



## Electronic Council Meeting

### Revised Agenda

Meeting No. 15  
September 15, 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 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 905-479-7760 on the day of the meeting.

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

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

# Electronic Revised Council Meeting Agenda

## Revised Items are Italicized.

Meeting No. 15  
September 15, 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 - AUGUST 25, 2020

8

1. That the Minutes of the Council Meeting held on August 25, 2020, be adopted.

#### 4. PRESENTATIONS

##### 4.1 PRESENTATION - UPDATE ON YORK UNIVERSITY MARKHAM CENTRE CAMPUS (8.0)

Dr. Rhonda Lenton, President and Vice-Chair, York University will deliver a presentation.

## 5. DEPUTATIONS

### 5.1 *DEPUTATION - RECOMMENDATION FROM THE SEPTEMBER 4, 2020 LICENSING COMMITTEE HEARING (46 BRYANT ROAD) (2.0)*

Nicki Lawrence will address Council on this matter.

(See Item No. 11.1, New/ Other Business)

## 6. COMMUNICATIONS

### 6.1 27-2020 - LIQUOR LICENCE APPLICATION - SWISS CHALET (WARD 3) 21 (3.21)

(New liquor licence for indoor and outdoor areas)

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

### 6.2 28-2020 - LOCAL PLANNING APPEAL TRIBUNAL (LPAT) DECISION - 26 ANDRIN WISMER MARKHAM LIMITED, 5440 16TH AVENUE ( 13.13)

Summary from Victoria Chai, Assistant City Solicitor:

On November 13, 2019, City Council approved a settlement between Andrin Wismer Markham Ltd. (“Andrin”) and the City of Markham regarding appeals by Andrin from the City’s failure to make a decision regarding applications for a zoning by-law amendment, draft plan of subdivision, and site plan approval for the lands located on the north side of 16th Avenue on the east side of Alexander Lawrie Avenue, legally described as Part of Lot 16, Concession 7, being Part 1 on Reference Plan 65R-37416, City of Markham, with the municipal address of 5440 16th Avenue.

The settlement permits the development of a common element condominium with 10 semi-detached and 68 townhouse units, an amenity area, and parking.

On September 11, 2020, the LPAT approved the draft plan of subdivision and zoning by-law amendment to incorporate lands into the designated area of By-law 177-96 to permit the development outlined above. The wording of the zoning by-law amendment has been finalized and the zoning-by-law amendment requires assignment of a number for municipal tracking purposes.

The site plan referral to the LPAT remains outstanding; however, the City and Andrin Wismer have been working on finalizing the site plan approval.

(By-law 2020-89)

## 7. PROCLAMATIONS

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

No Attachment

1. That the following proclamations, issued by the City Clerk in accordance with the City of Markham Proclamation Policy, be received for information purposes:

- a. International Literacy Day - September 8, 2020

## 8. REPORT OF STANDING COMMITTEE

### 8.1 REPORT NO. 24 - GENERAL COMMITTEE (SEPTEMBER 8, 2020)

Please refer to your September 8, 2020 General Committee Agenda for reports.

Mayor and Members of Council:

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

#### 8.1.1 CANCELLATION, REDUCTION, OR REFUND OF TAXES UNDER SECTIONS 357 AND 358 OF THE MUNICIPAL ACT, 2001 (7.3) 51

1. That the Report for the Cancellation, Reduction or Refund of Taxes under Sections 357 and 358 of the *Municipal Act, 2001* be received; and,
2. That taxes totalling approximately \$1,165,931 be adjusted under Section 357 and 358 of the *Municipal Act, 2001* of which the City's portion is estimated to be \$182,589; and,
3. That the associated interest be cancelled in proportion to the tax adjustments; and,
4. That the Treasurer be directed to adjust the Collector's Roll accordingly; and further,
5. That staff be authorized and directed to do all things necessary to give effect to this resolution.

#### 8.1.2 FEASIBILITY OF PILOTING MICROSOFT 365 CLOUD SERVICE (7.13) 58

1. That the report dated September 8, 2020 entitled "Feasibility of Piloting Microsoft 365 Cloud Service" be received; and,
2. That staff, participate in a free pilot of the Microsoft online

productivity solution for up to 50 users for a six month period; and,

3. **That an evaluation user-group comprised of Members of Council and staff be established; and,**
4. That implementation support costs of \$25,000 (excluding HST) to execute the pilot be approved; and,
5. That staff report back on the results of the pilot in Q1 2021; and further,
6. That staff be authorized and directed to do all things necessary to give effect to this resolution.

**8.1.3 APPOINTMENT OF MEMBERS TO THE MARKHAM MAYOR'S YOUTH COUNCIL FOR THE PERIOD OF SEPTEMBER 15, 2020 TO JUNE 30, 2021 (16.24)**

61

1. That the Report Appointment of Members to the Markham Mayor's Youth Council for the period of September 15, 2020 to June 30, 2021 be received;
2. And that the following Appointments of Members to the Markham Mayor's Youth Council be confirmed for the term September 15, 2020 to June 30, 2021;

Name	School	Grade	Ward
Jin Zhou	Henderson Avenue Public School	8	1
Karina Florea	Thornhill Secondary School	10	1
Elyssa Qi	St. Augustine Catholic High School	9	2
Stephanie Sheng	Bayview Secondary School	10	2
Marissa Wang	Bayview Secondary School	11	2
Eric Gao	Unionville High School	10	3
Justine Lin	Unionville High School	11	3
Patrick Ang	St. Brother Andre Catholic High School	12	3
Selina Qiu	Markville Secondary School	12	3
Ivan Yu	Unionville High School	12	3
Manny Pahwa	Unionville High School	11	4
Olivia Chan	Unionville High School	11	4

Maxine Bisera	St. Brother Andre Catholic High School	12	4
Jorden Robinson	Milliken Mills High School	12	4
Jiabei He	Bill Hogarth Secondary School	9	5
Gloria Huang	Bill Hogarth Secondary School	10	5
Bryant Zheng	Markville Secondary School	11	6
Kara Yang	Markville Secondary School	11	6
Jonathan Feng	Markville Secondary School	11	6
Ernest Wong	St Robert Catholic High School	12	6
Seethaa Manoharan	Bayview Secondary School	12	6
Ashwin Suganthan	Markham District High School	11	7
Chloe Vanderlugt	Town Centre Private High School	12	7
Sara Mohammed	Markham District High School	12	7
Ulain Umar	Father Michael McGivney Catholic High School	11	8

3) And that Staff be authorized and directed to do all things necessary to give effect.

## 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 NEW/ OTHER BUSINESS - RECOMMENDATION FROM THE SEPTEMBER 4, 2020 LICENSING COMMITTEE HEARING (46 BRYANT ROAD) (2.0)

No Attachment

That the following recommendation of the Licensing Committee from the Hearing held on September 4, 2020, be approved and adopted:

1. That the application to remove one (1) Silver Maple at 46 Bryant Road, Markham be approved; and,
2. That the applicant provide for six (6) replacement trees on the property of 46 Bryant Road, Markham, or on any other private property in Markham in a size and native species deemed appropriate by staff, by December 31, 2021, or provide a cash-in-lieu payment of \$300.00 per tree; and further,
3. That the recommendations are based on the unique characteristics of this case only and are not intended to be precedent setting nor to be used as a basis for future cases.

## 12. ANNOUNCEMENTS

## 13. BY-LAWS - THREE READINGS

### Three Readings

13.1 *BY-LAW 2020-89 ANDRIN WISMER MARKHAM LIMITED, 5440 16TH AVENUE, ZONING BY-LAW AMENDMENT*

65

A By-law to amend By-law 177-96, as amended to to facilitate the development of common element condominium development.

**(By-law 2020-89 approved by LPAT)**

**(For information only to facilitate the assignment of a By-law number)**

(Communication 28-2020)

## 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 COUNCIL

14.1.1 APPROVAL OF CONFIDENTIAL COUNCIL MINUTES - JULY 14 & 16, 2020 AND AUGUST 25, 2020 (16.0) [Section 239 (2) (a) (b) (c) (e) (f)]

### 14.2 GENERAL COMMITTEE - SEPTEMBER 8, 2020

14.2.1 PERSONAL MATTERS ABOUT AN IDENTIFIABLE INDIVIDUAL, INCLUDING MUNICIPAL OR LOCAL BOARD EMPLOYEES (11.0) [Section 239 (2) (b)]

### 14.3 DEVELOPMENT SERVICES COMMITTEE - SEPTEMBER 14, 2020

*14.3.1 LITIGATION OR POTENTIAL LITIGATION, INCLUDING MATTERS BEFORE ADMINISTRATIVE TRIBUNALS, AFFECTING THE MUNICIPALITY OR LOCAL BOARD; [SECTION 239 (2) (e)] – LPAT APPEAL – 20 PERSONNA BOULEVARD (8.0)*

*14.3.2 LITIGATION OR POTENTIAL LITIGATION, INCLUDING MATTERS BEFORE ADMINISTRATIVE TRIBUNALS, AFFECTING THE MUNICIPALITY OR LOCAL BOARD; [SECTION 239 (2) (e)] – LPAT APPEAL – 105-107 MAIN STREET UNIONVILLE (8.0)*

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

That By-law 2020-88 be given three readings and enacted.

Three Readings

BY-LAW 2020-88 A BY-LAW TO CONFIRM THE PROCEEDINGS OF THE COUNCIL MEETING OF SEPTEMBER 15, 2020.

No attachment

**16. ADJOURNMENT**



## Electronic Council Meeting Minutes

**Meeting No. 14**

**August 25, 2020, 1:00 PM**

**Live streamed**

Roll Call	Mayor Frank Scarpitti Deputy Mayor Don Hamilton Regional Councillor Jack Heath Regional Councillor Joe Li Regional Councillor Jim Jones Councillor Keith Irish Councillor Alan Ho	Councillor Reid McAlpine Councillor Karen Rea Councillor Andrew Keyes Councillor Amanda Collucci Councillor Khalid Usman Councillor Isa Lee
Staff	Andy Taylor, Chief Administrative Officer Arvin Prasad, Commissioner, Development Services Claudia Storto, City Solicitor and Director of Human Resources Brian Lee, Director, Engineering Joel Lustig, Treasurer Bryan Frois, Chief of Staff Martha Pettit, Deputy City Clerk John Wong, Technology Support Specialist II Hristina Giantsopoulos, Elections & Council/Committee Coordinator Claudia Marsales, Senior Manager Waste & Environmental Management	Michael Dipasquale, Supervisor, Waste Management Meg West, Manager of Business Planning and Projects Graham Seaman, Director, Sustainability & Asset Management Margaret Wouters, Senior Manager, Policy & Research Alex Moore, Senior Manager, Procurement & Accounts Payable Francesco Santaguida, Assistant City Solicitor Lisa Riegel, Assistant City Solicitor Ronji Borooah, City Architect Mark Visser, Sr Manager Strategy Innovation & Investments Tony Casale, Senior Construction Buyer

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

---

### **1. CALL TO ORDER**

The meeting of Council convened at 1:05 PM on August 25, 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 Frank Scarpitti mentioned the large forest fire in Eabametoong First Nations community in Northern Ontario and that the federal government and other agencies are supporting the community.

Councillor Alan Ho arrived at 1:45 pm.

Council recessed at 4:20 pm and reconvened at 4:34 pm.

Regional Councillor Jim Jones left the meeting at 4:20 pm.

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

None disclosed.

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

### **3.1 COUNCIL MINUTES - JULY 14, 2020 AND AUGUST 5, 2020 SPECIAL COUNCIL**

Moved by Regional Councillor Jack Heath

Seconded by Councillor Amanda Collucci

1. That the Minutes of the July 14, 2020 Council Meeting and August 5, 2020 Special Council meeting be adopted.

**Carried**

#### **4. PRESENTATIONS**

##### **4.1 PRESENTATION - AWARD OF CONTRACT 089-R-19 RESIDENTIAL AND MULTI-RESIDENTIAL WASTE MANAGEMENT COLLECTION (5.1)**

Claudia Marsales, Senior Manager, Waste Management & Environment addressed Council and delivered a presentation entitled, "Award of Contract 089-R-19 Residential and Multi-residential Waste Management Collection".

