. They tend not to be substantial structures. Therefore, staff has no objection to the demolition of the accessory building at 31 Wales Avenue.

It is recommended that as a condition of demolition approval, that the owner be required to advertise the heritage materials of the accessory building for potential salvage, to the satisfaction of the Manager of Heritage Planning. Alternatively, the owner could consider the re-use of some of the material in the future new building.

**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.

**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: Location Map and Building Photograph

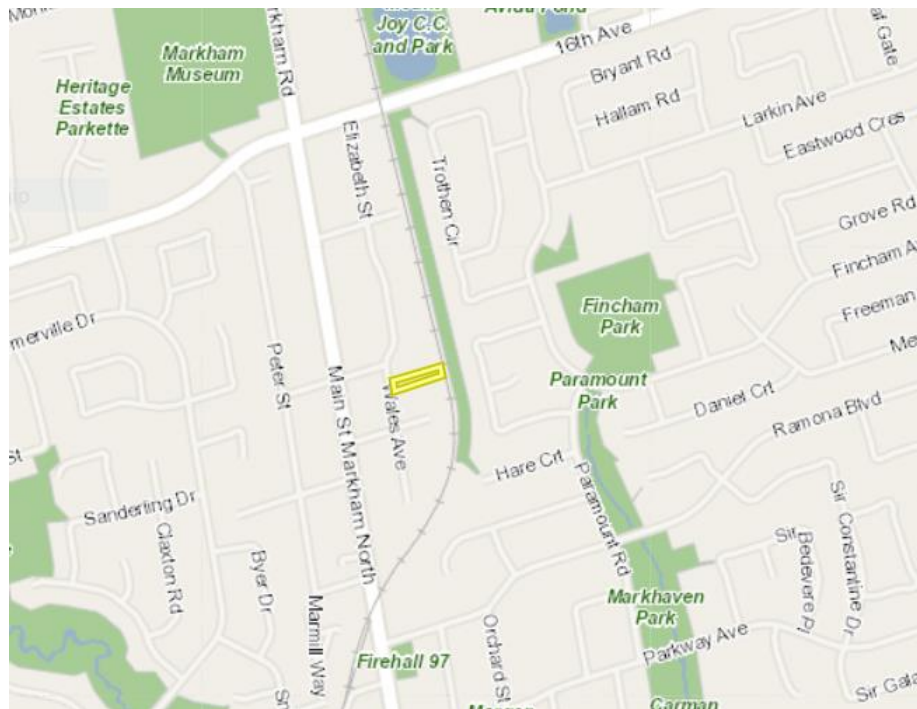
**FILE PATH:**

Q:\Development\Heritage\PROPERTY\WALES\31\DSC May 25 2020 31 Wales.doc

**FIGURE 1**

**APPLICANT/OWNERS:** Todd McDowell and Elizabeth Butler

**LOCATION MAP AND BUILDING PHOTOGRAPHS:**







Report to: Development Services Committee

Meeting Date: May 25, 2020

**SUBJECT:** **Recommendation Report**  
 Demolition Permit Application for a Building Listed on the  
 Markham Register of Property of Cultural Heritage Value or  
 Interest,  
 Summerfeldt-Stickley House  
 10536 McCowan Road, Ward 6  
 File No. 20 110958 DP

**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, Demolition Permit Application for a Building Listed on the Markham Register of Property of Cultural Heritage Value or Interest, Summerfeldt-Stickley House, 10536 McCowan Road, Ward 6”, File No. 20 110958 DP, dated May 25, 2020, be received;
- 2) That Council approve the demolition of the vacant listed heritage building known as the Summerfeldt-Stickley House on the basis of its advanced state of disrepair and the unlikely possibility of repairs being undertaken based on the applicant’s structural review by a qualified engineering consultant;
- 3) That as conditions of demolition approval, the owner be required to provide at their sole cost a Markham Remembered commemorative plaque to interpret the history of the property, and place it in near the front of the property, and the owner be required to advertise in a local newspaper the availability of the building for potential salvage of materials that could be used elsewhere, both to the satisfaction of the Manager of Heritage Planning;
- 4) And that Staff be authorized and directed to do all things necessary to give effect to this resolution

#### **PURPOSE:**

To recommend the demolition of the vacant heritage building at 10536 McCowan Road, known as the Summerfeldt-Stickley House.

#### **BACKGROUND:**

**The Summerfeldt-Stickley House is listed on the Markham Register of Property of Cultural Heritage Value or Interest**

The subject property, owned by Beechgrove Estates Inc., is located on the west side of McCowan Road, just outside of the Robinson Glen Secondary Plan area of the North

---

Markham Planning District. It is zoned A1 – Agricultural under By-law 304-87, as amended, and designated Countryside and Greenway in the Official Plan 2014.

The property is listed on the Markham Register of Property of Cultural Heritage Value or Interest. The building on the property is the Summerfeldt-Stickley House, c.1860. It is a one and a half storey frame vernacular dwelling designed with the influence of the Gothic Revival style, set well back on the property from the street frontage.

**The building was researched and evaluated in 2018**

The building was evaluated by Heritage Markham and staff using the City's Heritage Building Evaluation System. The Summerfeldt-Stickley House was evaluated as a Group 2 Heritage building as part of a program of research and evaluation conducted in 2018 in association with properties within the Future Urban Area/North Markham Planning District. Group 2 buildings are those buildings of significance and worthy of preservation. Group 2 buildings are also considered to be potentially worthy of designation under the Ontario Heritage Act.

**The building is vacant pending future development**

The Summerfeldt-Stickley House has been vacant for several years on a rural property held by Beechgrove Estates Inc. for future development. There are currently no development applications for this property. The owner has had difficulty with trespassers on the property and is concerned about the risks that the advanced state of disrepair of the building present.

**A demolition permit application has been submitted for the vacant heritage dwelling**

A demolition permit application was submitted by the owner on March 27, 2020, accompanied by a Scoped Cultural Heritage Evaluation Report prepared by MHBC Planning, Urban Design & Landscape Architecture Consultants and a Structural Condition Report prepared by TACOMA Engineers.

In 2019, By-law Enforcement conducted a series of inspections on properties with vacant heritage buildings. This action was initiated after Council passed amendments to the Property Standards By-Law and Keep Markham Beautiful By-Law with special provisions regarding the treatment of heritage buildings. This property was inspected and it was found that the frame rear wing of the heritage building was in a state of collapse, and that there were several large holes on the rear slope of the main roof. Since none of these issues were visible from street view, there were no readily-seen condition concerns with the vacant building prior to this inspection.

**The property owner does not intend to repair the building and proposes to demolish it due to trespassing and condition concerns**

Based on their observations, the By-law Officers were of the opinion that it was unlikely that the property owner would undertake repairs to the building based on its condition. The owner was advised to obtain a structural assessment by a qualified engineer if they decided to pursue a demolition permit application at a future date.

---

**TACOMA Engineers are of the opinion that the building is in an unsafe condition**

The report by TACOMA Engineers, which reviewed an earlier report by Zaretsky Consulting Engineers Inc., concludes that the building is beyond the point of restoration due to structural issues and would be unsafe for workers to enter to undertake either shoring or repairs. The report states that the level of replacement of existing material would be such that little would remain of the original heritage building if restoration was to be undertaken.

**MHBC Planning, Urban Design & Landscape Architecture Consultants are of the opinion that the building's condition has compromised its cultural heritage value**

The report by MHBC, titled "Scoped Cultural Heritage Evaluation Report for 10536 McCowan Road, The John Stickley House" indicates, in the consultant's opinion, there is minimal cultural heritage value in terms of Ontario Regulation 9/06 - Criteria for Determining Cultural Heritage Value or Interest, the test to examine if a property warrants designation under the Ontario Heritage Act. The consultant report also covers the condition of the building and concludes that due to its poor condition very little of its heritage integrity remains, in addition to concerns with its structural integrity.

**Heritage Markham reviewed the demolition permit application on May 13, 2020**

Heritage Markham Committee reviewed the demolition permit application at its meeting of May 13, 2020 and did not oppose the approval of the demolition permit application based on the findings of the consultant reports provided by the applicant. The recommendations of Heritage Markham have been included in the recommendations of this staff report.

**OPTIONS/ DISCUSSION:****Vacant heritage properties present a challenge to the municipality**

Vacant heritage properties in a state of limbo pending future development represent a significant issue of concern for the City's heritage conservation program. There are about 60 buildings throughout Markham in this state. Ideally, if an owner undertakes the proper steps to maintain and protect a heritage building soon after it becomes vacant, there is a much better chance that serious concerns with condition will not occur.

In parts of Markham north of the existing developed urban area, there are heritage buildings located on properties being held for future development that have been abandoned for years, with electrical service disconnected and therefore no heat. With these vacant dwellings often in locations on rural properties where they are distant from the road, maintenance problems are not always observed by City staff and problems such as a deteriorated roof can go unnoticed and develop into more serious condition problems.

**The condition of the heritage building at 10536 McCowan Road appears to have reached a point where repair is unlikely to occur**

When By-law Enforcement has encountered vacant buildings that appear to have gone past the point of reasonable repair, owners have responded by submitting demolition permit applications. Based on their observations on site at 10536 McCowan Road, By-Law Enforcement officers were of the opinion that it would be impractical to attempt to

enforce the By-Law requirements with respect to repairing the damage and re-instating electricity and heat.

### **Discussion of Cultural Heritage Value or Interest**

The subject building still possesses historical associative and physical/design value according to the findings of Heritage Section staff. However, notwithstanding the cultural heritage value or interest of the Summerfeldt-Stickley House and its evaluation as a Group 2 heritage building, its advanced state of deterioration is a significant factor to consider in reaching a recommendation with respect to the proposed demolition of the building.

### **Staff do not recommend that the property be designated under the Ontario Heritage Act, but recommend that it should be commemorated**

With no development applications in progress, and the unlikely prospect of repair and restoration to a habitable condition, staff do not recommend that the property be considered for designation under the Ontario Heritage Act. In order to recognize the cultural heritage value of the Summerfeldt-Stickley House, staff recommends that a commemorative “Markham Remembered” plaque be installed at the expense of the owner, to be placed near the front of the property, to the satisfaction of the Manager of Heritage Planning.

Staff also recommends that the owner be required to advertise in the local newspaper the availability of the building for the potential salvage of materials that could be used elsewhere. This action could help divert some building materials from landfill sites.

### **The Ontario Heritage Act requires Council to consider demolition applications for listed heritage properties within a specified timeframe**

For properties listed on the *Markham Register of Property of Cultural Heritage Value or Interest* that are not designated individually or within a designated heritage conservation district, or where Council has not passed a resolution indicating an intention to designate, the procedure outlined in Section 27(3) of the *Ontario Heritage Act* must be followed. As a listed property, the demolition request must be reviewed by Heritage Markham and its recommendation addressed by Markham Council within 60 days of the date a notice of receipt letter is issued to the applicant.

### **Staff recommends that the demolition permit application be approved based on the circumstances involving this property**

Based on the specific circumstances concerning the condition of this vacant heritage building, staff recommends that the demolition permit application be approved with the conditions to require a Markham Remembered plaque, and the advertising of the building for potential salvage of materials.