See Item 11.1 under New/ Other Business for details on this matter.

##### **4.2 PRESENTATION - OVERVIEW OF BILL 197, COVID-19 ECONOMIC RECOVERY ACT, 2020 (7.0)**

Marg Wouters, Senior Manager, Policy & Research addressed Council and delivered a presentation entitled, "Bill 197 Overview - Covid-19 Economic Recovery Act, 2020".

See Item 11.2 under New/ Other Business for details on this matter.

#### **5. DEPUTATIONS**

##### **5.1 DEPUTATIONS - AWARD OF CONTRACT 089-R-19 RESIDENTIAL AND MULTI-RESIDENTIAL WASTE MANAGEMENT COLLECTION (5.1)**

The following addressed Council on this matter:

1. Denis Goulet, Miller Waste Systems Inc.
2. Blair McArthur, Miller Waste Systems Inc.

#### **6. COMMUNICATIONS**

##### **6.1 21-2020 LIQUOR LICENCE APPLICATION - HAI DI LAO HOT POT (WARD 4) (3.21)**

(New liquor licence for indoor areas)

Moved by Councillor Alan Ho

Seconded by Councillor Reid McAlpine

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

**Carried**

6.2 22-2020 LIQUOR LICENCE APPLICATION - PROVIDENTIAL 9 (WARD 8)  
(3.21)

(New liquor licence for indoor areas)

Moved by Councillor Alan Ho

Seconded by Councillor Reid McAlpine

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

**Carried**

6.3 23-2020 LIQUOR LICENCE APPLICATION - MARKHAM EXECUTIVE  
GOLF COURSE (WARD 8) (3.21)

(New liquor licence for indoor and outdoor areas)

Moved by Councillor Alan Ho

Seconded by Councillor Reid McAlpine

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

**Carried**

6.4 24-2020 LIQUOR LICENCE APPLICATION - PADDYO'S PIZZA (WARD 3)  
(3.21)

(New liquor licence for indoor and outdoor areas)

Moved by Councillor Alan Ho

Seconded by Councillor Reid McAlpine

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

**Carried**

6.5 25-2020 LIQUOR LICENCE APPLICATION - KONJIKI RAMEN MARKHAM  
(WARD 8) (3.21)

(New liquor licence for indoor areas)

Moved by Councillor Alan Ho

Seconded by Councillor Reid McAlpine

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

**Carried**

6.6 26-2020 LIQUOR LICENCE APPLICATION - NEW CENTURY BANQUET  
(WARD 8) (3.21)

(New liquor licence for indoor areas)

Moved by Councillor Alan Ho

Seconded by Councillor Reid McAlpine

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

**Carried**

## 7. PROCLAMATIONS

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

Moved by Councillor Andrew Keyes

Seconded by Councillor Amanda Collucci

1. That the following proclamations, issued by the City Clerk in accordance with the City of Markham Proclamation Policy, be received for information purposes:
  - a. Pulmonary Fibrosis Awareness Month - September 2020
  - b. Mitochondrial Disease Awareness Week - September 13 - 19, 2020
  - c. Franco-Ontarian Day - September 25, 2020
2. That the following new requests for proclamation be approved and added to the Five-Year Proclamations List approved by Council:
  - a. World Alzheimer's Day - September 21, 2020

b. Show Your Local Love Day - September 25, 2020

**Carried**

**8. REPORT OF STANDING COMMITTEE**

There were no reports from Standing Committee.

**9. MOTIONS**

There were no motions.

**10. NOTICE OF MOTION TO RECONSIDER**

There were no notices of motions.

**11. NEW/OTHER BUSINESS**

**11.1 NEW/ OTHER BUSINESS - AWARD OF CONTRACT 089-R-19  
RESIDENTIAL AND MULTI-RESIDENTIAL WASTE MANAGEMENT  
COLLECTION (5.1)**

Claudia Marsales, Senior Manager, Waste Management & Environment addressed Council and delivered a presentation entitled, "Award of Contract 089-R-19 Residential and Multi-residential Waste Management Collection". Discussion on this matter ensued.

Blair McArthur and Denis Goulet of Miller Waste Systems Inc. providing deputations on the matter.

Moved by Councillor Karen Rea

Seconded by Councillor Isa Lee

1. That the report entitled "Award of Contract 089-R-19 Residential and Multi-residential Waste Management Collection" be received; and,
2. **That the deputations of Blair McArthur and Denis Goulet of Miller Waste Systems Inc., be received; and,**
3. That the Contract for Residential and Multi-residential Waste Management Collection services be awarded to the highest ranked, second lowest priced

proponent, Miller Waste Systems Inc. for a term of eight (8) years, from September 1, 2021 to August 31, 2029 in the amount of \$114,340,912 (incl. of HST), subject to annual adjustments for growth and Consumer Price Index (CPI); and,

4. **That the Contract include an option for the City (in its sole discretion) to extend the Contract term for up to two (2) additional one (1) year terms on the same terms and conditions, including pricing; and,**
5. That the 2021 Waste Management Operating budget be increased by \$2,885,637 inclusive of CPI and growth. The budget shortfall is to be included as part of the 2021 Operating budget, subject to Council approval of the 2021 Operating budget; and,
6. That the City Solicitor be authorized to prepare the Contract in consultation with Staff from Environmental Services and Finance substantially in accordance with the terms, rates, and conditions outlined in this report; and,
7. That the Mayor and City Clerk be authorized to execute the Contract (and any other documentation necessary to give effect to the Contract) in a form satisfactory to the Chief Administration Officer and City Solicitor; and,
8. That future Purchase Orders for Waste Management collection services be revised to reflect the Council approved contract amounts; and further,
9. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**Carried as Amended by Recorded Vote (13-0)**

**(See following recorded vote)**

Council consented to amend clause 3 of the original recommendation from:

That the Contract include an option for the City (in its sole discretion) to extend the Contract term for up to two (2) additional one (1) year terms on the same terms and conditions, including pricing, and that the Chief Administrative Officer be authorized to exercise this option to extend the Contract for such additional one (1) year terms on behalf of the City, upon the recommendation of the Director, Environmental Services (or successor); and,

to:

**That the Contract include an option for the City (in its sole discretion) to extend the Contract term for up to two (2) additional one (1) year terms on the same terms and conditions, including pricing.**

**Recorded Vote (13-0)**

**YEAS:** Councillor Keith Irish, Councillor Alan Ho, Councillor Reid McAlpine, Councillor Karen Rea, Regional Councillor Jim Jones, Deputy Mayor Don Hamilton, Mayor Frank Scarpitti, Regional Councillor Jack Heath, Regional Councillor Joe Li, Councillor Andrew Keyes, Councillor Amanda Collucci, Councillor Khalid Usman, Councillor Isa Lee **(13)**

Moved by Regional Councillor Jim Jones

Seconded by Regional Councillor Jack Heath

1. That the matter of "'Award of Contract 089-R-19 Residential and Multi-residential Waste Management Collection" be received", immediately following the Deputations with respect thereto.

**Carried**

Council had before it the following original recommendation for consideration:

1. That the report entitled "Award of Contract 089-R-19 Residential and Multi-residential Waste Management Collection" be received; and,
2. That the Contract for Residential and Multi-residential Waste Management Collection services be awarded to the highest ranked, second lowest priced proponent, Miller Waste Systems Inc. for a term of eight (8) years, from September 1, 2021 to August 31, 2029 in the amount of \$114,340,912 (incl. of HST), subject to annual adjustments for growth and Consumer Price Index (CPI); and,
3. That the Contract include an option for the City (in its sole discretion) to extend the Contract term for up to two (2) additional one (1) year terms on the same terms and conditions, including pricing, and that the Chief Administrative Officer be authorized to exercise this option to extend the Contract for such additional one (1) year terms on behalf of the City, upon the recommendation of the Director, Environmental Services (or successor); and,



4. That the 2021 Waste Management Operating budget be increased by \$2,885,637 inclusive of CPI and growth. The budget shortfall is to be included as part of the 2021 Operating budget, subject to Council approval of the 2021 Operating budget; and,
5. That the City Solicitor be authorized to prepare the Contract in consultation with Staff from Environmental Services and Finance substantially in accordance with the terms, rates, and conditions outlined in this report; and,
6. That the Mayor and City Clerk be authorized to execute the Contract (and any other documentation necessary to give effect to the Contract) in a form satisfactory to the Chief Administration Officer and City Solicitor; and,
7. That future Purchase Orders for Waste Management collection services be revised to reflect the Council approved contract amounts; and further,
8. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

#### 11.2 NEW/ OTHER BUSINESS - OVERVIEW OF BILL 197, COVID-19 ECONOMIC RECOVERY ACT, 2020 (7.0)

Marg Wouters, Senior Manager, Policy & Research addressed Council and delivered a presentation entitled, "Bill 197 Overview - Covid-19 Economic Recovery Act, 2020". Discussion on this matter ensued.

Moved by Councillor Keith Irish  
Seconded by Councillor Khalid Usman

1. That the report entitled "Overview of Bill 197, COVID-19 Economic Recovery Act, 2020" be received;
2. And that staff be authorized and directed to do all things necessary to give effect to this resolution.

**Carried**

#### 11.3 NEW/ OTHER BUSINESS - PROPOSED DEMOLITIONS - ROUGE NATIONAL URBAN PARK (10.0)

Moved by Regional Councillor Jack Heath  
Seconded by Councillor Andrew Keyes

1. That the staff report entitled “Proposed Demolitions – Rouge National Urban Park”, dated August 25, 2020, be received; and,
2. That Rouge National Urban Park staff be requested to confirm if any alternative retention options for the structures were considered, such as marketing the buildings for long term residential lease in exchange for necessary renovations, the exploration of adaptive re-use opportunities, or advertising the availability of the structures for relocation or salvage opportunities; and,
3. That if demolition is to be pursued, Rouge National Urban Park staff be requested to follow Markham’s standard Building Code application requirements as it applies to the proposed demolition of structures within the City, and that any municipal application fees be waived; and,
4. That the two structures which are identified on the Markham Register of Property of Cultural Heritage Value or Interest be circulated to the Heritage Markham Committee for comment; and further,
5. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**Carried**

## **12. ANNOUNCEMENTS**

There were no announcements.

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

Moved by Regional Councillor Joe Li

Seconded by Deputy Mayor Don Hamilton

That By-laws 2020-82 to 2020-86 be given three readings and enacted.

**Carried**

### **Three Readings**

#### **13.1 BY-LAW 2020-82 A BY-LAW TO AMEND TRAFFIC BY-LAW 106-71 (COMPULSORY STOPS)**

To add compulsory stops at specific intersections within the City of Markham.

**Carried**

13.2 BY-LAW 2020-83 A BY LAW TO AMEND PARKING BY-LAW 2005-188

To amend Schedule C of the Parking By-law pertaining to “Prohibited Parking”.

**Carried**

13.3 BY-LAW 2020-84 A BY-LAW TO AMEND SPEED BY-LAW 2017-104

To establish a maximum speed limit of 50 kilometres per hour on specific streets within the City of Markham.

**Carried**

13.4 BY-LAW 2020-85 ROAD DEDICATION BY-LAW - DENISON STREET

A by-law to dedicate certain lands as part of the highways of the City of Markham Part Lot 3, Concession 8, designated as Part 1, Plan 65R-38944, Block 85, Reserve, Plan 65M-3741 and Reserve Block 169, Plan 65M4619 - Denison Street.

**Carried**

13.5 BY-LAW 2020-86 ROAD DEDICATION BY-LAW - MOBIS DRIVE

A by-law to dedicate certain lands as part of the highways of the City of Markham, Part of Lot 28, Concession 3, designated as Part 6, Plan 65R-35210 - Mobis Drive.

**Carried**

**14. CONFIDENTIAL ITEMS**

Council consented to add an item to the confidential agenda regarding labour relations and employee negotiations.

Moved by Deputy Mayor Don Hamilton  
Seconded by Councillor Alan Ho

That, in accordance with Section 239 (2) of the *Municipal Act*, Council resolve into a private session to discuss the following confidential matters at 5:15 pm:

14.1 LABOUR RELATIONS AND EMPLOYEE RELATIONS [Section 239  
(2) (e)]

**Carried**

Moved by Regional Councillor Jack Heath

Seconded by Councillor Keith Irish

That Council rise from Confidential session at 5:35 pm.

**Carried**

Deputy Mayor Don Hamilton assumed the Chair.

The following Confidential item was approved by Council:

14.1 LABOUR RELATIONS AND EMPLOYEES NEGOTIATIONS (11.0) ([Section  
239 (2) (d)]

Moved by Councillor Andrew Keyes

Seconded by Mayor Frank Scarpitti

Whereas the financial impacts of COVID-19 have been precedent setting for the private and public sector; and,

Whereas the financial strain on the City of Markham and its residents during COVID-19 is ongoing; and,

Whereas the City of Markham continues to identify mitigating strategies to reduce the financial impact on the City of Markham;

Now therefore it is recommended

That salary rates be maintained at the March 2020 level for all non-Union staff and Members of Council until December 31, 2020; and,

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

**Carried**

Mayor Frank Scarpitti resumed as Chair of the meeting.

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

Moved by Councillor Keith Irish

Seconded by Councillor Isa Lee

That By-law 2020-87 be given three readings and enacted.

Three Readings

BY-LAW 2020-87 - A BY-LAW TO CONFIRM THE PROCEEDINGS OF THE  
COUNCIL MEETING OF AUGUST 25, 2020.

No attachment

**Carried**

**16. ADJOURNMENT**

Moved by Councillor Isa Lee

Seconded by Councillor Keith Irish

That the Council meeting be adjourned at 5:42 p.m.

**Carried**

---

Martha Pettit  
Deputy Clerk

---

Frank Scarpitti  
Mayor



# Liquor Licence Questionnaire

The Corporation of the City of Markham

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

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

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

**Attention:** Public Services Assistant

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

## Liquor Licence Questionnaire Checklist

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

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

## Applicant Contact Information

First Name Mark		Last Name Eaton	
Street Number 199	Street Name Four Valley Dr.		Suite/Unit Number
City Vaughan		Postal Code L4K 0B8	Province ON
Telephone Number (905) 760-2244	Mobile Number	Email ncatenacci@recipeunlimited.com	

## Restaurant Information

Name of Restaurant Swiss Chalet #1945			
Street Number 5070	Street Name Highway 7, East		Suite/Unit Number
City Markham		Postal Code L3R 5R9	Province ON

Page 1 of 2

Rev. Jan/17

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

<b>What is the closest major intersection to the restaurant?</b>	<b>What is the distance between the restaurant and the closest residential area? (in kilometres)</b>
<b>Does the restaurant have a valid Business Licence issued by the City of Markham?</b> <input checked="" type="radio"/> Yes <input type="radio"/> No Business Licence Number: <u>20 119607 EE</u> If no, please note that a Business Licence is required.	<b>Does the restaurant have a working Fire Alarm System?</b> <input checked="" type="radio"/> Yes <input type="radio"/> No
<b>Type of restaurant (select one)</b> <input checked="" type="checkbox"/> Family <input type="checkbox"/> Roadhouse <input type="checkbox"/> Sports Bar <input type="checkbox"/> Fine Dining <input type="checkbox"/> Take Out <input type="checkbox"/> Cafe	
<b>What, if any, entertainment or amusements will be provided in the restaurant? (select all that apply)</b> <input type="checkbox"/> Karaoke <input type="checkbox"/> Live Entertainment <input type="checkbox"/> Casino <input type="checkbox"/> Off-Track Betting <input type="checkbox"/> Arcade	
<b>Is the liquor licence application for an expansion of the existing operations?</b> <input type="radio"/> Yes <input checked="" type="radio"/> No If yes, please provide the <u>current</u> existing maximum seating capacity: _____ If no, please provide the <u>planned</u> existing maximum seating capacity: <u>Indoor: 232 Outdoor: 36</u>	
<b>Location History</b>	
<b>Has a Building Permit been applied for or obtained for this location?</b> <input type="radio"/> Yes    Building Permit Number: _____ <input checked="" type="radio"/> No	
<b>Was the location previously used as a restaurant?</b> <input checked="" type="radio"/> Yes <input type="radio"/> No If no, a Building Permit is required. Contact Building Services at 905-477-7000 ext. 4870 for more information.	
<b>If the location was previously used as a restaurant, has construction or alteration been proposed?</b> <input type="radio"/> Yes <input checked="" type="radio"/> No If yes, please provide Alteration Permit Number: <u>Restaurant will remain the same, ownership change only.</u>	

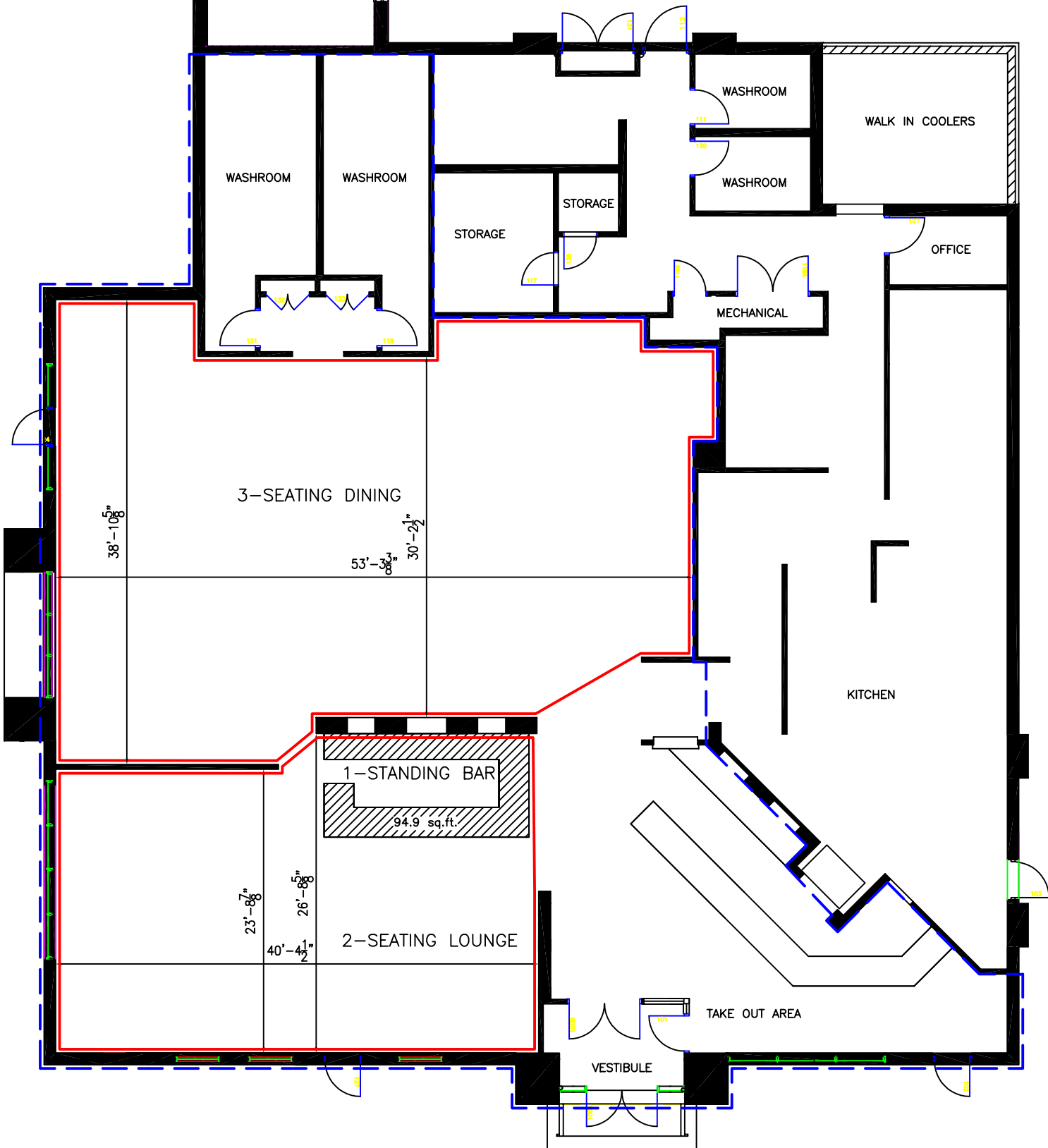
Mark Eaton

Applicant's Signature

Sept. 4, 2020

Date

AREA NUMBER	FLOOR LEVEL	EXACT LOCATION OF LICENSED AREA	INDOORS OR OUTDOORS	TOTAL AREA (length X width) m2 OR sq.ft.	ESTIMATED CAPACITY
1	G	STANDING BAR	IN	95 sq.ft.	10
2	G	SEATING LOUNGE	IN	1018 sq.ft.	68
3	G	SEATING DINING	IN	1780 sq.ft.	154





# Welcome HOME

## STARTERS

<b>CHALET CHICKEN SOUP</b>	
Cup (110 Cals)	4.49
Bowl (200 Cals)	5.49
<b>GARDEN SALAD</b> (40 Cals)	5.99
<b>KALE CAESAR SALAD</b> (440 Cals)	5.99
<b>CHEESE PEROGIES</b>	7.49
(170 Cals per serving, serves 3)	
<b>CHICKEN SPRING ROLLS</b>	7.49
(150 Cals per serving, serves 3)	
<b>WINGS</b> (550-670 Cals per serving)	
5 pieces	6.49
10 pieces (serves 2)	12.49
15 pieces (serves 3)	16.19

## SIDES

<b>FRESH-CUT FRIES</b> (550 Cals)	
<b>GARDEN SALAD</b> (30 Cals)	
<b>KALE CAESAR SALAD</b> (480 Cals)	
<b>OVEN-BAKED POTATO</b> (410 Cals)	
<b>MASHED POTATOES</b> (200 Cals)	
<b>GARLIC GREEN BEANS</b> (230 Cals)	
<b>SEASONED RICE PILAF</b> (630 Cals)	
<b>CHALET CHICKEN SOUP CUP</b> (110 Cals)	
<b>COLESLAW</b> (80 Cals)	
<b>POUTINE</b> (800 Cals)	+1.99
<b>CHICKEN POUTINE</b> (940 Cals)	+3.98
<b>SWEET POTATO FRIES</b> (710 Cals)	+2.99

## POUTINES

<b>CLASSIC OR CHALET POUTINE</b>	10.99
(1350 Cals)	
Add Rotisserie or Crispy Chicken (1500-1590 Cals)	+1.00
Add Bacon (1730 Cals)	+1.00

## ROTISSERIE CHICKEN

SERVED WITH OUR SIGNATURE CHALET DIPPING SAUCE, A DINNER ROLL, AND CHOICE OF SIDE.

<b>QUARTER CHICKEN DINNER</b> (510-1110 Cals)	10.99
---	-------

*Your choice of Quarter White or Double Leg!*



12<sup>79</sup>

**QUARTER CHICKEN DINNER - WHITE MEAT** (550-1150 Cals)



12<sup>79</sup>

**DOUBLE LEG DINNER** (980-1580 Cals)

<b>HALF CHICKEN DINNER</b> (1090-1690 Cals)	14.99
---	-------

*Make it a 3 Course Meal for only 7<sup>99</sup>!*

Includes your choice of a Garden Salad (40 Cals), Kale Caesar Salad (440 Cals) or bowl of Chalet Chicken Soup (200 Cals) + your choice of a slice of pie (410-540 Cals).



## BBQ RIBS

SERVED WITH OUR SIGNATURE CHALET DIPPING SAUCE, COLESLAW, A DINNER ROLL, AND CHOICE OF SIDE.