### **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.

**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 Photographs 2000 and 2020

**FILE PATH:**

Q:\Development\Heritage\PROPERTY\MCCOWAN\10536\DSC May 25 10536 McCowan.doc

**FIGURE 1****APPLICANT NAME & LOCATION MAP**

**APPLICANT/OWNERS:** Beechgrove Estates Inc. (Clay Leibel).

**LOCATION MAP:**



**FIGURE 2**  
**BUILDING PHOTOGRAPHS**



**Summerfeldt-Stickley House in 2000 and 2020**



**TACOMA Engineering Photograph**



## **BUILDING PHOTOGRAPHS Continued**



**Rear of Summerfeldt-Stickley House, 2020**

**TACOMA Engineers Photograph**



**From:** Ian Free  
**Sent:** Thursday, May 21, 2020 12:57 PM  
**To:** Clerks Public <[clerkspublic@markham.ca](mailto:clerkspublic@markham.ca)>  
**Subject:** Deputation regarding By-law amendment proposal

**CAUTION: This email originated from a source outside the City of Markham. DO NOT CLICK on any links or attachments, or reply unless you recognize the sender and know the content is safe.**

Hello;

I would like to make both a written and virtual deputation before the DSC on the following topic scheduled for the May 25<sup>th</sup> meeting.

On the topic of:

## 10.2 COMMITTEE OF ADJUSTMENT PROCEDURAL BY-LAW

AMENDMENT REPORT FILE #: PR 20 112899 (10.12)

The following is my deputation:

RE: Proposal to enact a bylaw to allow COA meetings be held differently.

I object to the proposal without consideration of the following:

- 1) Notice by mail to land owners near the property is a must. The newspaper delivery system in our area is spotty at best with several missed deliveries regularly per quarter. Handing the delivery of notices to an unreliable third party does not meet the intent of the bylaw.
- 2) The only way the resident would get the information that goes along with that variance request is by downloading it from the city website which most people will not bother with.
- 3) The democratic right of objectors will be extremely weakened by not allowing a face to face interaction with the COA members.
- 4) The meetings being held only electronically will remove to many citizens from having their voices heard even if it just in person for support of an objector.
- 5) Having objections heard through email or letter may not allow the committee to hear any feedback from residents on changes being made after the letter of objection.
- 6) If a resident does not receive a mailout or read the notice in the paper, a sign may not even be seen as it might be on a different street that they do not frequent.
- 7) Getting permission from the city in advance for deputations is not going to work. Without live streaming and an ability to interact with the committee, the applicant will have a strong advantage which is also not the intent of the committee sitting at all.
- 8) A lot of the detail of the application might be lost due to technology issues, as in person viewing of detail is much preferred and more questions get asked by the public at large.
- 9) This is only a temporary measure while the provincial government is under 'emergency order'. This order may be removed before the committee normally sits in September and would make this process redundant. It would be better to wait and see if the 'emergency order' remains in place that long at that any changes are tied to that 'emergency order' only!
- 10) There is no variance request for infill housing or construction that could not wait until the order is lifted. Only emergency matters should come before any committee that is struck during the lockdown.
- 11) Signage currently does not get updated when there is deferral to include any new dates and any new information. This would have to be closely monitored by the city.
- 12) Written hearings should NEVER happen as they take the public out of the equation for the most part.
- 13) And MOST importantly, one of the tests is "Is it in the publics' interest". How can we guarantee that the public has their say? Many of the attendees are usually seniors that lack the skills to get the information on-line or participate in an on-line discussion or deputation.

I believe that this may get out of hand and give developers of in-fill housing the upper hand when it comes to variance requests and therefore should NOT be allowed to happen without careful consideration. The process to have your say is becoming a task for a lot of people and the meetings will occur after hours where no city help is available.

Respectfully;

Ian Free

**From:** Chris Bergauer-Free  
**Sent:** Friday, May 22, 2020 4:28 PM  
**To:** Clerks Public <[clerkspublic@markham.ca](mailto:clerkspublic@markham.ca)>  
**Subject:** Meeting May25 deputation request Regarding Bylaw amendment to COA process

**CAUTION: This email originated from a source outside the City of Markham. DO NOT CLICK on any links or attachments, or reply unless you recognize the sender and know the content is safe.**

Below is my deputation on the matter before the DSC May 25th.

By-Law 102 COA

In regards to By-Law # , I object to the proposed changes to the official By-Law procedures on the following grounds.

1. As a tax payer, long time resident, as many are, of Markham, our Constitutional Right to personally face, attend any legal matters within, not only our City, but our Country will be denied to individual Law Abiding Citizens of this community.
2. NOT ALL TAX PAYERS/RESIDENTS within Markham
  - A. Regularly receive the Local Newspapers, as the service OFTEN is Most Irregular
  - B. Read the Local Paper..... ??????... HOW do you intend to FORCE All Residents to Read, if possible and/or able, the Local Paper.
  - C. Do not have a full comprehension of the English Language (are of Urdu, Greek, Italian, Chinese (any Version), etc. language origin) and Are Tax Payers.
  - D. Who do have computers and may, or may not know their way about them, DO NOT Wish to have Their E-Mail Address made Public knowledge.
  - E. Who have computers are trusty of computer security be it their own systems OR that of the City of Markham
  - F. Have a Computer, NOR are Computer Literate
  - G. Are of an AGE with the ability to maneuver through the current City of Markham Website, which is Ever Changing.
  - H. Are of the ability to Write their objection, if any, due to physical issues. Hence, Opinions are best personally Deputized.
  - I. Computer Screens do NOT allow for accurate, clear visual of Any descriptive aides, such as plans, etc., as most often further moments of time are required to Inspect these aids. The time for this
  - J. Take REGULAR WALK ABOUTS encompassing their entire neighbourhood on a Daily/ Regular basis, within the 10 Day Prior Notice Period by Signage, to keep Up to Date on proposed Building/In-Fill Intentions by Developer/Owners.
  - K. Have the 'Flexibility' of TIME to sit through a computer session of 4-6 hours in front of a computer screen, with the ABOVE NOTED Issues in HOPES of visually and hearing correctly to understand, comprehend, with enough time the material presented by the developer/Owner. This gives, once again disregards the humane, legal rights of the constituent disallowing FULL DISCLOSURE of PROPOSAL AFFECT.
3. This PROPOSED By-Law is in FAVOUR of the 'Developer/Owner' of Primarily In-Fill Housing, as the Ownness of AFFECTING THE NEIGHBOURHOODS' is extremely diminished by the Technological Restrictions IMPOSED upon the most probable questioning/objecting Overall Taxpaying, Direct Neighbourhood Public.
4. I can speak personally to ALL of these objections, as I can apply myself to each and every one of the above objections, as can MANY OTHER RESIDENTS in my area.
5. Our particular area is most grievously affected by ever constant and continued requests of OUT OF BY-LAW REQUIREMENT CHANGES to facilitate monster, cookie-cutter type homes in a WELL ESTABLISHED/HISTORICAL area with Mature Environment.
6. There is NO EMERGENCY in having to VARIANCE REQUESTS, as we DO HAVE accommodating BY-LAWS CURRENTLY In Place!!!!
7. IF this is a TEMPORARY MEASURE until the Emergency Status of ESSENTIAL GOVERNANCE is OVER, What is the TEMPORARY STATUS DATE ASSUMED? NOTE: The Numbers of COA, Predominately Variance Requests, due to the INABILITY OF OBJECTION DURING A PRESUMED LIMITED TIME has NO Number of Request Limitation, as it is Planning Dept/Dev. Serv. Dept. originated. This EASY ACCESS, due to the above limitations WILL SEE Excessive amounts of these requests during this period. The Other reason for this increase is and will be, the knowledge of the 'By-Laws Review Committee' work and intent.
8. COA VARIANCE REQUESTS ARE NOT AN ESSENTIAL GOVERNANCE Issue, particularly as this Emergency Status is Time Limited. If it is considered so, on which grounds? Taxes are NOT being Correctly, NOR Timely levied on Many of the In-Fill

projects upon completion, thereby affecting the financial/responsible viability of the City of Markham and the responsible Tax Payer being Affected by these proposed Projects. The Tax Collection issue being resolved is Truly an Essential Service Governance.

Christiane Bergauer-Free



# **Committee of Adjustment May 25**

**Brad Roberts**



## Public Notice Minimum Requirements

- Under the Planning Act, the City can satisfy the requirements of Public Notice one of two ways:
  - Giving notice by personal service or ordinary mail to every land owner within a prescribed distance of the subject lands AND posting of notice on the subject lands clearly visible and legible from the public street; OR,
  - Publishing a notice in a newspaper that sufficiently circulates to the area surrounding the subject lands that would provide reasonable notice of the application.



## Current Procedural By-Law

- Requires Staff to prepare pre-paid mail outs
- Requires Staff to prepare a sign for the applicant to post on their property
- By-law section on the location of hearing references mail out and posted sign, but not the possibility of a newspaper notice
- The by-law section on Quorum stipulates Committee be “present” although quorum through electronic meetings is permitted by legislation
- Option to hold hearings in writing has been included following operational review under the Business Continuity Plan. This is being considered in the event of a variety of possible future emergencies



## Logistics of COA Mail Outs

- Each application averages approximately 80 letters. Mail outs near larger condo complexes may result in over 1000 letters for an individual application
- On average, Committee hears approximately 10 items per meeting
- Production of 800 mail outs, addressed individually, requires more than a full day of production from a Planning Staff, along with a full day of production from Print Shop Staff
- In lieu of mail outs, Staff are proposing to satisfy the requirements of Public Notice under the *Planning Act* by posting notice in the newspaper. Staff will also have the applicant print supplemental signage (8 ½ x 11) to be located on the subject site, and provide additional notice on the City's website. This strategy allows all Staff to continue to work remotely





## Available Notification and Information Prior to Meetings

- Mail outs for Minor Variances are only required to be posted in the mail 10 days prior to the meeting. Staff's current practice is to post 14 days prior to the meeting. Newspapers containing notice will be delivered to doorsteps a minimum of 15 days prior to the meeting
- Additional digital public notice, along with the plans submitted by the applicant, will be posted online when notice is provided. Digital notice will also be provided to Corporate Communication for distribution
- Staff reports will continue to be posted online no later than the Friday prior to the meeting. Staff incorporate comments from residents and agencies into their report where possible. Applicants may also revise their plans based on these comments. Posting reports any earlier may result in recommendations being made without full information
- Unlike DSC or Council, Committee of Adjustment meetings are not live streamed. Upon request, those wishing to participate or those wishing to listen in on the proceedings will be given access to the meeting
- Those wishing to participate or listen in on the meeting will be encouraged to reach out to Committee Staff at least two days prior to the meeting. This will give Staff an opportunity to provide guidance to residents or applicants on logging in, on the technology available during the meeting, and on the procedures of the meeting



## Public Participation

- Residents are currently unable to attend “in person”
- Residents can provide comments via email, by phoning into the meeting, by participating in the electronic meeting, or by providing written comments. Written comments can be mailed by post or deposited in the drop box to the right of the Thornhill entrance at the Civic Centre
- Public input, whether written, emailed, provided over the phone, or via digital meeting platforms should always be considered equally by Committee
- As timelines to make decisions on applications have been suspended by the Province, Committee can defer any application if they feel the public was not able to speak or if they feel any due process is an issue
- If Committee does render a decision and a member of the public feels their right to speak has been infringed upon, an appeal can be filed with LPAT.
- Under the current legislation, applications become final and binding 20 days after notice of decision is sent out. Staff will provide an additional 10 days before sending out notice of decisions



## Features of the Zoom Platform

- Share screen
  - Staff, applicants, or multiple individuals can share files on screen
  - Permissions can be granted to annotate or draw on any file being shared
  - Staff have access to mapping, imagery, and copies of plans to provide supporting visual content for residents
- Break Out Room
  - If clarification is required between applicants and residents, Staff can moderate a break out room to allow issues to be resolved outside of the meeting
- Phone in Option
  - Those without computers can be provide local phone numbers and meeting password to phone into the meeting
- Raise Hand
  - Platform offers a “raise hand” option to allow those wishing to speak to signify their interest in participating

Report to: Development Services Committee

Report Date: May 25, 2020

---

**SUBJECT:** Committee of Adjustment Procedural By-law Amendment  
File #: PR 20 112899

**WARD:** All Wards

**PREPARED BY:** Geoff Day, MCIP RPP - Ext. 3071,  
Senior Planner, Zoning and Special Projects

Brad Roberts, Ext. 2800,  
Manager, Zoning and Special Projects

**REVIEWED BY:** Francesco Santaguida, Ext. 3583  
Assistant City Solicitor, Legal Services Department

Ron Blake, M.C.I.P., R.P.P., Ext. 2600  
Senior Development Manager

**RECOMMENDATION:**

1. That the report titled “Committee of Adjustment Procedural By-law Amendment File #: PR 20 112899”, be received;
2. That Staff be directed to reconvene Committee of Adjustment meetings to consider applications utilizing electronic meeting participation;
3. That the amendment to Bylaw 2014-170 (A By-law to Establish a Procedure for the Committee of Adjustment of the City of Markham) as attached in Appendix ‘B’ be enacted and,
4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**BACKGROUND:**

Section 238 of The *Municipal Act*, 2001, SO 2001, c. 25, as amended (the “*Municipal Act*”) requires all committees and local boards to adopt a procedural by-law to govern the calling, place and proceedings of meetings.

Although the City of Markham has adopted a general procedural by-law intended to apply to all municipal boards and committees, the Committee of Adjustment (the “COA”) is a special, quasi-judicial body operating at “arms-length” from City Council, and as such, has its own procedural by-law.

In 2014, Council adopted procedural by-law 2014-170, respecting the operation of the Committee of Adjustment.

Bill 187, *Municipal Emergency Act*, 2020

The Ontario Government passed Bill 187, *Municipal Emergency Act*, 2020, on March 19, 2020. Bill 187 provides municipal Councils with the ability to amend their procedural bylaws to set out alternative procedures to be followed during an emergency situation, when declared by the Province. The Bill permits municipal Councils to ensure that local decision making, to every extent possible, is not adversely affected during emergency situations. Amendments under Bill 187 were not required respecting the

Report to: Development Services Committee

Report Date: May 25, 2020

---

Committee of Adjustment since the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S.22, already authorizes tribunals, including the Committee of Adjustment, to hold meetings in person, electronically, or by written hearing.

*Planning Act* Notice Requirements

Regulations under the *Planning Act* offer two alternatives to provide notice of hearing for both Minor Variance applications and Consent applications.

In both cases, the Regulations give a municipality the option to satisfy the requirements of public notice requirement by:

- a) giving notice by personal service or ordinary mail to every land owner within a prescribed distance of the subject lands AND posting of notice on the subject lands clearly visible and legible from the public street; OR,
- b) publishing a notice in a newspaper that sufficiently circulates to the area surrounding the subject lands that would provide reasonable notice of the application.

**DISCUSSION:**

**Amendment to Bylaw 2014-170 (A By-law to Establish a Procedure for the Committee of Adjustment of the City of Markham) is required**

Markham's procedural by-law (Bylaw 2014-170) for the COA was enacted in 2014 (See Appendix 'A'). It sets out the procedures relating to the calling of meetings, administration, quorum, conduct of meetings, voting, and decision making powers.

Sections 2.1, 2.3 and 2.4 "Calling of Hearings", of the Procedural By-law state the following:

- 2.1 All hearings of the Committee shall be called by the Secretary-Treasurer, and notice of any hearing shall be given by pre-paid mail as well as posting of a notice sign, in accordance with the *Planning Act*.
- 2.3 A sign or signs, prepared by the City and providing notice of the public hearing, shall be placed on all properties subject to a Committee application in accordance with the *Planning Act* and section 2.4 if applicable.
- 2.4 In the case of a corner lot or such other lot with frontage on more than one public or private street, a notice sign as referred to in section 2.3 shall be erected on each street, in a location where it can be clearly seen from such street.

*Note: For clarity, Section 2.2 refers to the public availability of Committee agendas of at least five (5) calendar days prior to the scheduled meeting, and available through the City of Markham website. **This section is not proposed to be amended.***

The *Planning Act* provides for several methods of notice, including physical mail, on-site signage and, notice in local newspapers. During a state of emergency these methods may be amended to permit notice

Report to: Development Services Committee

Report Date: May 25, 2020

---

through other means. During the current, or any possible future declared state of emergency, it may not be feasible or physically safe for a municipality to provide notice in accordance with the current practice that meets the requirements of the procedural by-law for the Committee of Adjustment.

In order to ensure the health, safety and well-being of the public, applicants and municipal Staff, it is recommended that Procedural By-law 2014-170 be amended to include the following new sections:

- 2.5 Notwithstanding 2.1, 2.3, and 2.4 above, during any period where an emergency has been declared to exist in all or part of the municipality under section 4 or 7.0.1 of the *Emergency Management and Civil Protection Act*, R.S.O. 1990, c. E.9, as may be amended or replaced, notice of any hearing may be given in accordance with the *Planning Act*, R.S.O. 1990, c. P.13 and its regulations, all as amended, and/or any by-laws, legislation, and/or regulations related to the declaration of an emergency, where appropriate.
- 2.6 Any modification to notice in accordance with section 2.5 above shall be authorized by the Commissioner of Development Services or designate.
- 2.7 Notwithstanding Section 2 above, during any period where an emergency has been declared to exist in all or part of the municipality under section 4 or 7.0.1 of the *Emergency Management and Civil Protection Act*, R.S.O. 1990, c. E.9, as may be amended or replaced and where permitted by law, the Committee may issue a direction related to the provision of notice for a hearing, but may not allow for no notice of a hearing to be issued.
- 2.8 Nothing in this by-law shall prevent the holding of a meeting of the Committee of Adjustment after a declaration of emergency has been lifted, where notice of the meeting was provided in accordance with section 2.5 or 2.7.

Section 3.1 “Location of Hearings” of By-law 2014-170, states the following:

- 3.1 The location of all hearings of the Committee shall be identified on the notice of hearing referred to in Section 2.1.

Staff propose the following revision to section 3.1 to ensure the location of hearing is included in all notice:

- 4.1 The location of all hearings of the Committee shall be identified on the notice of hearing referred to in Section 2.

Section 5.1 “Quorum” of By-Law 2014-170, states the following:

- 5.1 A minimum of three (3) members of the Committee shall be present to constitute a quorum.

While Section 5.2 of the *Statutory Powers Procedure Act* currently authorizes Committee of Adjustment to hold meetings electronically, Staff are proposing the following amendment to ensure clarity in conforming with the requirements of quorum.

Report to: Development Services Committee

Report Date: May 25, 2020

---

- 5.1.1 Notwithstanding 5.1, a member of the Committee who is participating electronically in a meeting may be counted in determining whether or not a quorum of members is present at any point in time, in accordance with the *Planning Act*, *Statutory Powers Procedure Act* and *Municipal Act*.

Section 6 “Conduct of Meetings” in By-law 2014-170 describes in detail, the conduct of meetings in accordance with the *Planning Act*, and other policy directives of the City. Staff have provided further clarification that meetings shall be held in accordance with the *Statutory Powers Procedure Act*. Staff are further proposing the addition of Section 6.12, authorizing meetings held through written means.

- 6.12 Notwithstanding 6.2 to 6.11 inclusive, all or portions of meetings in accordance with this By-law may be held through written means, as determined by the Committee.

- (1) Should the Committee wish to hear an application through a written hearing,
  - a. the Committee may make rules or issue directions with respect to the written hearing setting out:
    - i. the timelines for the submission of materials by the applicant;
    - ii. the posting of those materials online at [www.markham.ca](http://www.markham.ca) for public review;
    - iii. the timeline for the submission of materials by any person or party in support or opposition to the application;
    - iv. the timeline for reply submissions by the applicant.
  - b. After the matters set out in subsection (a) are complete, the Committee may make rules or issue directions with respect to the written hearing setting out:
    - i. the deliberation of the application by the Committee members;
    - ii. voting on the application by the Committee; and
    - iii. the issuance of a decision by the Committee.

Section 8 “Decisions of Committee” of By-Law 2014-170, describes the methods by which the Committee of Adjustment provides notice of decision to interested or affected parties.

- 8.4 Notwithstanding 8.2 and 8.3, during any period where an emergency has been declared to exist in all or part of the municipality under section 4 or 7.0.1 of the *Emergency Management and Civil Protection Act*, all decisions shall be prepared and posted on the City of Markham’s website, and may provide notice of such decision by electronic means to the applicant and each person or public body required in accordance with Section 45(10) or 53(17) of the *Planning Act*, as amended.

- 8.4.1 In accordance with Section 8.4, any person who wishes to be provided notice of a decision by the Committee shall provide an electronic mail (e-mail) address to provide service. Any person who refuses to, or otherwise does not provide an e-mail address to the Secretary-Treasurer shall be deemed to have withdrawn a request for notice of the decision of the Committee.

While it is not anticipated that the COA will hold meetings through written means as a matter of course, it provides additional flexibility which may be needed during the current emergency or possible future emergencies that may affect the operation of the COA. The proposed Section 6.12 also supports the City’s Business Continuity Plan.

Report to: Development Services Committee

Report Date: May 25, 2020

---

**CONCLUSION:**

The proposed amendments will clarify procedures should the COA wish to hold digital or written meetings. The amendments will further ensure that notice will continue to be provided as required pursuant to the *Planning Act*, *Statutory Powers Procedure Act*, *Emergency Management and Civil Protection Act*, or any other Act or Regulation enacted as a temporary measure during this, or any future declared emergency.

The current practice of the COA is to provide notice earlier, and at a greater circulation distance than what is required under the *Planning Act*. COA Staff provide agendas, Staff memos, and copies of submitted documents on the City's website prior to meetings. To enhance any notice provided under the current declared emergency, COA Staff will provide notice to the local Ward Councillor via email to allow further distribution via email to any residents groups or mailing list deemed appropriate by the Ward Councillor. COA Staff will further seek opportunities to post notice on the City's website.

**FINANCIAL CONSIDERATIONS AND TEMPLATE:**

Not applicable.

**HUMAN RESOURCES CONSIDERATIONS:**

Not applicable.