<b>1/3 RACK</b>		<b>RIBS + 5 WINGS</b>	
SIDE (690-1390 Cals)	14.99	1/3 RACK SIDE (970-1670 Cals)	16.99
<b>1/2 RACK</b>		1/2 RACK SIDE (1210-1910 Cals)	21.99
SIDE (900-1630 Cals)	19.49	1/2 RACK BACK (1430-2030 Cals)	22.99
BACK (850-1370 Cals)	20.49	<b>RIBS + QUARTER CHICKEN</b>	
<b>FULL RACK</b>		1/3 RACK SIDE (990-1690 Cals)	17.99
SIDE (1330-2350 Cals)	25.49	1/2 RACK SIDE (1200-1870 Cals)	22.99
BACK (1300-1900 Cals)	27.49	1/2 RACK BACK (1380-1980 Cals)	23.99
		White Meat Add 1.80 (Add 50 Cals)	

## HANDHELDS & more

SANDWICHES AND BURGERS SERVED WITH CHOICE OF SIDE AND A PICKLE.

<b>CHICKEN ON A KAISER</b> (750-1180 Cals)	12.99
White Meat Add 1.80 (640-1310 Cals)	
<b>HOT ROTISSERIE CHICKEN SANDWICH</b> (710-1410 Cals)	12.99
White Meat Add 1.80 (640-1310 Cals)	
<b>CHICKEN CLUB WRAP</b> (920-1350 Cals)	12.99
White Meat Add 1.80 (690-1440 Cals)	
<b>SOUTHERN CANUCK</b> (720-1320 Cals)	14.49
<b>CLASSIC HAMBURGER</b> (610-1210 Cals)	12.99
<b>VEGGIE BURGER</b> (480-1000 Cals)	13.99
<b>KALE CHICKEN CAESAR SALAD</b> (980 Cals)	14.99
<b>CHICKEN POT PIE</b> (860-1610 Cals)	13.49
<b>CRISPY CHICKEN STRIPS</b>	
3 pc (650-1250 Cals)	11.99
5 pc (930-1560 Cals)	13.99

## DRINKS

<b>BOTTOMLESS SOFT DRINK</b> (0-260 Cals per serving)	2.99
<b>SHIRLEY TEMPLE</b> (12oz.) (200 Cals)	2.99
<b>OLD-FASHIONED LEMONADE</b> (12oz.) (80 Cals)	1.99
<b>PURE LEAF LEMON TEA</b> (547ml) (160 Cals)	2.99
<b>MONTELLIER SPARKLING WATER</b> (500ml) (0 Cals)	2.49
<b>JUICE</b> (100-180 Cals)	2.49
<b>MILK</b> (180-260 Cals)	2.29
<b>COFFEE OR TEA</b> (0 Cals)	2.49
<b>HOT CHOCOLATE</b> (210 Cals)	1.99

Ask your server about our beer, wine and cocktails!

## DESSERTS

<b>SLICE OF PIE</b> (410-540 Cals)	4.50
<b>SLICE OF CAKE</b> (550-790 Cals)	5.75
<b>MINI DONUTS</b> (300 Cals per serving, serves 3)	6.75
<b>ICE CREAM</b> (110 Cals)	4.50
<b>SUPER SUNDAE</b> (340 Cals)	5.75
<b>BROWNIE SUNDAE</b> (1030 Cals)	6.75

4<sup>50</sup>



Adults and youth (ages 13 and older) need an average of 2,000 calories a day, and children (ages 4 to 12) need an average of 1,500 calories a day. However, individual needs vary.

Taxes and upgrades of sides extra. Pepsi® - PepsiCo, Inc. Used under license. Food allergy caution - the safety and satisfaction of our guests is our highest priority. Although precaution is taken to manage the risk of allergen cross contamination in our kitchen, please be advised that there is a possibility of cross contamination occurring during preparation. Therefore, we cannot guarantee that a menu item is free of peanuts, tree nuts and/or other allergens.



# BEVERAGES

## NON-ALCOHOLIC DRINKS

**BOTTOMLESS  
SOFT DRINKS** 2.99  
Pepsi (250 Cals),  
Diet Pepsi (0 Cals),  
7UP (260 Cals),  
Brisk Iced Tea (140 Cals),  
Schweppes Ginger Ale (210 Cals)

**PURE LEAF  
LEMON TEA**  
2.99 (547ml) (160 Cals)

**NEW**  
**MONTPELLIER  
SPARKLING  
WATER**  
2.49 (500ml) (0 Cals)

**AQUAFINA  
BOTTLED WATER**  
1.99 (1493ml) (0 Cals)

**JUICE** 2.49  
Apple (100 Cals),  
Orange (100 Cals),  
Cranberry (160 Cals),  
Clamato (100 Cals)

**MILK** 2.49  
2% (180 Cals) or  
Chocolate (260 Cals)

**FRESHLY BREWED  
COFFEE** 2.49 (0 Cals)  
Regular or Decaf

**SPECIALTY TEAS**  
2.49 (0 Cals for all varieties)  
Orange Pekoe, Earl Grey,  
Green, Chamomile,  
Peppermint

**HOT CHOCOLATE**  
1.99 (210 Cals)

**NEW**  
**OLD-  
FASHIONED  
LEMONADE**  
1.99 (12 oz.) (80 Cals)

**SHIRLEY  
TEMPLE**  
2.99 (12 oz.) (200 Cals)

## WHITE WINES

**CHARDONNAY**  
JACKSON-TRIGGS  
ESTATE, NIAGARA,  
ONTARIO, VQA  
5 oz. 6.00  
8 oz. 9.00  
1/2 Litre 17.00

**PINOT GRIGIO**  
RUFFINO LUMINA, ITALY  
5 oz. 7.00  
8 oz. 10.00  
1/2 Litre 19.00  
750ml Bottle 32.00

**SAUVIGNON BLANC**  
SUNSHINE BAY,  
MARLBOROUGH,  
NEW ZEALAND  
5 oz. 8.00  
8 oz. 11.00  
1/2 Litre 21.00  
750ml Bottle 36.00

**90+**  
Featuring a selection of wines  
awarded at least 90 points  
by wine critics (marked below),  
ranking them as outstanding wines.

## RED WINES

**MERLOT**  
JACKSON-TRIGGS  
ESTATE, NIAGARA,  
ONTARIO, VQA  
5 oz. 6.00  
8 oz. 9.00  
1/2 Litre 17.00

**SHIRAZ**  
NEDERBURG  
THE WINEMASTERS,  
SOUTH AFRICA  
5 oz. 7.00  
8 oz. 10.00  
1/2 Litre 19.00  
750ml Bottle 32.00

**MALBEC**  
TRAPICHE,  
MENDOZA,  
ARGENTINA  
5 oz. 7.00  
8 oz. 10.00  
1/2 Litre 19.00  
750ml Bottle 32.00

**CABERNET SAUVIGNON**  
WOODBIDGE BY ROBERT  
MONDAVI, CALIFORNIA,  
USA  
5 oz. 8.00  
8 oz. 11.00  
1/2 Litre 21.00  
750ml Bottle 36.00

## CLASSIC COCKTAILS 5.00

**NEW**  
**CLASSIC CAESAR (1 oz.)**  
Smirnoff vodka, traditional spices, Mott's  
Clamato juice, and a pickle.

**NEW**  
**MAPLE WHISKEY SOUR (1 oz.)**  
Crown Royal, a hint of maple syrup, and  
our Old-Fashioned Lemonade.

**NEW**  
**CANADIAN SANGRIA (3 oz.)**  
Canadian red wine mixed with our Old-Fashioned  
Lemonade and topped with a ginger, pomegranate,  
and passion fruit infused soda.

and youth (ages 13 and older) need an average of 2,000  
calories per day, and children (ages 4 to 12) need an average of 1,500  
calories per day. However, individual needs vary.

Please enjoy responsibly. Taxes extra.  
and under license.

## BEER

### ON TAP

**DOMESTIC**  
Bud Light  
Molson Canadian  
12 oz. 4.99  
18 oz. 6.29  
56 oz. 15.99  
**PREMIUM**  
12 oz. 5.29  
18 oz. 7.19  
56 oz. 19.79

### BOTTLED

**DOMESTIC**  
(341ml) 4.99  
**PREMIUM**  
(341ml) 5.49  
**IMPORTED**  
(330ml) 5.99



ASK ABOUT  
OUR LOCAL BEER  
OFFERINGS

STANDARD ALCOHOLIC BEVERAGES	STANDARD SERVING SIZE	APPROXIMATE AVERAGE CALORIES PER STANDARD SERVING SIZE
Red Wine (12%)	1 glass (142 mL/5 oz)	130
White Wine (12%)	1 glass (142 mL/5 oz)	120
Regular Beer (5%)	1 bottle (341 mL)	150
Light Beer (4%)	1 bottle (341 mL)	100
Spirits (40%)	1 shot (43 mL/1½ oz)	100

NOTE: Actual calories of alcoholic beverages may vary; the addition of mixes will increase the calories of these beverages. Standard serving sizes are based on one drink as outlined in Canada's Low-Risk Alcohol Drinking Guidelines.

© 2018

**PROCEEDING COMMENCED UNDER** subsection 34(11) of the Planning Act, R.S.O. 1990, c. P.13, as amended

Appellant/Applicant: Andrin Wismer Markham Limited  
Subject: Application to Amend Zoning By-law No. 1717-96  
Refusal or neglect of the City of Markham to make a decision (OS 2\*428)  
Existing Zoning: Residential 2 (R2 \* 629)  
Proposed Zoning: 5440 16th Avenue  
Property Address/Description: City of Markham  
Municipality: PL180180  
LPAT Case No.: PL180180  
LPAT File No.:

**PROCEEDINGS COMMENCED UNDER** subsection 51(34) of the Planning Act, R.S.O. 1990, c.P.13, as amended

Appellant/Applicant: Andrin Wismer Markham Limited  
Subject Matter: Application for a Draft Plan of Subdivision (Condominium)  
Refusal or neglect of the City of Markham to make a decision  
Purpose: To permit a residential development comprised of Townhouses and Semi-Detached Homes with a total of 78 Residential Units.  
Property Address: 5440 16th Avenue  
Municipality: City of Markham  
LPAT Case No.: PL180180  
LPAT File No. PL180181

**PROCEEDINGS COMMENCED UNDER** subsection 41(12) of the Planning Act, R.S.O. 1990, c.P. 13, as amended

Appellant/Applicant: Andrin Wismer Markham Limited  
Subject Matter: Application for Site Plan Approval for a Residential Development of a 78 Units.  
Refusal or neglect of the City of Markham to make a decision  
Purpose: Site Plan Approval for 78 Unit Residential Condominium  
Property Address: 5440 16th Avenue  
Municipality: City of Markham  
LPAT Case No. PL180180  
LPAT File No. PL180219

**AMENDING AGREEMENT TO MINUTES OF SETTLEMENT**

PL180180

This **AMENDING AGREEMENT TO MINUTES OF SETTLEMENT** dated August \_\_\_\_, 2020  
(the "**Amending Agreement**"),

**BETWEEN:**

**ANDRIN WISMER MARKHAM LIMITED**

hereinafter referred to as "**Andrin**"

- and -

**THE CORPORATION OF THE CITY OF MARKHAM**

hereinafter referred to as the "**City**"

Collectively, the "**Parties**"

**Recitals**

- Andrin is the owner and developer of a 3.65 hectare parcel of land in the City of Markham with the municipal address in 2019 of 5440 16<sup>th</sup> Avenue, and is located on the north side of 16<sup>th</sup> Avenue on the east side of Alexander Lawrie Avenue, and legally described as Part of Lot 16, Concession 7, being Part 1 on Reference Plan 65R-37416, in the City of Markham, hereinafter referred to as the "**Subject Lands**".
- On March 16, 2020, the City and Andrin entered into Minutes of Settlement (the "**Minutes of Settlement**") to settle Andrin's appeals to the Local Planning Appeal Tribunal regarding Andrin's applications to the City: (i) to rezone the Subject Lands (the "**Zoning By-law Amendment**"), (ii) for a Draft Plan of Subdivision (the "**Draft Plan**"), and (iii) for Site Plan Approval.
- On August 12, 2020, the City received a revised Draft Plan Condition from the Regional Municipality of York regarding condition 17.1(b) in Schedule C to the Minutes of Settlement.
- On August 20, 2020, the Parties became aware of a typographical error in the Draft Zoning-By-law Amendment in Schedule A to the Minutes of Settlement.