**ALIGNMENT WITH STRATEGIC PRIORITIES:**

Not applicable.

**BUSINESS UNITS CONSULTED AND AFFECTED:**

Markham's Legislative Service Department was consulted in preparing this report.

**RECOMMENDED BY:**

---

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

---

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

**ATTACHMENTS:**

**APPENDIX 'A'**    Procedural By-law 2104-170

**APPENDIX 'B'**    Proposed amendment to By-law 2014-170



## APPENDIX 'A' Procedural By-law 2104-170

**By-law 2014-170****A By-law to Establish a Procedure for the  
Committee of Adjustment of the City of Markham**

Whereas the Council of the Corporation of the City of Markham has passed By-law 2011-194 to constitute and appoint a Committee of Adjustment; and,

Whereas Section 238(2) of the *Municipal Act, 2001*, S.O. 2001, c. 25 (the "*Municipal Act*"), as amended, requires every municipality and local board to adopt a procedure by-law for governing the calling, place and proceedings of hearings; and,

Whereas Section 239(1) and Section 239(5) of the *Municipal Act* requires all meetings to be open to the public and state that a meeting shall not be closed to the public during the taking of a vote; and,

Whereas the Committee of Adjustment for the City of Markham has been established pursuant to the *Planning Act, R.S.O. 1990*, c.P. 13, as amended; and,

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

**1. Application**

- 1.1 The procedures contained in this By-law shall be observed in all proceedings of the Committee of Adjustment (the "Committee") and shall, subject to Section 1.2, be the procedures for the order and dispatch of business conducted by the Committee.
- 1.2 The Committee may also pass Committee policy directives respecting the conduct of business ("Policy Directives"), provided they are in accordance with the *Planning Act, R.S.O. 1990*, c.P. 13, as amended and the applicable regulations thereunder, (the "*Planning Act*"), and the provisions of this By-law.

**2. Calling of Hearings**

- 2.1 All hearings of the Committee shall be called by the Secretary-Treasurer, and notice of any hearing shall be given by pre-paid mail as well as posting of a notice sign, in accordance with the *Planning Act*.
- 2.2 All agendas of hearings of the Committee shall be made available to the public at least five (5) calendar days prior to the scheduled meeting, and such agendas shall be made available through the City of Markham website.
- 2.3 A sign or signs, prepared by the City and providing notice of the public hearing, shall be placed on all properties subject to a Committee application in accordance with the *Planning Act* and section 2.4 if applicable.
- 2.4 In the case of a corner lot or such other lot with frontage on more than one public or private street, a notice sign as referred to in section 2.3 shall be erected on each street, in a location where it can be clearly seen from such street.

By-law 2014-170  
Page 2

**3. Location of Hearings**

- 3.1 The location of all hearings of the Committee shall be identified on the notice of hearing referred to in section 2.2.

**4. Committee of Adjustment Administration**

- 4.1 The members of the Committee shall elect from among themselves both a Chair and a Vice-Chair.
- 4.2 In the absence of the Chair, the Vice-chair shall carry out the responsibilities of the Chair required by this By-law and the Policy Directives. In the absence of both the Chair and the Vice-chair, the members of the Committee present shall elect a Chair for the meeting.
- 4.3 The Committee shall appoint as Secretary-Treasurer and as Assistant Secretary-Treasurer the current employees of the City of Markham Planning and Urban Design Department so designated by the City.

**5. Quorum**

- 5.1 A minimum of three (3) members of the Committee shall be present to constitute a quorum.
- 5.2 Subject to subsection 5.1 above, the inability of a member to act due to a declared Conflict of Interest in accordance with section 9 does not impair the powers of the Committee or of the remaining members of the Committee.
- 5.3 If no quorum is present thirty (30) minutes after the time appointed for the meeting of the Committee, the Secretary-Treasurer shall record the names of the members of the Committee present and the meeting will stand adjourned until the next appointed time. If all those members of the Committee who are present remain until a quorum is present, then the meeting shall proceed.

**6. Conduct of Meetings**

- 6.1 The meeting Chair shall conduct meetings in accordance with this By-law, the Policy Directives, and the *Planning Act*.
- 6.2 The meeting Chair shall:
- Call the meeting to order;
  - Call for disclosures of Conflict of Interest in accordance with section 9;
  - Call for confirmation of Minutes of the previous Committee meeting;
  - Call for any requests for deferral of an application;
  - Direct the Secretary-Treasurer to call each application in the order in which it appears on the agenda, or in any other order, at the Committee's discretion.
- 6.3 The Chair shall ask the applicant, the authorized agent, or the owner's representative (the "Applicant") to identify their name and address and present the application. The Applicant shall be provided with a maximum of ten (10) minutes to present information respecting the application to the Committee. Any presentation beyond the maximum time period shall be at the discretion of the Chair.
- 6.4 The Chair will address the public and invite comments from the public with respect to the application being heard. The Committee may limit the length of a public submission to ensure that all members of the public may be heard. Members of the public shall confine their remarks to the subject application.

By-law 2014-170  
Page 3

- 6.5 The Committee may ask questions of the Applicant at this time, during or after the presentation.
- 6.6 At any time, the Chair or Committee members may ask the Secretary-Treasurer to:
- Read aloud any comments received from agencies who responded to the circulation of the notice of the application;
  - Read aloud any comments received from persons expressing an interest in the application;
  - At the direction of the Chair, summarize the nature of the interest being expressed;
  - Read aloud any proposed conditions of approval. The Committee may delete from, add to or revise such proposed conditions.
- 6.7 Following public input, the Committee may give the Applicant an opportunity to respond to any comments received from commenting agencies or interested parties, and to provide a summary of the substance of the application (the "Applicant's Reply").
- 6.8 The Chair and Committee may ask additional questions at this time.
- 6.9 Following the Applicant's Reply, the Committee shall consider the issues raised by the application and the evidence heard by the Committee. The Chair shall:
- Ask whether the members of the Committee wish to conduct further discussions on the merits of the application;
  - Ask the members of the Committee for a motion to either approve or deny the application;
  - Upon a receipt of a motion from a member of the Committee, ask for a remaining member of the Committee to second the motion;
  - Permit discussions on the motion;
  - Call for a vote by the Committee on the motion in accordance with section 7.1; and
  - Announce the decision of the Committee, as determined in accordance with section 7.3.

Following satisfaction of the requirements of sections 6.9(a) to (f), the Chair may, in his or her sole discretion, summarize any dissenting decisions orally.

- 6.10 A request for deferral of a matter on the scheduled hearing date by the Applicant, City Staff or any commenting agency, must be for reasonable cause and must be made at the hearing. If granted, the Committee, in consultation with the Secretary-Treasurer, shall either:
- set a new meeting date at the meeting, in which case no further notice will be provided; or,
  - adjourn the hearing sine die, in which case notice of the new meeting date shall be provided to all persons who provide the Secretary-Treasurer with a written request for such notice.
- 6.11 A request for withdrawal of a matter on the scheduled hearing date by the Applicant shall be recorded by the Secretary-Treasurer, and the Committee will take no further action on the matter.
- 7. Voting**
- 7.1 Each member of the Committee, when requested by the Chair to vote in accordance with section 6.9(e) on a motion seconded in accordance with section 6.9(c), shall indicate by show of hands, or any other form of acknowledgement, his or her position on such motion.


Report to: Development Services Committee

Report Date: May 25, 2020

By-law 2014-170  
Page 4

- 7.2 In the event that the initial motion tabled in accordance with section 6.9(c) is defeated, the Chair shall ask the members of the Committee for a new motion, in accordance with the following:
- a) if the defeated motion was a motion to approve, the Chair shall request a motion to deny; or
  - b) if the defeated motion was a motion to deny, the Chair shall request a motion to approve; and
  - c) Sections 6.9 c) to f) shall apply to such new motions referred to in a) and b) above.
- 7.3 The majority decision of the Committee on a motion voted on under section 7.1 or 7.2 shall constitute the decision of the Committee, and shall be announced in accordance with section 6.9(f).
- 7.4 The Chair is entitled to all rights of a Committee member, including voting. The Chair is required to vote in the event that it is required in order to break a tie vote.
- 8. Decisions of the Committee of Adjustment**
- 8.1 No decision of the Committee on an application is valid unless it is approved by the Committee in accordance with section 7, and the decision of the Committee, whether granting or refusing an application, shall be in writing and shall set out the reasons for the decisions, and shall be signed by the members who concurred in the decision.
- 8.2 A copy of the Committee's written decision will be prepared and issued in accordance with the provisions of the *Planning Act*.
- 8.3 A copy of the Committee's written decision shall be sent to each Applicant, and any other person who requests a copy of the decision by providing a written request to the Secretary-Treasurer.
- 9. Conflict of Interest**
- 9.1 Any member of the Committee required to do so by the provisions of the *Municipal Conflict of Interest Act*, R.S.O. 1990, c.M. 50, as amended, shall disclose any direct or indirect pecuniary interest for themselves or a family member respecting any application(s) listed on the agenda referred to in section 2.2 (a "Conflict of Interest") and shall state the general nature of such interest, and it shall be recorded by the Secretary-Treasurer accordingly. Any member of the Committee who declares a Conflict of Interest shall leave the hearing room for the duration of the hearing of any application(s) for which he or she has declared a Conflict of Interest, and shall not be entitled to vote on the matter.

Read a first, second, and third time and passed on November 25, 2014.

  
Kimberley Kitteringham  
City Clerk  
Frank Scarpitti  
Mayor

Report to: Development Services Committee

Report Date: May 25, 2020

---

**APPENDIX 'B'**  
**Proposed amendment to by-law 2014-170**

**By-law 2020-XXX A By-law to Amend the Procedure for the Committee of Adjustment of the City of Markham**

Whereas the Council of the Corporation of the City of Markham has passed By-law 2011-194 to constitute and appoint a Committee of Adjustment; and,

Whereas Section 238(2) of the Municipal Act, 2001, S.O. 2001, c. 25 (the “Municipal Act”), as amended, requires every municipality and local board to adopt a procedure by-law for governing the calling, place and proceedings of hearings; and

Whereas Section 5.1 and Section 5.2 of the *Statutory Powers Procedure Act*, R.S.O. 1990, c S.22 allow for the conduct of electronic or written hearings; and

Whereas the Province of Ontario has enacted the *Hearings in Tribunal Proceedings (Temporary Measures) Act, 2020*, S.O. 2020, c. 5, Sched. 3, allowing for a Tribunal subject to the *Statutory Powers Procedure Act*, to conduct electronic and/or written hearings as it considers appropriate, to issue directions and/or orders with respect to the conduct of hearings and matters ancillary, and make any rules related thereto; and,

Whereas Section 239(1) and Section 239(5) of the Municipal Act requires all meetings to be open to the public and state that a meeting shall not be closed to the public during the taking of a vote; and,  
Whereas the Committee of Adjustment for the City of Markham has been established pursuant to the Planning Act, R.S.O. 1990, c.P. 13, as amended; and,

Now therefore the Council of The Corporation of the City of Markham hereby amends as follows:

**By adding the following Sections 2.5, 2.6, 2.7, and 2.8 after Section 2.4:**

- “2.5 Notwithstanding 2.1, 2.3, and 2.4 above, during any period where an emergency has been declared to exist in all or part of the municipality under section 4 or 7.0.1 of the *Emergency Management and Civil Protection Act*, R.S.O. 1990, c. E.9, as may be amended or replaced, notice of any hearing may be given in accordance with the *Planning Act*, R.S.O. 1990, c. P.13 and its regulations, all as amended, and/or any by-laws, legislation, and/or regulations related to the declaration of an emergency, where appropriate.
- 2.6 Any modification to notice in accordance with section 2.5 above shall be authorized by the City Solicitor or their Designate.
- 2.7 Notwithstanding Section 2 above, during any period where an emergency has been declared to exist in all or part of the municipality under section 4 or 7.0.1 of the *Emergency Management and Civil Protection Act*, R.S.O. 1990, c. E.9, as may be amended or replaced and where permitted by

Report to: Development Services Committee

Report Date: May 25, 2020

---

law, the Committee may issue a direction related to the provision of notice for a hearing, but may not allow for no notice of a hearing to be issued.

- 2.8 Nothing in this by-law shall prevent the holding of a meeting of the Committee of Adjustment after a declaration of emergency has been lifted, where notice of the meeting was provided in accordance with section 2.5 or 2.7.”

**By amending Section 3.1 as follows:**

- “3.1 The location of all hearings of the Committee shall be identified on the notice of hearing referred to in Section 2.”

**By adding the following Section 5.1.1 after Section 5.1:**

- “5.1.1 Notwithstanding 5.1, a member of the Committee who is participating electronically in a meeting may be counted in determining whether or not a quorum of members is present at any point in time.”

**By amending Section 6.1 as follows:**

- “6.1 The meeting Chair shall conduct meetings in accordance with this By-law, the Policy Directives, the *Planning Act*, and the *Statutory Powers Procedure Act*, all as amended.”

**By adding the following Section 6.12 after Section 6.11:**

- “6.12 Notwithstanding 6.2 to 6.11 inclusive, all or portions of meetings in accordance with this By-law may be held through written means, as determined by the Committee.

- (1) Should the Committee wish to hear an application through a written hearing,
- a. the Committee may make rules or issue directions with respect to the written hearing setting out:
    - i. the timelines for the submission of materials by the applicant;
    - ii. the posting of those materials online at [www.markham.ca](http://www.markham.ca) for public review;
    - iii. the timeline for the submission of materials by any person or party in support or opposition to the application;
    - iv. the timeline for reply submissions by the applicant.
  - b. After the matters set out in subsection (a) are complete, the Committee may make rules or issue directions with respect to the written hearing setting out:
    - i. the deliberation of the application by the Committee members;
    - ii. voting on the application by the Committee; and
    - iii. the issuance of a decision by the Committee.”

**By adding the following Section 8.4 and 8.5 after Section 8.3:**

Report to: Development Services Committee

Report Date: May 25, 2020

---

“8.4 Notwithstanding 8.2 and 8.3, during any period where an emergency has been declared to exist in all or part of the municipality under section 4 or 7.0.1 of the *Emergency Management and Civil Protection Act*, all decisions shall be prepared and posted on the City of Markham’s website, and may provide notice of such decision by electronic means to the applicant and each person or public body required in accordance with Section 45(10) or 53(17) of the *Planning Act*, as amended.

8.4.1 In accordance with Section 8.4, any person who wishes to be provided notice of a decision by the Committee shall provide an electronic mail (e-mail) address to provide service. Any person who refuses to, or otherwise does not provide an e-mail address to the Secretary-Treasurer shall be deemed to have withdrawn a request for notice of the decision of the Committee.”

All other provisions of By-law 2014-170, as amended, shall continue to apply.

Read a first, second, and third time and passed on \_\_\_\_\_.



## By-law 2020-

### A By-Law to Amend By-Law 2013-113

#### A By-Law to Delegate Authority to Conduct Certain Real Property Transactions

**WHEREAS** Section 23.1 (1) of the *Municipal Act* S.O 2001, c, as amended, provides that a municipal council may delegate its powers and duties under the Municipal Act to officers or employees of the municipality;

**AND WHEREAS** on June 17, 2013, Council enacted By-Law 2013-113 A By-Law to Delegate Authority to Conduct Certain Real Property Transactions;

**AND WHEREAS** Council considers it desirable for the purpose of responding to emergency situations on a timely basis to amend By-Law 2013-113 to delegate authority to amend certain agreements relating to Real Property to the City's Senior Manager, Real Property, during an Emergency (hereinafter defined);

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

1. THAT By-Law 2013-113 A By-Law to Delegate Authority to Conduct Certain Real Property Transactions is amended as follows:
  - (a) The following definition be added as a new Section 1. (m) immediately following section 1. (l):
 

“(m) “Emergency” means an unforeseen situation where immediate action must be taken to preserve public health, safety, property and the environment.”
  - (b) The following be added as a new Section 2. (i) immediately following section 2. (h):

|               |  |
|---------------|--|
| (i) Emergency | The authority to execute agreements to amend leases and other agreements relating to Real Property with the City's tenants and licensees to address situations arising from an Emergency is delegated to the |
|---------------|--|



|  |  |
|--|--|
|  | Manager, subject to the following:<br>(a) The Treasurer has been consulted on the proposed amendment; and<br>(b) The form of such agreements are satisfactory to the City Solicitor. |
|--|--|

Read a first, second, and third time and passed on ,2020

\_\_\_\_\_  
Kimberley Kitteringham  
City Clerk

\_\_\_\_\_  
Frank Scarpitti  
Mayor



**By-law 2020-xx**

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

---

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

1. That Section 50(5) of the Planning Act, R.S.O. 1990, P.13 shall not apply to the lands within the part of a registered plan of subdivision designated as follows:  
  
Block 3, Registered Plan 65M-4595; City of Markham, Regional Municipality of York
2. This By-law shall expire two years from the date of its passage by Council.

Read a first, second, and third time and passed on -----.

\_\_\_\_\_  
Kimberley Kitteringham  
City Clerk

\_\_\_\_\_  
Frank Scarpitti  
Mayor



**EXPLANATORY NOTE**  
**2124123 Ontario Limited**

62-96 William Saville Street and 2-36 McClary’s Way  
Block 3 (inclusive), Registered Plan 65M-4595

The proposed By-law applies to Block 3 (inclusive), Registered Plan 65M-4595, municipally known as 62-96 William Saville Street and 2-36 McClary’s Way. The subject blocks are developed with a total of 36 townhouse dwellings, located on the north side of Highway 7 East, on the west side of William Saville Street, east of Verclaire Gate, and south of Buchanan Drive in the Unionville Community.

The purpose of this By-law is to exempt the subject blocks from the Part Lot Control provisions of the Planning Act.

The effect of this By-law is to allow for the conveyance of 36 townhouse dwelling units.



# BY-LAW 2020-\_\_\_\_\_

**A By-law to amend By-law 2004-196**  
*(Removal of Hold Provision)*

---

WHEREAS Section 34 of the Planning Act, R.S.O. 1990, c. P.13, as amended, permits a Council to pass a by-law prohibiting the use of land, buildings or structures within a defined area or areas; and,

WHEREAS Section 36 of the Planning Act, R.S.O. 1990, c. P.13, as amended, permits a Council to pass a by-law to specify the use to which lands, buildings or structures may be put at such time in the future as the hold symbol is removed by amendment to the by-law; and,

WHEREAS Zoning By-law No. 2004-196 is the governing By-law of the Corporation of the City of Markham pertaining to the subject lands; and

WHEREAS the Council of the Corporation of the City of Markham has deemed it advisable to amend Zoning By-law No. 2004-196; and,

WHEREAS it has been confirmed to Council that all of the conditions required for the removal of the Holding (H1) and (H2) Symbol from the subject lands have been completed to the satisfaction of the City;

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

1. THAT By-law 2004-196 is hereby further amended as follows:
  - 1.1 By removing the Holding (H1) and (H2) provision from the **Markham Centre Downtown Two Exception 3 (Hold1 Hold 2) [MC-D2\*3(H1)(H2)] Zone** for the lands outlined on Schedule “A” attached hereto.
2. THAT Zoning By-law No. 2004-196 is hereby amended to give effect to the foregoing, but shall in all other respects remain in full force and effect.
3. THAT this By-law shall come into effect upon final passing, pursuant to Section 34(21) of the Planning Act, 1990.

Read a first, second and third time and passed on May 26, 2020.

---

Kimberley Kitteringham  
City Clerk

---

Frank Scarpitti  
Mayor



**EXPLANATORY NOTE**

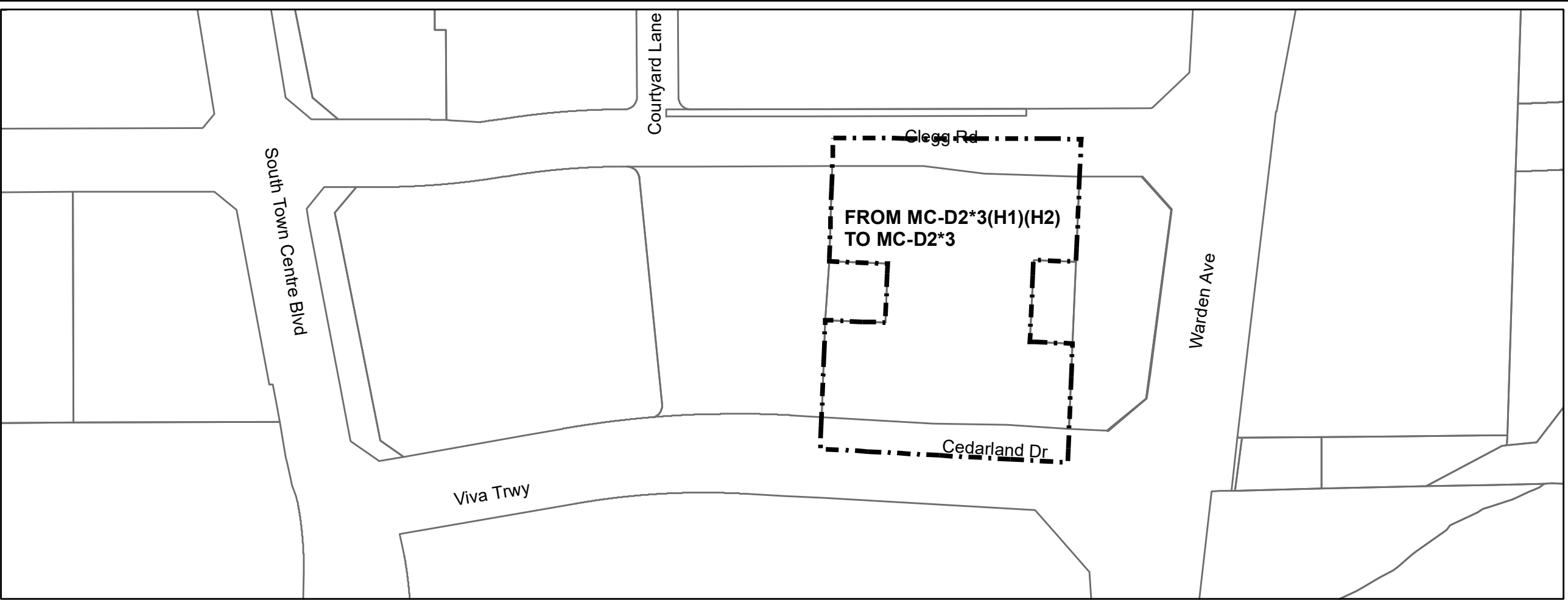
**BY-LAW 2020-\_\_\_\_**  
**A By-law to amend By-law 2004-196, as amended**

**H & W Development Corporation**  
**9 Clegg Road and 8 Cedarland Drive**

**Lands Affected**  
The proposed by-law amendment applies to a 1.21 ha (3 acres) parcel of land located on the south side of Clegg Road, west of Warden Avenue.