PL180180

- The parties have entered into this Amending Agreement to amend Schedules A and C to the Minutes of Settlement.

NOW THEREFORE, in consideration of the mutual covenants contained herein and other valuable consideration, the parties covenant and agree as follows:

1. The parties acknowledge and agree that the Recitals set out herein are true and correct.
2. The Minutes of Settlement are hereby amended as follows:
  - a. Schedule A in the Minutes of Settlement shall be replaced with Schedule A in the Amending Agreement attached hereto.
  - b. Schedule C in the Minutes of Settlement shall be replaced with Schedule C in the Amending Agreement attached hereto.
3. The Amending Agreement can be signed in counterparts. Signatures may be exchanged via facsimile, photocopy or e-mail and shall be binding to the same extent as if original signatures were exchanged.

PL180180

IN WITNESS WHEREOF the parties have executed this Amending Agreement as of the dates noted below.

Date: 26 AUGUST 2020

**ANDRIN WISMER MARKHAM LIMITED**



Name: DAVID S. WHITE, Q.C.  
Title: LAWYER  
I HAVE THE AUTHORITY TO BIND THE CORPORATION

Date:

**THE CORPORATION OF THE CITY OF MARKHAM**

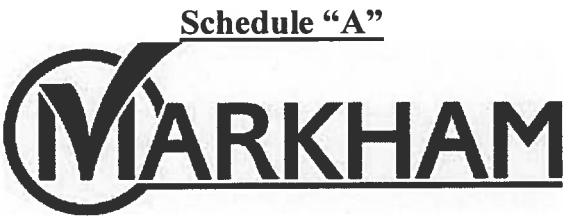
Authorized by Council Item 14.2.1 of the City Council meeting on November 13, 2019.



Name: Frank Scarpitti  
Title: Mayor



Name: Kimberley Kitteringham  
Title: City Clerk



BY-LAW 2019-\_\_\_\_\_

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

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

1. By-law 177-96, as amended, is hereby further amended as follows:
- 1.1 By rezoning the lands outlined on Schedule 'A' attached hereto as follows:
- from:  
Open Space Two \*428 (OS2\*428)
- to:  
Residential Two \*629 (R2\*629)
- 1.2 By adding the following subsection to Section 7- EXCEPTIONS

Exception 7.629	Andrin Wismer Markham Limited Concession 7, Lot 16, Part 5 65R256001, Part 1 65R37416 (North-east corner 16 <sup>th</sup> Ave and Alexander Lawrie Ave)	Parent Zone R2
File ZA 17 151060		Amending By-law 2019-XXX
Notwithstanding any other provisions of this By-law, the provisions in this Section shall apply to those lands denoted *629 as shown on 'Schedule A' to this By-law		
<b>7.629.1 Special Zone Standards</b>		
The following additional uses are permitted:		
a)	<i>Accessory Dwelling Units</i>	
<b>7.629.2 Special Zone Standards</b>		
The following specific Zone Standards shall apply:		
a)	Notwithstanding any further division or partition of any lands subject to this Section, all lands zoned R2*629 shall be deemed to be one <i>lot</i> for the purposes of this By-law.	
b)	Minimum required <i>interior side yard</i> -1.3 m	
c)	Minimum required <i>rear yard</i> – 7 m	
d)	Minimum required <i>front yard</i> – 3 m	
e)	Minimum width of a <i>townhouse dwelling</i> : a) Interior unit - 5.4 m b) End or corner unit – 5.6 m	
f)	Minimum width of a <i>semi-detached dwelling</i> : a) Corner unit – 7.7 m b) All other units – 7 m	
g)	The minimum <i>lot frontage</i> provisions of table B2 Pat 1 of 3, A, shall not apply	
h)	Maximum <i>height</i> : a) <i>Townhouse dwelling</i> fronting onto Alexander Lawrie Avenue - 11.5 m b) All other <i>townhouse dwellings</i> – 12 m c) <i>Semi-detached dwelling</i> – 9 m	
i)	Minimum area of <i>outdoor amenity space</i> - 700 m2	
j)	Minimum distance between buildings: a) <i>Townhouse buildings</i> - 2.9 m b) <i>Semi-detached buildings</i> - 2.4 m	
k)	Notwithstanding the provisions of Section 6.2, <i>decks</i> are permitted to be located above the <i>first storey</i> , and shall have a minimum <i>interior side yard</i> setback of 4 metres	
l)	Stairs located in the required <i>front yard</i> are to be no closer than 0.6 m from the <i>front lot line</i>	
m)	Porches may encroach into the required distance between townhouse buildings with distance between porches no closer than 2.6 m	

2. SECTION 37 AGREEMENT

- 2.1 A contribution by the Owner to the City for the purpose of public art, in the amount of \$1425.00 per townhouse dwelling and \$2300.00 per semi-detached dwelling in 2019 dollars, to be indexed to the Ontario rate of inflation as per the consumer price index (CPI), in accordance with Section 37 of the Planning Act, as amended, shall be required. Payments shall be collected in accordance with the terms of an agreement to secure for the Section 37 contribution. Nothing in this section shall prevent the issuance of a building permit as set out in Section 8 of the Building Code Act or its successors.

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

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

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





## **EXPLANATORY NOTE**

### **BY-LAW 2019-\_\_\_\_\_**

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

**Andrin Wismer Markham Limited  
North-east corner 16<sup>th</sup> Avenue and Alexander Lawrie Avenue  
CON 7 LOT 16 PART 5 65R26001, PART 1 65R37416**

#### **Lands Affected**

The proposed by-law amendment applies to 1.77 hectares (4.37 acres) of land located at the north-east corner of 16<sup>th</sup> Avenue and Alexander Lawrie Avenue.

#### **Existing Zoning**

By-law 177-96, as amended, currently zoned the subject lands as Open Space Two \*428 (OS2\*428) which will be zoned to Residential Two \*629 (R2\*629).

#### **Purpose and Effect**

The purpose and effect of this By-law is to amend By-law 177-96, as amended, to rezone the subject property to Residential Two \*629 (R2\*629) in order to facilitate the development of common element condominium development which will be comprised of 68 freehold townhouses and 10 semi-detached homes.

**Schedule 'C'**  
**APPENDIX 'B'**

**DRAFT PLAN CONDITIONS**

THE CONDITIONS OF THE COUNCIL OF THE CITY OF MARKHAM  
TO BE SATISFIED PRIOR TO RELEASE FOR REGISTRATION OF  
PLAN OF SUBDIVISION 19TM-17002  
ANDRIN WISMER MARKHAM LIMITED  
ARE AS FOLLOWS:

**1. General**

- 1.1 Approval shall relate to a draft plan of Subdivision prepared by J.D.Barnes, identified as Reference No. 16-21-041-04-DRAFT PLAN, dated May 4, 2017, and incorporate the following redline revisions:
  - Any redline revisions required to address comments from the City and external agencies including showing the Regional road widening along 16<sup>th</sup> Avenue as a separate block to be conveyed to the City.
- 1.2 This draft approval shall apply for a maximum period of three (3) years from date of issuance by the City, and shall accordingly lapse on XXXX, 2022, unless extended by the City upon application by the Owner.
- 1.3 The Owner shall enter into a subdivision agreement with the City agreeing to satisfy all conditions of the City and Agencies, financial and otherwise, prior to final approval.
- 1.4 The Owner acknowledges and understands that prior to final approval of this draft plan of subdivision, any amendments (if applicable) to the City's new 2014 Official Plan (as partially approved on November 24<sup>th</sup>, 2017 and further updated on April 9<sup>th</sup>, 2018), as amended, and Zoning By-law 177-96, as amended to implement the plan shall have come into effect in accordance with the provisions of the Planning Act.
- 1.5 The Owner acknowledges and agrees that the draft plan of subdivision and associated conditions of draft approval may require revisions, to the satisfaction of the City, to implement or integrate any recommendations from studies required as a condition of draft approval, as well as any comments and conditions received from municipal departments and external agencies after draft approval is granted.
- 1.6 Prior to the release for registration of the Draft Plan of Subdivision (19TM-17002), the Owner shall prepare and submit to the satisfaction of the City of Markham, all technical reports and drawings, including but not limited, traffic studies, functional traffic design studies, stormwater management reports, functional servicing reports,

design briefs, detailed design drawings, noise studies, servicing and infrastructure phasing plan, etc., to support the Draft Plan of Subdivision. The Owner agrees to revise the Draft Plan of Subdivision as necessary to incorporate the design and recommendations of the accepted technical reports, studies, and drawings.

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

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

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

## 2. Community Design

- 2.1 The Owner shall implement and incorporate all requirements of the approved Wismer Commons Open Space Master Plan and Community Design Plan into all landscape plans, architectural control guidelines, engineering plans and any other required design documents.
- 2.2 Plans submitted for model home permits for any building within the plan of subdivision shall bear an approval stamp identifying the architectural company retained for architectural control and the signature of the control architect. The approval stamp shall certify that the floor plans, building elevations and site plans are designed in accordance with the approved architectural guidelines.
- 2.3 The Owner shall ensure that the design architect for any buildings within the plan of subdivision shall not assume the role of control architect for the plan of subdivision.

### 3. Parks and Open Space

- 3.1 The Owner and City covenants and agrees that parkland dedication within this plan is required at a rate specified in the City's Parkland Dedication By-law 195-90, as amended and in accordance with the Planning Act, as amended.
- 3.2 The Owner shall post approved copies of any Open Space Plans, Conceptual Park Development Master Plans and Conceptual Facility Fit Plans for the park and school campus in all sales offices for dwelling units within the draft plan of subdivision.
- 3.2 The Owner shall provide a specialized depth of topsoil in the entire municipal boulevard to appropriately plant boulevard trees to the satisfaction of the Director of Planning and Urban Design.

### 4. Landscape Works

- 4.1 Prior to execution of the subdivision agreement, the Owner shall submit landscape plans based on the approved Wismer Commons Open Space Master Plan and Community Design Plan into all landscape works, to the satisfaction of the Director of Urban Design, and which includes:
  - a) street tree planting in accordance with the City of Markham Streetscape Manual, dated June 2009, as amended from time to time;
  - b) 1.8m high wood screen corner lot fencing, if required;
  - c) streetscape plans for all public streets;
  - d) All other landscaping as determined by the Community Design Plan, Public Realm Guidelines, Architectural Control Guidelines and the Environmental

Master Drainage Plan.

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

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

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

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

5. Tree Inventory and Tree Preservation Plans

- 5.1 The Owner shall submit for approval a tree inventory and tree preservation plan to the satisfaction of the Director of Planning and Urban Design in accordance with the City of Markham Streetscape Manual dated 2009, as amended from time to time.

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

## 6. Financial

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

## 7. Noise Impact Study

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

8. Municipal Services

- 8.1 Prior to the release for registration of the Draft Plan of Subdivision, the Owner complies with, to the satisfaction of the Director of Engineering, the following:
- a) Make satisfactory arrangements with the Engineering Department to resolve the issue of the existing water main connection to the building on the abutting property to the east (the Bridge Church, 5440 16<sup>th</sup> Avenue)(the “Bridge”) crossing through the subject land (Andrin Wismer Markham Limited) (“Andrin”) and provide financial security, engineering and inspection fees, as required;
  - b) Make satisfactory arrangements with the Engineering Department to resolve the issue of the storm connection to the subject land (Andrin)crossing through the Bridge, and provide financial security, engineering and inspections fees as required;
  - c) Make satisfactory arrangements with the Engineering Department to construct any improvements to the municipal infrastructure in connection with the Functional Servicing Report as accepted by the Director of Engineering, should it be determined that improvements to such infrastructure is required to support the development.
- 8.2 Prior to release for registration of the Draft Plan of Subdivision, the Owner shall demonstrate to the satisfaction of the City that the Subdivision will be provided with two (2) independent water supply points to provide for adequate redundancy and looping for domestic and fire protection purposes.
- 8.3 The Owner shall agree in the Subdivision Agreement to not apply for any building permits until the City is satisfied that adequate road access, municipal water supply, sanitary sewers and storm drainage facilities are available to service the proposed development.