**Existing Zoning**  
The subject lands are zoned Markham Centre Downtown Two Exception 3 (Hold1 Hold 2) [MC-D2\*3(H1)(H2)] by By-law 2004-196, as amended.

**Purpose and Effect**  
The purpose and effect of this By-law is to remove the Holding (H1) and (H2) Symbol from the zoning of the subject lands to permit a condominium apartment development comprised of two, 18-storey, towers on a shared podium with a total of 515 residential units.



**SCHEDULE "A" TO BY-LAW 2004-196**

AMENDING BY-LAW 2020-      DATED MAY   , 2020



 BOUNDARY OF AREA COVERED BY THIS SCHEDULE

 MARKHAM CENTRE DOWNTOWN TWO

 HOLDING PROVISION ONE

 EXCEPTION NUMBER

 HOLDING PROVISION TWO

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.

## 2020 TAX RATES AND LEVY BY-LAW

**THE CORPORATION OF THE CITY OF MARKHAM**  
**DRAFT BY-LAW NO. 2020-XXX**

BEING A BY-LAW TO PROVIDE FOR THE LEVY AND COLLECTION OF SUMS REQUIRED BY THE CORPORATION OF THE CITY OF MARKHAM FOR THE YEAR 2020 AND TO PROVIDE FOR THE MAILING OF NOTICES REQUIRING PAYMENT OF TAXES FOR THE YEAR 2020.

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

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

**WHEREAS** estimates have been prepared showing the sum of \$163,032,116 raised for the lawful purpose of The Corporation of the City of Markham for the year 2020, \$341,430,831 for the Region of York and \$252,201,149 for the Boards of Education; and,

**WHEREAS** the Assessment Roll made in 2019 and upon which 2020 taxes are to be levied, was returned by the Municipal Property Assessment Corporation and is the last revised Assessment Roll; and

**WHEREAS** the total taxable assessment within the City of Markham is \$101,993,157,466; and,

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

1. **THAT** the following property tax ratios are to be applied in determining tax rates for taxation in 2020:

| PROPERTY CLASS    | 2020 TAX RATIO |
|-------------------|----------------|
| Residential       | 1.000000       |
| Multi-Residential | 1.000000       |
| Commercial        | 1.332100       |
| Industrial        | 1.643200       |
| Pipeline          | 0.919000       |
| Farmland          | 0.250000       |
| Managed Forest    | 0.250000       |

2. **THAT** the sum of \$163,032,116 shall be levied and collected for the City of Markham purposes for the year 2020 such amount to be provided for as follows:

Error! No text of specified style in document.

Page 2

| CLASS                                      | ASSESSMENT               | TAX RATE  | TAXES                |
|--|--------------------------|-----------|----------------------|
| Residential (RT)                           | 87,963,731,628           | 0.153572% | 135,087,702          |
| Residential Shared as PIL (RH)             | 2,206,000                | 0.153572% | 3,388                |
| Residential Farm Awaiting Development (R1) | 18,322,000               | 0.038393% | 7,034                |
| Multi-Residential (MT)                     | 1,033,181,400            | 0.153572% | 1,586,678            |
| Commercial (CT/DT/ST/GT)                   | 9,079,790,400            | 0.204573% | 18,574,829           |
| Commercial (XT/YT/ZT)                      | 1,802,046,320            | 0.204573% | 3,686,506            |
| Commercial (CU/DU/SU)                      | 79,717,900               | 0.143201% | 114,157              |
| Commercial (XU/YU/ZU)                      | 41,827,900               | 0.143201% | 59,898               |
| Commercial (CJ)                            | 4,231,000                | 0.143201% | 6,059                |
| Commercial (CH)                            | 19,330,800               | 0.204573% | 39,546               |
| Commercial (CX)                            | 292,138,518              | 0.143201% | 418,346              |
| Commercial (C1)                            | 20,261,100               | 0.038393% | 7,779                |
| Industrial (IT/LT)                         | 1,056,393,000            | 0.252350% | 2,665,803            |
| Industrial (IH)                            | 55,851,700               | 0.252350% | 140,942              |
| Industrial (JH)                            | 4,902,000                | 0.252350% | 12,370               |
| Industrial (IU)                            | 9,149,800                | 0.164027% | 15,008               |
| Industrial (IK)                            | 3,600,300                | 0.164027% | 5,905                |
| Industrial (IX)                            | 195,239,300              | 0.164027% | 320,246              |
| Industrial - New Occupied (JT)             | 30,119,300               | 0.252350% | 76,006               |
| Industrial (I1)                            | 58,144,900               | 0.038393% | 22,324               |
| Pipelines (PT)                             | 93,425,000               | 0.141133% | 131,853              |
| Farmland (FT)                              | 127,351,500              | 0.038393% | 48,894               |
| Managed Forest (TT)                        | 2,195,700                | 0.038393% | 843                  |
| <b>TOTAL</b>                               | <b>\$101,993,157,466</b> |           | <b>\$163,032,116</b> |

3. **THAT** the sum of \$327,536,871 shall be levied and collected for the City of Markham's share of the Regional Municipality of York Budget for the year 2020, such amount to be provided for as follows:

| CLASS                                      | ASSESSMENT     | TAX RATE  | TAXES       |
|--|----------------|-----------|-------------|
| Residential (RT)                           | 87,963,731,628 | 0.321619% | 282,908,074 |
| Residential Shared as PIL (RH)             | 2,206,000      | 0.321619% | 7,095       |
| Residential Farm Awaiting Development (R1) | 18,322,000     | 0.080405% | 14,732      |
| Multi-Residential (MT)                     | 1,033,181,400  | 0.321619% | 3,322,908   |
| Commercial (CT/DT/ST/GT)                   | 9,079,790,400  | 0.428429% | 38,900,455  |
| Commercial (XT/YT/ZT)                      | 1,802,046,320  | 0.428429% | 7,720,489   |
| Commercial (CU/DU/SU)                      | 79,717,900     | 0.299900% | 239,074     |
| Commercial (XU/YU/ZU)                      | 41,827,900     | 0.299900% | 125,442     |
| Commercial (CJ)                            | 4,231,000      | 0.299900% | 12,689      |



**Error! No text of specified style in document.**

Page 3

|                                |                          |           |                      |
|--------------------------------|--------------------------|-----------|----------------------|
| Commercial (CH)                | 19,330,800               | 0.428429% | 82,819               |
| Commercial (CX)                | 292,138,518              | 0.299900% | 876,124              |
| Commercial (C1)                | 20,261,100               | 0.080405% | 16,291               |
| Industrial (IT/LT)             | 1,056,393,000            | 0.528484% | 5,582,868            |
| Industrial (IH)                | 55,851,700               | 0.528484% | 295,167              |
| Industrial (JH)                | 4,902,000                | 0.528484% | 25,906               |
| Industrial (IU)                | 9,149,800                | 0.343515% | 31,431               |
| Industrial (IK)                | 3,600,300                | 0.343515% | 12,368               |
| Industrial (IX)                | 195,239,300              | 0.343515% | 670,676              |
| Industrial - New Occupied (JT) | 30,119,300               | 0.528484% | 159,176              |
| Industrial (I1)                | 58,144,900               | 0.080405% | 46,751               |
| Pipelines (PT)                 | 93,425,000               | 0.295568% | 276,134              |
| Farmland (FT)                  | 127,351,500              | 0.080405% | 102,397              |
| Managed Forest (TT)            | 2,195,700                | 0.080405% | 1,765                |
| <b>TOTAL</b>                   | <b>\$101,993,157,466</b> |           | <b>\$341,430,831</b> |

- 4. THAT** the sum of \$252,201,149 shall be levied and collected for the City of Markham's share of the Boards of Education Budget for the year 2020, such amount to be provided for as follows:

| CLASS   | ASSESSMENT               | TAX RATE  | TAXES                |
|---|--------------------------|-----------|----------------------|
| Residential (RT)  | 87,963,731,628           | 0.153000% | 134,584,509          |
| Residential Farm Awaiting Development (R1)              | 18,322,000               | 0.038250% | 7,008                |
| Multi-Residential (MT)                                  | 1,033,181,400            | 0.153000% | 1,580,768            |
| Commercial (CT/DT/ST/GT)                                | 9,079,790,400            | 0.896686% | 81,417,209           |
| Commercial (XT/YT/ZT)                                   | 1,802,046,320            | 0.896686% | 16,158,697           |
| Commercial (CU/DU/SU)                                   | 79,717,900               | 0.896686% | 714,819              |
| Commercial (XU/YU/ZU)                                   | 41,827,900               | 0.896686% | 375,065              |
| Commercial (CX)   | 292,138,518              | 0.896686% | 2,619,565            |
| Commercial (C1)   | 20,261,100               | 0.038250% | 7,750                |
| Industrial (IT/LT)                                      | 1,056,393,000            | 0.980000% | 10,352,651           |
| Industrial (IU)   | 9,149,800                | 0.980000% | 89,668               |
| Industrial (IX)   | 195,239,300              | 0.980000% | 1,913,345            |
| Industrial - New Occupied (JT)                          | 30,119,300               | 0.980000% | 295,169              |
| Industrial (I1)   | 58,144,900               | 0.038250% | 22,240               |
| Pipelines (PT)  | 93,425,000               | 1.250000% | 1,167,813            |
| Farmland (FT)   | 127,351,500              | 0.038250% | 48,712               |
| Managed Forest (TT)                                     | 2,195,700                | 0.038250% | 840                  |
| <b>TOTAL</b>  | <b>\$101,903,035,666</b> |           | <b>\$251,355,829</b> |
| Plus: Taxable – Full Share PIL (CH, CJ, RH, IH, JH, IK) |                          |           |                      |
| Taxed at education rate but revenue retained by City    |                          |           | \$845,320            |

Error! No text of specified style in document.

Page 4

|                             |                      |
|-----------------------------|----------------------|
| <b>TOTAL EDUCATION LEVY</b> | <b>\$252,201,149</b> |
|-----------------------------|----------------------|

5. **THAT** a Waste Collection and Disposal Grant totaling \$152,583 shall be provided proportionately to the following Residential Condominium properties.

| CONDOMINIUM NUMBER | ADDRESS             | UNITS |
|--------------------|---------------------|-------|
| YRC #226           | 7811 Yonge Street   | 148   |
| YRC #344           | 8111 Yonge Street   | 199   |
| YRC #550           | 7451 Yonge Street   | 21    |
| YRC #618           | 55 Austin Drive     | 142   |
| YRC #636           | 25 Austin Drive     | 149   |
| YRC #784           | 7805 Bayview Avenue | 341   |
| YRC #792           | 610 Bullock Drive   | 235   |
| YRC #794           | 7825 Bayview Avenue | 337   |

6. **THAT** the sum of \$239,640 shall be levied on non-residential properties located within the boundaries of the City of Markham's Markham Village Business Improvement Area for the year 2020, such amount to be provided for as follows:

| CLASS      | ASSESSMENT   | TAX RATE  | TAXES     |
|------------|--------------|-----------|-----------|
| Commercial | \$86,429,700 | 0.277266% | \$239,640 |

7. **THAT** the sum of \$214,221 shall be levied on non-residential properties located within the boundaries of the City of Markham's Unionville Business Improvement Area for the year 2020, such amount to be provided for as follows:

| CLASS      | ASSESSMENT   | TAX RATE  | TAXES     |
|------------|--------------|-----------|-----------|
| Commercial | \$57,518,800 | 0.372436% | \$214,221 |

8. **THAT** the sum of \$1,286 shall be levied against all properties in the Farmland Class and collected for membership fees in the Federation of Agriculture for the Region of York for the year 2020, such amount to be provided for as follows:

| CLASS         | ASSESSMENT    | TAX RATE  | TAXES   |
|---------------|---------------|-----------|---------|
| Farmland (FT) | \$127,351,500 | 0.001010% | \$1,286 |

9. **THAT** there shall be a levy upon the Markham Stouffville Hospital in the estimated amount of \$25,200 pursuant to Subsection 323(3) of the *Municipal Act, 2001*, such amount being the sum of \$75.00 for each of the estimated 336 provincially rated beds and a levy upon Seneca College in the estimated amount of \$126,600 pursuant to Subsection 323(1) of the *Municipal Act, 2001*, such sum being \$75.00 for each of the estimated 1,688 full time enrolled students as determined by the Minister of Training,

Error! No text of specified style in document.

Page 5

Colleges and Universities. The figures included here are 2019 figures as the 2020 information is not yet available from the Ministry of Municipal Affairs and Housing.

- 10. THAT** there shall be levied upon Utility Transmission Lines (UH) the sum of \$763,676 for the year 2020, such amount to be provided for as follows:

| DESCRIPTION  | ACRES  | RATE<br>PER<br>ACRE | CITY             | REGION           | EDUCATION        | TOTAL            |
|--------------|--------|---------------------|------------------|------------------|------------------|------------------|
| Hydro One    | 373.86 | \$834.02            | \$100,770        | \$211,037        | --               | \$311,807        |
| Hydro One*   | 373.86 | \$1,208.66          | --               | --               | \$451,870        | \$451,870        |
| <b>TOTAL</b> |        |                     | <b>\$100,770</b> | <b>\$211,037</b> | <b>\$451,870</b> | <b>\$763,676</b> |

\* Education revenue of \$451,870 retained by City

- 11. THAT** there shall be levied upon Railway Rights of Ways (WT) the sum of \$480,180 for the year 2020, such amount to be provided for as follows:

| DESCRIPTION                | ACRES  | RATE<br>PER<br>ACRE | CITY            | REGION           | EDUCATION        | TOTAL            |
|----------------------------|--------|---------------------|-----------------|------------------|------------------|------------------|
| Canadian National Railways | 246.66 | \$624.33            | \$49,769        | \$104,229        | --               | \$153,997        |
| Canadian National Railways | 246.66 | \$822.69            | --              | --               | \$202,925        | \$202,925        |
| Canadian Pacific Railways  | 48.42  | \$624.33            | \$9,770         | \$20,460         | --               | \$30,230         |
| Canadian Pacific Railways  | 48.42  | \$822.69            | --              | --               | \$39,835         | \$39,835         |
| Metrolinx                  | 85.20  | \$624.33            | \$17,191        | \$36,002         | --               | \$53,193         |
| <b>TOTAL</b>               |        |                     | <b>\$76,729</b> | <b>\$160,691</b> | <b>\$242,759</b> | <b>\$480,180</b> |

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

| EFFECTIVE / EXPIRY DATE | PURPOSE     | AMOUNT     |
|-------------------------|-------------|------------|
| (2006-2025)             | Buttonville | \$6,178.67 |

- 13. THAT** for the purposes of paying the owners' portion of debt charges pursuant to Section 391 of the *Municipal Act, 2001* as authorized by the following by-laws, the

Error! No text of specified style in document.

Page 6

amounts listed below shall be levied and collected from the owners of the properties liable therefore:

| EFFECTIVE / EXPIRY DATE | PURPOSE       | AMOUNT              |
|-------------------------|---------------|---------------------|
| (2007-2021)             | Milmar Court  | \$6,838.24          |
| (2010-2024)             | Robinson St   | \$3,791.88          |
| (2013-2022)             | Glenridge     | \$54,568.47         |
| (2016-2025)             | Main Street   | \$7,229.40          |
| (2016-2025)             | Houghton Blvd | \$45,397.55         |
| <b>TOTAL</b>            |               | <b>\$117,825.54</b> |

**14. THAT** pursuant to Regional By-law No. A-0303-2002-020, a tax rebate totaling \$7,173.94 (City share is \$1,753.79) be provided to the Markham District Veterans Association for its property located at 7 Washington Street for 2020 upon the provision of documentation in a form satisfactory to the Treasurer.

**15. THAT** the Treasurer shall add to the Collector's Roll, all or any arrears for service provided by: the *Power Commission Act* (hydro-electric power), the *Weed Control Act*, the *Ditches and Watercourses Act*, the *Public Utilities Act*, the *Tile Drainage Act*, and the *Ontario Building Code*; and any other collection agreements charges approved by Council which shall be collected by the Collector in the same manner and at the same time as all other rates and levies.

**16. THAT** the Interim Tax Levies which were payable in two instalments on February 5, 2020, and March 5, 2020 shall be shown as a reduction on the final levy.

**17. THAT** the net amount of taxes levied by this By-law shall be due and payable in equal instalments as follows.

| PROPERTIES                                   | INSTALMENTS                               |
|--|---|
| Residential, Farmland and Pipelines          | 1. July 6, 2020<br>2. August 5, 2020      |
| Commercial, Industrial and Multi-Residential | 1. October 5, 2020<br>2. November 5, 2020 |

**18. THAT** those residential property owners who have applied and meet the conditions for the 11 instalment Pre-authorized Payment Program for taxes as approved by Council will have the taxes levied under this By-law paid by automatic withdrawal in six (6) equal instalments:

- i. July 1, 2020;
- ii. August 1, 2020;
- iii. September 1, 2020;
- iv. October 1, 2020;
- v. November 1, 2020; and

Error! No text of specified style in document.

Page 7

vi. December 1, 2020.

**19. THAT** those residential property owners who have applied and meet the conditions for the 6 instalment Pre-authorized Payment Program for taxes as approved by Council will have the taxes levied under this By-law paid by automatic withdrawal in three (3) equal instalments:

i. July 6, 2020;  
 ii. August 5, 2020; and  
 iii. September 8, 2020.

**20. THAT** those commercial, industrial and multi-residential property owners who have applied and meet the conditions for the 6 instalment Pre-authorized Payment Program for taxes as approved by Council will have the taxes levied under this By-law paid by automatic withdrawal in three (3) equal instalments:

i. October 5, 2020;  
 ii. November 5, 2020; and  
 iii. December 7, 2020.

**21. THAT** those residential property owners who have applied and meet the conditions for the 4 instalment Pre-authorized Payment Program for taxes as approved by Council will have the taxes levied under this By-law paid by automatic withdrawal in two (2) equal instalments:

i. July 6, 2020; and  
 ii. August 5, 2020.

**22. THAT** those commercial, industrial and multi-residential property owners who have applied and meet the conditions for the 4 instalment Pre-authorized Payment Program for taxes as approved by Council will have the taxes levied under this By-law paid by automatic withdrawal in two (2) equal instalments:

i. October 5, 2020; and  
 ii. November 5, 2020.

**23. THAT** as provided in Subsections 345(1) and (2) of the *Municipal Act 2001*, if the taxes or any class or instalment thereof so levied in accordance with this By-law remain unpaid following the due date, a penalty of zero per cent (0.00%) on the fourth day of default and zero per cent (0.00%) per month (0% per annum), on the first day each calendar month beginning April 1, 2020 thereafter, of the taxes remaining unpaid shall be levied until December 31, 2020.

**24. THAT** as provided in Subsection 345(3) of the *Municipal Act, 2001*, if any taxes levied pursuant to this By-law remain unpaid as at December 31, 2020, interest at the rate of one and one quarter per cent (1.25%) per month (15% per annum) of the unpaid taxes shall be levied from January 1, 2021 and for each month or fraction thereof until such taxes are paid.

Error! No text of specified style in document.

Page 8

- 
- 25. THAT** all taxes levied by any By-law and which remain unpaid as at the date of passing this By-law, shall have interest charged at the same rate of zero per cent (0.00%) per month (0% per annum) calculated on the unpaid taxes, on the first day of each calendar month beginning April 1, 2020 thereafter, of the taxes remaining unpaid shall be levied until December 31, 2020.
- 26. THAT** the Treasurer of The Corporation of The City of Markham is hereby authorized and directed to serve personally or to mail or cause to be mailed notices of the taxes hereby levied to the person or persons taxed at the person's residence or place of business or upon the premises in respect of which the taxes are payable by such person, or the ratepayer's mortgage company or third party designated by the property owner.
- 27. THAT** taxes are payable to The Corporation of The City of Markham, 101 Town Centre Boulevard, Markham, Ontario, L3R 9W3. Upon payment of any applicable fee, and if paid on or before the due date imprinted on the bill, taxes may also be paid at most chartered banks in the Province of Ontario.
- 28. AND THAT** those residents who qualify for the Low Income Seniors and Low Income Disabled Tax Deferral program shall apply to the City of Markham – Property Tax Division in accordance with the program policies as established by The Regional Municipality of York. The amount of deferral for 2020 will be determined once the application has been received and approved. The deferral amount may not be reflected on the 2020 final tax billing issued in accordance with this By-law.

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS X<sup>th</sup> DAY OF XX, 2020.