9. Lands to be Conveyed to the City/ PrivateEasements

- 9.1 The Owner shall grant required easements to the appropriate authority for sewers, watermain, public utilities or drainage purposes, prior to registration of the Draft Plan of Subdivision. The Owner shall also provide/obtain any easements and works external to the Draft Plan of Subdivision necessary to connect watermain, storm and sanitary sewers to outfall trunks and stormwater management facilities, to the satisfaction of the City.
- 9.2 The Owner shall convey to the City a minimum 1 metre easement along the south property line on 16<sup>th</sup> Avenue for to facilitate access and maintenance of the

watermain which services the Bridge Markham Community Church located at 5440 16<sup>th</sup> Avenue, to the satisfaction of the City.

- 9.3 The Owner shall convey to the Bridge Markham Community Church located at 5440 16<sup>th</sup> Avenue, an easement for emergency access on Alexander Lawrie Avenue to the satisfaction of the City.
- 9.4 The Owner shall obtain from the Bridge Markham Community Church located at 5440 16<sup>th</sup> Avenue, an easement for emergency access on 16<sup>th</sup> Avenue to the satisfaction of the City.
- 9.5 The Owner shall obtain a minimum 5 metre wide servicing easement from the Bridge Markham Community Church located at 5440 16<sup>th</sup> Avenue, to accommodate the private storm sewer and overland flow from the proposed development, to the satisfaction of the City.

#### 10. Utilities

- 10.1 The Owner shall covenant and agree in the subdivision agreement that hydro electric, telephone, gas and television cable services and any other form of telecommunication services shall be constructed at no cost to the City as underground facilities within the public road allowances or within other appropriate easements, as approved on the Composite Utility Plan, to the satisfaction of the City and authorized agencies.
- 10.2 The Owner shall covenant and agree in the subdivision agreement to enter into any agreement or agreements required by any applicable utility companies, including Alectra ( formerly PowerStream) , Enbridge, telecommunications companies, etc.
- 10.3 The Owner shall covenant and agree in the subdivision agreement to facilitate the construction of Canada Post facilities at locations and in manners agreeable to the City of Markham in consultation with Canada Post and that where such facilities are to be located within public rights-of-way they shall be approved on the Composite Utility Plan and be in accordance with the Community Design Plan.
- 10.4 The Owner shall covenant and agree in the subdivision agreement to include in all offers of purchase and sale a statement that advises prospective purchasers that mail delivery will be from a designated Community Mailbox. The Owners will further be responsible for notifying purchasers of the exact Community Mailbox locations prior to the closing of any home sale.
- 10.5 The Owner shall covenant and agree in the subdivision agreement to provide a suitable temporary Community Mailbox location(s) which may be utilized by Canada Post until the curbs, sidewalks and final grading have been completed at the permanent Community Mailbox locations. This will enable Canada Post to provide mail delivery to new residents as soon as homes are occupied.



- 10.6 Standard Community Mailbox installations are to be done by Canada Post at locations approved by the municipality and shown on the Composite Utility Plan. Should the developer propose an enhanced Community Mailbox installation, any costs over and above the standard installation must be borne by the developer, and be subject to approval by the City in consultation with Canada Post.
- 10.7 The Owner covenants and agrees that it will permit any telephone or telecommunication service provider to locate its plant in a common trench within the proposed subdivision prior to registration provided the telephone or telecommunications services provider has executed a Municipal Access Agreement with the City. The Owner shall ensure that any such service provider will be permitted to install its plant so as to permit connection to individual dwelling units within the subdivision as and when each dwelling unit is constructed.

11. Transportation Impact Study/Internal Functional Traffic Design Study

- 11.1 Prior to final approval of the draft plan, the Owner covenants and agrees to address all outstanding comments related to the Transportation Impact Study and Transportation Demand Management Plan to the satisfaction of the City and the Region of York. The Owner further covenants and agrees to incorporate the recommendations of these studies, to the satisfaction of the Director of Engineering.
- 11.2 The Owner shall provide a revised Transportation Impact Study and Transportation Demand Management (TDM) Plan to address the comments provided by the City, to the satisfaction of the Director of Engineering.
- 11.3. The Owner shall covenant and agree in the subdivision agreement to provide the City with a TDM Letter of Credit in the amount to be approved by the Director of Engineering, to ensure compliance with the recommendations in the TDM Plan.

12. Development Charges

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

13. Environmental Clearance

- 13.1 The Owner covenants and agrees to retain a "Qualified Person" to prepare all necessary Environmental Site Assessments (ESA) and file Records of Site Condition with the Provincial Environmental Site Registry for all lands to be conveyed to the City. The "Qualified Person" shall be defined as the person who meets the qualifications prescribed by the *Environmental Protection Act* and O. Reg. 153/04, as amended. The lands to be conveyed to the City shall be defined as any land or easement to be conveyed to the City, in accordance with the City's Environmental Policy for Conveyance of Land to the City pursuant to the Planning Act.
- 13.2 Prior to the earlier of any construction, including site alteration, the execution of a pre-servicing agreement or subdivision agreement, the Owner agrees to submit Environmental Site Assessment (ESA) report(s) prepared by a Qualified Person, in accordance with the Environmental Protection Act and its regulations and all applicable standards for all lands to be conveyed to the City for peer review and concurrence.
- 13.3 Prior to the earlier of any construction including site alteration, the execution of a pre-servicing agreement or Subdivision Agreement of a phase within the Draft Plan of Subdivision, the Owner agrees to submit environmental clearance(s) and Reliance Letter(s) from a Qualified Person to the City for all lands or interests in lands to be conveyed to the City to the satisfaction of the City of Markham. The Environmental Clearance and Reliance Letter will be completed in accordance with the City's standards and will be signed by the Qualified Person and a person authorized to bind the Owner's company. The City will not accept any modifications to the standard Environmental Clearance and Reliance letter, except as and where indicated in the template.
- 13.4 The Owner covenants and agrees that, prior to execution of this Agreement, an environmental clearance shall be provided to the City for all lands or interests in lands to be conveyed to the City to the satisfaction of the Director of Engineering. The City shall be satisfied that the lands are environmentally suitable for their proposed use and be certified as such by the "Qualified Person" as defined in Ontario Regulation 153/04, all of which shall be in accordance with the *Environmental Protection Act* and its regulations. The "Qualified Person" shall file a Record of Site Condition on the Provincial Environmental Site Registry for all lands to be conveyed.
- 13.5 The Owner covenants and agrees that if, during construction of a phase within the Draft Plan of Subdivision, contaminated soils or materials or groundwater are discovered, the Owner shall inform the City of Markham immediately, and undertake at its own expense, the necessary measures to identify and remediate the contaminated soils or groundwater, all in accordance with the *Environmental Protection Act* and its regulations, to the satisfaction of the City of Markham and the Ministry of the Environment. After remediation, the "Qualified Person" shall file an updated Record of Site Condition on the Provincial Environmental Site

Registry, in accordance with Ontario Regulation 153/04, for all lands to be conveyed to the City.

- 13.6 The Owner covenants and agrees to assume full responsibility for the environmental condition of the Lands and agrees to indemnify and save harmless the City, its directors, officers, Mayor, Councillors, employees and agents from any and all actions, causes of action, suits, claims, demands, losses, expenses and damages whatsoever that may arise either directly or indirectly from the approval and Assumption by the City of the Works, the construction and use of the Works or anything done or neglected to be done in connection with the use or any environmental condition on or under the Lands, including any work undertaken by or on behalf of the City in respect of the Lands and the execution of this Agreement.

#### 14. Heritage

- 14.1 Prior to final approval of the draft plan of subdivision or any phase thereof, the Owner shall carry out a cultural heritage resource assessment for the lands within the draft plan to ensure the assessment and identification of appropriate treatment of built heritage and archaeological resources, and further to mitigate any identified adverse impacts to significant heritage resources to the satisfaction of the City (Commissioner of Development Services) and the Ministry of Culture. No demolition, grading, filling or any form of soil disturbances shall take place on the lands within the draft plan in proximity to the heritage resource prior to the issuance of a letter from the Ministry of Culture (Heritage Branch) to the City indicating that all matters relating to heritage resources have been addressed in accordance with licensing and resource conservation requirements.
- 14.2 The Owner shall covenant and agree in the subdivision agreement to implement any measures recommended by the heritage resource assessment, to the satisfaction of the City and the Ministry of Culture.

#### 15. Well Monitoring Program and Mitigation Plan

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

#### 16. Other City Requirements

- 16.1 The Owner acknowledges and agrees that firebreak lots within the draft plan shall be designated in the subdivision agreement, to the satisfaction of the Fire Chief. The Owner shall provide a letter of credit in an amount to be determined by the Fire Chief at the subdivision agreement stage to ensure compliance with this condition.

- 16.2 The Owner shall acknowledge and agree in the subdivision agreement that building permits will not be issued for lands in any stage of development within the draft plan of subdivision until the Director of Building Services has been advised by the Fire Chief that there is an adequate water supply for firefighting operations and acceptable access for firefighting equipment is available. The Owner shall further covenant and agree that fire protection sprinklers (if required) are installed to the satisfaction of the Fire Chief or his designate.
- 16.3 The Owner shall acknowledge and agree that the adequacy and reliability of water supplies for firefighting purposes are subject to review and approval of the Fire Chief or his designate.
- 16.4 The Owner shall covenant and agree in the subdivision agreement to include warning clauses in agreements of purchase and sale for all units with single car garages advising purchasers of the following:
- the City's parking by-law requires a minimum of two parking spaces, one in the driveway and one in the garage;
  - the City's zoning by-law restricts the width of the driveway, this width does not allow two cars to park side by side; and,
  - overnight street parking will not be permitted unless an overnight street parking permit system is implemented by the City
- 16.5 The Owner shall provide and post display plans in all sales offices which clearly indicate the location of the following facilities in relation to the lot being purchased, prior to any Agreements of Purchase and Sale being executed by the Owner, a builder or their real estate agents:
- Park, by type, including Park and Open Space Concept Plans and Streetscape Plans; stormwater management ponds and related facilities; schools by type; place of worship sites; other institutional site by type; commercial site by type; other surrounding land uses and facilities as specified by the City; existing or future: rail facilities, provincial highways, arterial and collector roads, transit routes and stops; City approved sidewalk, walkway and bike route locations; City approved postal box and utility furniture locations or possible locations if prior to approval; City lot grading standards.
- All display plans shall be reviewed and approved at the sales office by City staff, prior to the opening of the sales office.
- 16.6 The Owner covenants and agrees to purchase from the City two (2) recycling containers, one (1) green bin and one (1) kitchen collector per residence so that each purchaser may participate in the City's waste diversion program. Furthermore, the Owner shall ensure that the recycling containers, green bins, kitchen collectors and educational materials are deposited in each home on or before the date of closing.

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

## 17. Region of York

### 17.1 Clauses to be Included in the Subdivision Agreement

- a) The Owner shall save harmless York Region from any claim or action as a result of water or sanitary sewer service not being available when anticipated.
- b) The Owner shall agree and acknowledge that no direct private access is permitted onto 16<sup>th</sup> Avenue. All accesses shall be provided through existing local roads (Alexander Lawrie Blvd).
- c) The Owner shall agree to provide access to lands east of the subject site, in the event the church is redeveloped in the future, to Alexander Lawrie Avenue via the private street network.
- d) The Owner shall include the following clauses in the Subdivision Agreement and the Purchase and Sales Agreement:
  - i. "THE OWNER UNDERSTANDS AND ACKNOWLEDGES THAT NO DIRECT PRIVATE ACCESS IS PERMITTED ONTO 16<sup>th</sup> AVENUE. ALL ACCESSES TO/FROM THE EXISTING CHURCH AND ANY FUTURE REDEVELOPMENT SHALL BE PROVIDED THROUGH THE PRIVATE STREET NETWORK."

- ii. "THE OWNER UNDERSTANDS AND ACKNOWLEDGES THAT THE DIRECT PRIVATE ACCESS TO 16<sup>th</sup> AVENUE WILL BE RESTRICTED TO RIGHT-IN/RIGHT-OUT OPERATION IN THE FUTURE WHEN IMPROVEMENTS TO 16<sup>th</sup> AVENUE ARE COMPLETED."
- e) The Owner shall agree that the direct private access to 16<sup>th</sup> Avenue will be restricted to right-in/right-out operation in the future when improvements to 16<sup>th</sup> Avenue are completed.
- f) The Owner shall agree to implement all recommendations of the Transportation Study as approved by York Region.
- g) The Owner shall advise all potential purchasers of the existing transit service on 16<sup>th</sup> Avenue, including the location of existing bus stops and shelters.
- h) The Owner shall agree to implement the noise attenuation features as recommended by the noise study and to the satisfaction of Development Engineering.
- i) The following warning clause shall be included with respect to the lots or blocks affected:
 

"Purchasers are advised that despite the inclusion of noise attenuation features within the development area and within the individual building units, noise levels will continue to increase, occasionally interfering with some activities of the building's occupants."
- j) Where noise attenuation features will abut a York Region right-of-way, the Owner shall agree in wording satisfactory to York Region's Development Engineering, as follows:
  - i. That no part of any noise attenuation feature shall be constructed on or within the York Region right-of-way;
  - ii. That noise fences adjacent to York Region roads may be constructed on the private side of the property line and may be a maximum 2.5 metres in height, subject to the area municipality's concurrence; and
  - iii. That maintenance of the noise barriers and fences bordering on York Region right-of-way shall not be the responsibility of York Region.
- k) The Owner shall agree in wording satisfactory to the Development Engineering, to be responsible to decommission any existing wells on the owner's lands in accordance

with all applicable provincial legislation and guidelines and to the satisfaction of the area municipality.

- l) The Owner shall agree that no development shall occur on Block 1, without obtaining Site Plan Approval from York Region and the City of Markham.

#### 17.2 Conditions to be Satisfied Prior to Final Approval

- a) The Owner shall provide York Region the following documentation to confirm that water and wastewater services are available to this 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 draft plan of subdivision, or any phase thereof; and
  - ii. Confirmation by the City of Markham staff stating that the allocation to this development remains valid at the time of the request for Regional clearance of this condition.
- b) The Owner shall provide direct shared pedestrian/cycling facilities and connections from the proposed development to 16<sup>th</sup> Avenue, Alexander Lawrie Avenue and surrounding roads to support active transportation and public transit, where appropriate. A drawing showing the conceptual layout of active transportation facilities and connections internal to the site and to the Regional roads shall be provided.
- c) 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.

- d) 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.
- e) 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.
- f) Upon registration of the plan, the Owner shall convey the following lands to York Region for public highway purposes, free of all costs and encumbrances, to the satisfaction of the Regional Solicitor:
  - i. A widening across the full frontage of the site where it abuts 16<sup>th</sup> Avenue of sufficient width to provide a minimum of 21.5 metres from the centreline of construction of 16<sup>th</sup> Avenue;
  - ii. A 10.0 metre by 10.0 metre daylight triangle at the northeast corner of the intersection of 16<sup>th</sup> Avenue and Alexander Lawrie 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 16<sup>th</sup> Avenue and adjacent to the above noted widening.
- g) 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.
- h) 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.
- i) The Owner shall provide a copy of the Subdivision Agreement to the Corporate Service Department, outlining all requirements of the Corporate Service Department.
- j) 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.

- k) The Regional Corporate Services Department shall advise that Conditions 17.1 and 17.2 inclusive, have been satisfied.

18. Ministry of Natural Resources (MNR)

- 18.1 The Owner shall agree in the subdivision agreement to satisfy all requirements of the MNR with respect to the endangered species and any potential impacts on the draft plan of subdivision, and to provide written confirmation that it has consulted with MNR in this respect, to the satisfaction of the Commissioner of Development Services.

19. Enbridge Gas Distribution

- 19.1 The Owner covenants and agrees in the subdivision agreement:

- a) To contact Enbridge Gas Distribution's Customer Connections department by emailing for service and metre installation details and to ensure that gas piping is installed prior to the commencement of site landscaping (including, but not limited to: tree planting, silva cells and/or soil trenches) and/or asphalt paving.
- b) If the gas main needs to be relocated as a result of changes in the alignment or grade of the future road allowances or for temporary gas pipe installations pertaining to phase construction, all costs are the responsibility of the Owner.
- c) In the event that easement(s) are required to serves this development, the applicant will provide the easement(s) to Enbridge Gas Distribution at no cost.
- d) In the event that a pressure reducing regulator station is required, the applicant will provide a 3 metre by 3 metre exclusive use location that is within the municipal road allowance. The final size and location of the regulator station will be confirmed by Enbridge Gas Distribution's Customer Connections department.
- e) The Owner will grade all road allowances to as final elevation as possible, provide necessary field survey information and all approved municipal road cross-sections, identifying all utility locations prior to the installation of the gas piping.

20. Canada Post

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

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

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

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

## 21. Municipal Infrastructure

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

- Lanes: 3,500m
- Local Roads: 230m
- Minor / Major Collectors: 490m
- Sidewalks: 5920m
- Streetlights: 100nos
- Watermain: 3940m
- Sanitary Sewers: 3380m

- Storm Sewers: 3680m
- Multiuse Path (MUP): 575

22. Streetlight Types:

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

23. External Clearances

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

- a) The Regional Municipality of York Planning Department shall advise that Condition 17 has been satisfied.
- b) The Ministry of Culture shall advise that Conditions 14 has been satisfied.
- c) Enbridge Gas Distribution shall advise that Condition 19 has been satisfied.
- d) Canada Post shall advise that Condition 20 has been satisfied.
- e) Bell shall advise that Condition 10 has been satisfied.
- f) Alectra Utilities shall advise that Condition 10 has been satisfied.
- g) Wismer Commons Developers Group Trustee Clearance Letter confirming that the Owner has satisfied their obligations with the Developers Group.

Dated:

\_\_\_\_\_  
Ron Blake, Senior Development Manager



Report to: General Committee

Meeting Date: September 8, 2020

**SUBJECT:** Cancellation, Reduction, or Refund of Taxes under Sections 357 and 358 of the *Municipal Act, 2001*

**PREPARED BY:** Shane Manson, Senior Manager, Revenue & Property Tax

**RECOMMENDATION:**

1. That the Report for the Cancellation, Reduction or Refund of Taxes under Sections 357 and 358 of the *Municipal Act, 2001* be received; and,
2. That taxes totalling approximately \$1,165,931 be adjusted under Section 357 and 358 of the *Municipal Act, 2001* of which the City's portion is estimated to be \$182,589; and,
3. That the associated interest be cancelled in proportion to the tax adjustments; and,
4. That the Treasurer be directed to adjust the Collector's Roll accordingly; and,
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 authorize the Treasurer to adjust the Collector's Roll under Section 357 and 358 of the *Municipal Act, 2001 (The Act)*.

**BACKGROUND:**

Sections 357 and 358 of *The Act* allows for the reduction, cancellation or refund of taxes. Section 357 subsection (1) states that: upon application to the Treasurer of a local municipality, the local municipality may cancel, reduce or refund all or part of taxes levied on land in the year in respect of which the application is made if:

- a. if a property or portion of a property is eligible to be reclassified in a different class of property, and that class has a lower tax ratio for the taxation year than the class the property or portion of the property was in before the change, and if no supplementary assessment is made in respect of the change under subsection 34(2) of the *Assessment Act*;
- b. property that has become vacant land or excess land during the year;
- c. property that has become exempt from taxation during the year;
- d. building that during the year was razed by fire, demolition or otherwise, or was damaged by fire, demolition or otherwise so as to render it substantially unusable for the purposes for which it was used immediately prior to the damage;
- d.1. person who was unable to pay taxes because of sickness or extreme poverty;
- e. mobile unit that was removed from the land during the year;

- 
- f. property overcharged by reason of any gross or manifest error that is a clerical error, the transposition of figures, a typographical error or similar type of error, but not an error in judgment in making the assessment upon which the taxes have been levied; or
  - g. in respect of a property which by reason of repairs or renovations could not be used for its normal use for a period of at least three months during the year.

Pursuant to Section 357 subsection (3), an application must be filed with the Treasurer on or before the last day of February of the year following the year in respect of which the application is made.

Pursuant to Section 358 subsection (3), an application must be filed with the Treasurer between March 1 and December 31 of a year and may apply to taxes levied for one or both of the two years preceding the year in which the application is made and the application shall indicate to which year or years it applies. This section permits applications for tax adjustment, related to taxes levied in each or either of the two years preceding the year in which the application is made, by owners who are overcharged by reason of any gross or manifest error in the preparation of the assessment roll by the Municipal Property Assessment Corporation (MPAC) that was factual in nature. This may include, but is not limited to; clerical errors, the transposition of figure or typographical errors, but not an error in judgment in making the assessment upon which the taxes have been levied.

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

In accordance with *The Act*, the notices of hearing for the properties listed in Appendix B, were mailed to the applicants fourteen days before the date of which the applications are heard. The notices for these properties were mailed to applicants on September 4, 2020.

The schedules attached identify the associated year of taxation, the assessment roll number of each property, the reason for the tax appeal, the resulting tax adjustment along with the proportionate share for the City, Region, and School Board. There are four (4) primary reasons for a property tax appeal application to be filed:

1. Razed by Fire / Demolition / Pool Removal: representing properties that have experience a structural fire, structural demolition or a pool removal. All such applications include a copy of the applicable permit and associated documentation.
2. Became Exempt: representing properties that were assessed on the assessment roll as taxable, but became exempt from taxation during the year;
3. Gross or Manifest Error: representing properties that require the property assessment to be amended due to errors identified in the overall valuation of the property.
4. Change in Tax Class: representing properties that were assessed on the assessment roll as one tax class, but became eligible to be reclassified into a different property during the year.

Applications received by the City are sent to MPAC for review and are returned with either a recommendation for tax adjustment or with no recommendation; which results in no associated tax adjustment. Applications that receive this type of recommendation indicate that the tax appeal does not meet the specified criteria under *The Act*. These applications have been reviewed and it was determined that they are not eligible for relief. There was six (6) applications that were returned with a no recommendation, and therefore have no associated tax adjustment.

Of the 42 properties receiving tax adjustments totalling \$1,165,931, 90.1% or \$1,050,060 is attributable to one property described below.

1. 1936 020 121 17000 (4350 Steeles Avenue)

This commercial property located on the northeast corner of Steeles Avenue East and Kennedy Road and directly adjacent to Pacific Mall was demolished. The demolition of the structures was completed in 2018 and the property owner filed a tax appeal application to have the property taxes amended for the 2018 and 2019 taxation years. The resulting total tax adjustment is \$1,050,060, of which the City's proportionate share is \$143,370.

## FINANCIAL CONSIDERATIONS

As illustrated in figure 1 below, Markham's portion of the total tax adjustments is \$182,589. The remaining proportionate amounts noted in figure 1 below will be charged back accordingly to the levying bodies.

<b>Figure 1: Tax Adjustments by Levying Body</b>	
City of Markham	\$182,589
Region of York	\$339,667
Province of Ontario ( <i>Education</i> )	\$643,137
Unionville BIA	\$538
<b>Total Tax Adjustment</b>	<b>\$1,165,931</b>

The City of Markham annually budgets for property tax adjustments, which come as a result of assessment appeals and from tax appeals filed under Section 357 and 358 of the *Municipal Act, 2001*. The 2020 property tax adjustment budget is \$1,300,000 which will fund the City's portion of the total tax adjustments noted in figure 1 above. The remaining property tax adjustment budget will fund other tax adjustments received throughout 2020.