X \_\_\_\_\_  
**KIMBERLEY KITTERINGHAM**  
CITY CLERK

X \_\_\_\_\_  
**FRANK SCARPITTI**  
MAYOR



## By-law 2020-xx

### Being a By-law to establish a program to provide rebates for the Private Plumbing Protection Program to reduce the risk of basement flooding

---

**WHEREAS** pursuant to subsections 10(1) and 11(1) of the *Municipal Act, 2001*, S.O. 2001, c.25 (the “Act”) a municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

**AND WHEREAS** pursuant clause 8 of subsection 11(2) of the Act a municipality may pass by-laws respecting the protection of persons and property;

**AND WHEREAS** pursuant to clause 6 of subsection 11(3) of the Act a municipality may pass by-laws relating to drainage and flood control;

**AND WHEREAS** the Council of The Corporation of the City of Markham deems it advisable and in the public interest to provide financial assistance on the terms set out in this By-law as an incentive to encourage property owners to implement Private Plumbing Protection Measures on their property to reduce the risk of basement flooding;

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

#### 1. DEFINITIONS

1.0 In this By-law:

“**Backwater Valve**” means a **Check Valve** designed for use in a gravity drainage system;

“**Check Valve**” means a valve that permits flow in only one direction and prevents a return flow;

“**City**” means The Corporation of The City of Markham;

“**Downspout**” means roof runoff collection pipe;

“**Property Owner**” means a registered owner of **Property** in the City of Markham;

**“Property”** means a separate parcel of land in the City of Markham that has been assigned a Property Identifier Number in the land registry system;

**“Licensed Plumber”** means a plumber licensed with the Ontario College of Trades as a journeyman plumber;

**“Lateral”** means a **Property’s** storm or sanitary pipe connection to the municipal **Storm Sewer** or **Sanitary Sewer**;

**“New Installation”** means a **Private Plumbing Protection Measure** implemented after this By-law comes into effect;

**“Private Plumbing Protection Measure”** means a measure implemented in a plumbing and drainage system including backwater valves, sump pumps, weeping tile disconnection and lateral relining/repair for the purpose of reducing the risk of basement flooding;

**“Retroactive Installation”** means a **Private Plumbing Protection Measure** implemented after April 30, 2017 and before the coming into force of this By-law;

**“Sanitary Sewer”** means a sewer intended to carry only sanitary and industrial wastewaters from residences, commercial buildings, industries, and institutions, in which storm, surface, and groundwater are not intentionally admitted;

**“Storm Sewer”** means a municipal sewer intended to carry only storm water, surface runoff from streets and adjacent property, and flow from foundation drains and ditches;

**“Weeping Tile”** (foundation drain) means a pipe or series of pipes that collect groundwater around the foundation or footing of a structure for protection against hydrostatic pressures and for discharge to an approved point of discharge;

## 2. APPLICATION OF BY-LAW

2.0 This By-law applies to **Property Owners** who meet eligibility requirements as set out in Section 3 of this By-law relating to **Retroactive Installations** or **New Installations**.

## 3. ELIGIBILITY REQUIREMENTS

3.0 A **Property Owner** will be entitled to receive a rebate, in accordance with the provisions of this By-law, if they meet all of the following requirements:

- (a) The **Property** must be located in known flood prone areas, or the Property Owner must demonstrate the existence of flood risk in the area to the satisfaction of the City;
- (b) The **Property** is not the subject of any contraventions, work orders or outstanding municipal requirements;



- (c) There are no outstanding municipal fines, arrears of taxes, fees or penalties assessed against the **Property Owner**;
- (d) The **Downspouts** on the **Property** must be properly disconnected from the **City** sewer system;
- (e) The **Property Owner** has obtained approval of the work from the Environmental Services Department prior to installation;
- (f) The **Property Owner** applying for the rebate must provide the necessary information and documentation set out in the rebate application forms and must be otherwise compliant with the program requirements;
- (g) The **Property Owner** or their agent has obtained any necessary permits for the **New Installation**;
- (h) Any proposed **Private Plumbing Protection Measure** must not be required by the *Building Code Act, 1992*, S.O. 1992, c. 23 and the Ontario Building Code O. Reg. 332/12, as amended or any successor thereof as part of other works;
- (i) The **New Installation** must be installed in accordance with the *Building Code Act, 1992*, S.O. 1992, c. 23 and the Ontario Building Code O. Reg. 332/12, as amended or any successor thereof;
- (j) The **Property Owner** must execute a release in favour of the **City**, in a form to be provided by the **City**, and
- (k) The rebate application must be submitted to the **City** by a date specified by the City.

#### 4. REBATE AMOUNTS

4.0 The rebates provided for in this By-law are subject at all times to the availability of funding and may be eliminated by Council through repeal of this By-law at any time without further notice to any affected persons. Nothing in this By-law requires the **City** to provide funding for the rebates set out in this By-law.

4.1 The **City** may grant rebates for each **Private Plumbing Protection Measure** up to the following maximum amounts, for eligible costs only, as described in Section 5 below:

| <b>Private Plumbing Protection Measure</b>   | <b>Maximum Rebate Amount</b> |
|--|------------------------------|
| <b>Backwater Valve</b> – Indoor Installed on Sanitary <b>Lateral</b>   | \$1,750                      |
| <b>Backwater Valve</b> – Indoor Installed on Storm <b>Lateral</b>  | \$1,750                      |
| <b>Backwater Valve</b> – Outdoor Installed on Sanitary <b>Lateral</b>  | \$2,000                      |
| <b>Backwater Valve</b> – Outdoor Installed on Storm <b>Lateral</b>   | \$2,000                      |
| <b>Weeping Tile</b> - Disconnected from Sanitary <b>Lateral</b> and Redirect to Storm <b>Lateral</b> by gravity connection | \$3,000                      |
| <b>Weeping Tile</b> - Disconnected from Sanitary <b>Lateral</b> and Sump Pump Installation                                 | \$5,000                      |
| <b>Lateral Reline/Repair</b> – Storm   | \$2,500                      |
| <b>Lateral Reline/Repair</b> – Sanitary  | \$2,500                      |

## 5. ELIGIBLE COSTS

Eligible costs include:

- a) Material and labour costs for the implementation of the **Private Plumbing Protection Measure**;
- b) Permit fees;
- c) Consulting or inspection costs to determine appropriate **Private Plumbing Protection Measures** to be implemented on the **Property**, and
- d) Cost of **Downspout** disconnection prior to the installation of a **Backwater Valve** or sump pump.

## 6. SHORT TITLE

This By-law shall be known as the “Private Plumbing Protection Rebates By-law”.

## 7. EFFECTIVE DATE

This By-law shall come into force and effect on the date of enactment and passage.

Read a first, second, and third time and passed on xxxx, 2020.

---

Kimberley Kitteringham  
City Clerk

---

Frank Scarpitti  
Mayor

**BY-LAW 2020 - XX**  
**Proposed amendment to by-law 2014-170**

**By-law 2020-XXX A BY-LAW TO AMEND THE PROCEDURE FOR THE COMMITTEE OF  
ADJUSTMENT OF THE CITY OF MARKHAM**

Whereas the Council of the Corporation of the City of Markham has passed By-law 2011-194 to constitute and appoint a Committee of Adjustment; and,

Whereas Section 238(2) of the Municipal Act, 2001, S.O. 2001, c. 25 (the “Municipal Act”), as amended, requires every municipality and local board to adopt a procedure by-law for governing the calling, place and proceedings of hearings; and

Whereas Section 5.1 and Section 5.2 of the *Statutory Powers Procedure Act*, R.S.O. 1990, c S.22 allow for the conduct of electronic or written hearings; and

Whereas the Province of Ontario has enacted the *Hearings in Tribunal Proceedings (Temporary Measures) Act*, 2020, S.O. 2020, c. 5, Sched. 3, allowing for a Tribunal subject to the *Statutory Powers Procedure Act*, to conduct electronic and/or written hearings as it considers appropriate, to issue directions and/or orders with respect to the conduct of hearings and matters ancillary, and make any rules related thereto; and,

Whereas Section 239(1) and Section 239(5) of the Municipal Act requires all meetings to be open to the public and state that a meeting shall not be closed to the public during the taking of a vote; and,  
Whereas the Committee of Adjustment for the City of Markham has been established pursuant to the Planning Act, R.S.O. 1990, c.P. 13, as amended; and,

Now therefore the Council of The Corporation of the City of Markham hereby amends as follows:

**By adding the following Sections 2.5, 2.6, 2.7, and 2.8 after Section 2.4:**

- “2.5 Notwithstanding 2.1, 2.3, and 2.4 above, during any period where an emergency has been declared to exist in all or part of the municipality under section 4 or 7.0.1 of the *Emergency Management and Civil Protection Act*, R.S.O. 1990, c. E.9, as may be amended or replaced, notice of any hearing may be given in accordance with the *Planning Act*, R.S.O. 1990, c. P.13 and its regulations, all as amended, and/or any by-laws, legislation, and/or regulations related to the declaration of an emergency, where appropriate.
- 2.6 Any modification to notice in accordance with section 2.5 above shall be authorized by the City Solicitor or their Designate.
- 2.7 Notwithstanding Section 2 above, during any period where an emergency has been declared to exist in all or part of the municipality under section 4 or 7.0.1 of the *Emergency Management and Civil Protection Act*, R.S.O. 1990, c. E.9, as may be amended or replaced and where permitted by law, the Committee may issue a direction related to the provision of notice for a hearing, but may not allow for no notice of a hearing to be issued.

Report to: Development Services Committee

Report Date: May 25, 2020

---

- 2.8 Nothing in this by-law shall prevent the holding of a meeting of the Committee of Adjustment after a declaration of emergency has been lifted, where notice of the meeting was provided in accordance with section 2.5 or 2.7.”

**By amending Section 3.1 as follows:**

- “3.1 The location of all hearings of the Committee shall be identified on the notice of hearing referred to in Section 2.”

**By adding the following Section 5.1.1 after Section 5.1:**

- “5.1.1 Notwithstanding 5.1, a member of the Committee who is participating electronically in a meeting may be counted in determining whether or not a quorum of members is present at any point in time.”

**By amending Section 6.1 as follows:**

- “6.1 The meeting Chair shall conduct meetings in accordance with this By-law, the Policy Directives, the *Planning Act*, and the *Statutory Powers Procedure Act*, all as amended.”

**By adding the following Section 6.12 after Section 6.11:**

- “6.12 Notwithstanding 6.2 to 6.11 inclusive, all or portions of meetings in accordance with this By-law may be held through written means, as determined by the Committee.

- (1) Should the Committee wish to hear an application through a written hearing,
- a. the Committee may make rules or issue directions with respect to the written hearing setting out:
    - i. the timelines for the submission of materials by the applicant;
    - ii. the posting of those materials online at [www.markham.ca](http://www.markham.ca) for public review;
    - iii. the timeline for the submission of materials by any person or party in support or opposition to the application;
    - iv. the timeline for reply submissions by the applicant.
  - b. After the matters set out in subsection (a) are complete, the Committee may make rules or issue directions with respect to the written hearing setting out:
    - i. the deliberation of the application by the Committee members;
    - ii. voting on the application by the Committee; and
    - iii. the issuance of a decision by the Committee.”

**By adding the following Section 8.4 and 8.5 after Section 8.3:**

Report to: Development Services Committee

Report Date: May 25, 2020

---

“8.4 Notwithstanding 8.2 and 8.3, during any period where an emergency has been declared to exist in all or part of the municipality under section 4 or 7.0.1 of the *Emergency Management and Civil Protection Act*, all decisions shall be prepared and posted on the City of Markham’s website, and may provide notice of such decision by electronic means to the applicant and each person or public body required in accordance with Section 45(10) or 53(17) of the *Planning Act*, as amended.

8.4.1 In accordance with Section 8.4, any person who wishes to be provided notice of a decision by the Committee shall provide an electronic mail (e-mail) address to provide service. Any person who refuses to, or otherwise does not provide an e-mail address to the Secretary-Treasurer shall be deemed to have withdrawn a request for notice of the decision of the Committee.”

All other provisions of By-law 2014-170, as amended, shall continue to apply.

Read a first, second, and third time and passed on \_\_\_\_\_.