Staff anticipate the property tax adjustment budget will be in a favourable position at year-end as a result of the current COVID-19 situation and the delays experienced by both the Assessment Review Board (ARB) and the Municipal Property Assessment Corporation (MPAC) during the provincial emergency closure period. Staff will report back with additional details through the year-end results of operations report.

**HUMAN RESOURCES CONSIDERATIONS**

Not applicable

**ALIGNMENT WITH STRATEGIC PRIORITIES:**

Not applicable

**BUSINESS UNITS CONSULTED AND AFFECTED:**

Not applicable

**RECOMMENDED BY:**

Joel Lustiq  
Treasurer

Trinela Cane  
Commissioner, Corporate Services

**ATTACHMENTS:**

Appendix A – Tax Adjustments under Section 357 and 358 of the *Municipal Act, 2001*  
Appendix B – Tax Adjustments Detailed List

**APPENDIX A**Tax Adjustments under Section 357 and 358 of the *Municipal Act, 2001*

April 6, 2020 - General Committee Meeting

Report Total

<b>Appeal Reason</b>	<b>Total Adjusted Amount</b>	<b>City Adjusted</b>	<b>Appeal Count</b>
Razed by Fire / Demolition / Pool Removal	\$1,121,184	\$155,481	27
Gross or Manifest Error	\$28,215	\$6,714	10
Became Exempt	\$14,463	\$1,911	3
Tax Class Change	\$2,069	\$678	2
<b>Total</b>	<b>\$1,165,931</b>	<b>\$164,784</b>	<b>42</b>



**APPENDIX B**

Tax Adjustments under Section 357 & Section 358 of the *Municipal Act, 2001*  
Tax Adjustments Detailed List

<b>TAX APPEALS: SECTION 357 - RESIDENTIAL</b>					
<b>Tax Year</b>	<b>Application</b>	<b>Roll Number</b>	<b>Property Address</b>	<b>Appeal Reason</b>	<b>Amount</b>
2019	4845	36-01-0-010-37000	46 Woodward Ave	Demolition	\$212
2020	4860	36-01-0-023-17400	44 Sprucewood Dr.	Gross Manifest Error	\$346
2020	4854	36-01-0-030-23800	45 John St.	Razed By Fire	\$1,684
2020	4862	36-01-0-030-89000	32 Colborne St.	Razed By Fire	\$2,777
2019	4817	36-01-0-071-45020	7 Whitelaw Crt.	Demolition	\$1,981
2019	4806	36-02-0-136-97042	22 Schooner Crt.	Razed By Fire	\$2,112
2017	4594	36-02-0-137-65600	28 Blencathra Hill	Gross Manifest Error	\$9,796
2019	4818	36-02-0-153-79100	2755 Elgin Mills Rd E.	Demolition	\$3,748
2019	4848	36-02-0-154-55000	2968 Elgin Mills Rd E.	Demolition	\$258
2019	4830	36-02-0-160-00765	12 Boynton Cir	Demolition	\$6,473
2018	4822	36-03-0-211-26250	10 Galbraith Cres.	Razed By Fire	\$51
2019	4823	36-03-0-211-26250	10 Galbraith Cres.	Razed By Fire	\$457
2019	4835	36-03-0-225-52904	5 Houndsbrook Cres.	Pool Removal / Fill-in	\$156
2020	4838	36-03-0-225-52904	5 Houndsbrook Cres.	Pool Removal / Fill-in	\$276
2020	4858	36-03-0-231-95116	121 Bur Oak Ave	Razed By Fire	\$715
2020	4857	36-04-0-300-14500	26 Hawkrigde Ave	Demolition	\$483
2019	4814	36-04-0-330-22200	30 B Rouge St.	Demolition	\$2,267
2019	4820	36-04-0-351-32228	17 Sir Pellias Terr.	Razed By Fire	\$84
2019	4808	36-04-0-360-82800	8 Thomas Kinnear Court	Pool Removal / Fill-in	\$374
<b>Total S.357 Residential</b>				<b>19 Appeals</b>	<b>\$34,250</b>

<b>TAX APPEALS: SECTION 357 - NON-RESIDENTIAL</b>					
<b>Tax Year</b>	<b>Application</b>	<b>Roll Number</b>	<b>Property Address</b>	<b>Appeal Reason</b>	<b>Amount</b>
2019	4813	36-01-0-022-00921	7181 Yonge St 115	Gross Manifest Error	\$715
2019	4850	36-02-0-113-03190	8330 Woodbine Ave	Demolition	\$42,350
2018	4866	36-02-0-121-17000	4350 Steeles Ave E.	Demolition	\$263,018
2019	4780	36-02-0-121-17000	4350 Steeles Ave E.	Demolition	\$787,042
2019	4846	36-02-0-123-14616	151 Bentley St 3	Became Exempt	\$4,059
2019	4847	36-02-0-123-14617	151 Bentley St 4	Became Exempt	\$4,059
2019	4804	36-02-0-180-71200	206 Main St	Demolition	\$2,724
2019	4799	36-03-0-258-05820	2758 Bur Oak Ave	Gross Manifest Error	\$849
2019	4816	36-04-0-340-79100	6080 Hwy 7	Razed By Fire	\$707
2019	4810	36-04-0-340-97500	3 Wootten Way North	Became Exempt	\$6,345
<b>Total S.357 Non-Residential</b>				<b>10 Appeals</b>	<b>\$1,111,868</b>

<b>TAX APPEALS: SECTION 358 - RESIDENTIAL</b>					
<b>Tax Year</b>	<b>Application</b>	<b>Roll Number</b>	<b>Property Address</b>	<b>Appeal Reason</b>	<b>Total</b>
2017	4826	36-02-0-111-97107	7825 Bayview Ave 1507	Gross Manifest Error	\$77
2018	4827	36-02-0-111-97107	7825 Bayview Ave 1507	Gross Manifest Error	\$146
2017	4832	36-02-0-140-02367	18 Uptown Dr. Ph19	Gross Manifest Error	\$14,914
2018	4852	36-02-0-141-04716	61 Liebeck Cres.	Gross Manifest Error	\$114
2019	4853	36-02-0-141-04716	61 Liebeck Cres.	Pool Removal / Fill-in	\$163
2019	4833	36-03-0-239-01584	26 Cobbler Cres.	Pool Removal / Fill-in	\$262
2020	4834	36-03-0-239-01584	26 Cobbler Cres.	Pool Removal / Fill-in	\$270
2018	4824	36-04-0-272-09200	54 Raymerville Dr.	Pool Removal / Fill-in	\$265
2019	4825	36-04-0-272-09200	54 Raymerville Dr.	Pool Removal / Fill-in	\$275
2018	4836	36-04-0-272-13045	50 Snider Dr.	Tax Class Change	\$1,017
2019	4837	36-04-0-272-13045	50 Snider Dr.	Tax Class Change	\$1,052
2018	4842	36-04-0-360-82800	8 Thomas Kinnear Court	Gross Manifest Error	\$363
<b>Total S.358 -Residential</b>				<b>12 Appeals</b>	<b>\$18,918</b>

<b>TAX APPEALS: SECTION 358 – NON - RESIDENTIAL</b>					
<b>Tax Year</b>	<b>Application</b>	<b>Roll Number</b>	<b>Property Address</b>	<b>Appeal Reason</b>	<b>Total</b>
2018	4812	36-01-0-022-00921	7181 Yonge St 115	Gross Manifest Error	\$895
<b>Total S.358 - Non- Residential</b>				<b>1 Appeal</b>	<b>\$895</b>

<b>GRAND TOTAL ( SECTION 357 AND 358)</b>				<b>42 Appeals</b>	<b>\$1,165,931</b>
---	--	--	--	-------------------	--------------------



Report to: General Committee

Meeting Date: September 8, 2020

---

**SUBJECT:** Feasibility of Piloting Microsoft 365 Cloud Service

**PREPARED BY:** Nasir Kenea, Chief Information Officer

---

**RECOMMENDATION:**

1. That the report dated September 8, 2020 entitled “Feasibility of Piloting Microsoft 365 Cloud Service” be received;
2. That staff, participate in a free pilot of the Microsoft online productivity solution for up to 50 users for a six month period;
3. That implementation support costs of \$25,000 (excluding HST) to execute the pilot be approved;
4. That staff report back on the results of the pilot in Q1 2021; and
5. That staff be authorized and directed to do all things necessary to give effect to this resolution.

**PURPOSE:**

To seek approval to partner with Microsoft and their solution partner to assist in planning and implementing up to 50 City users on a free trial of the Microsoft enterprise online productivity solution.

**BACKGROUND:**

At the May 19, 2020 General Committee meeting, further to an agenda item: “Continuing Markham's Digital Transformation”, staff was directed to investigate the feasibility of implementing an opportunity for a free trial of the Microsoft 365 Enterprise online-integrated software solution, if approved.

In the current environment, staff have access to basic Microsoft productivity tools installed on their local computer which are well used, reliable and functional. However these tools include limited integration with other systems and have some limitations in enabling an effective and collaborative work environment.

The Microsoft Enterprise online productivity solution available through its cloud service not only includes the above mentioned products and email but also provides access to several tools to allow staff to work from home more easily, securely access files, and communicate and collaborate from anywhere, and on any device. Some the additional capabilities include:

- 
1. Microsoft Team –a chat and collaboration platform (such as video and audio conferencing, document sharing etc.) designed to simplify group work in an organization. In addition to the chat-based communications, Team's integration with other Microsoft services allows users access to shared files and calendars and collaborative editing among employees and work teams.
  2. One Drive – a Cloud storage drive for intelligent file sharing, enabling collaboration from anywhere, on any device running any standard operating system, from any location with network access.
  3. Collaboration – ability to collaborate and share documents internally and externally.
  4. Security and Business Continuity – staff can work efficiently using the latest software. Corporate data is secure and protected for maximum security. This keeps communications safer, by targeting phishing attacks, zero-day threats, ransomware and other malware within email attachments and links. The environment provides the ability to fully restore corporate data and ensure quick business recovery.
  5. Analytics – includes analytics tools to gain insights on staff adoption of various tools included in the cloud offering, device used, storage utilization, etc.

The pilot will allow an opportunity to explore these capabilities and better understand implementation implications and requirements.

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

Following Council direction, staff contacted Microsoft and confirmed the availability of free licenses for Markham to pilot the Microsoft enterprise online productivity solution. Microsoft has agreed to provide 25 users with E3 (mid-level features) licenses and another 25 users with E5 (advanced features) licenses for this pilot. Although the licenses are currently available for only one month as per company policy, staff have negotiated with Microsoft to extend the use for additional five months, for a total of six months at no cost. Microsoft was not able to provide funding for implementation support for the pilot.

To minimize the impact to users participating in the pilot, Microsoft has also recommended a hybrid approach that will allow the existing data to continue to reside on premise and avoid data migration effort which is time consuming undertaking. Any new email or document created by user after the activation of the pilot will be saved on the Microsoft cloud. The users participating in the pilot will continue to have access to both cloud and on premise data.

In order to set up and configure the pilot environment for the 50 users, staff issued a statement of work to the market and is in the process of selecting a Microsoft partner. The Microsoft partner is expected to have experience implementing the solution, and will plan the pilot rollout and successfully execute. The partner's scope of work also includes support during the pilot and customized training to ensure success of the pilot and optimal adoption by users. The cost for this engagement is \$25,000 excluding HST, and if the pilot is approved, this will be funded from the Digital Markham Strategy budget (75-5350-16254-005).

---

The pilot will help staff assess the potential benefits of Microsoft cloud services including identity management, security, user productivity, access to current tools, reliable platform etc. The pilot will also help Council members and staff better understand, training requirements for future rollout, City infrastructure readiness, work effort required to migrate the users from on-premise to the cloud, the business value of solution and overall budgetary implications. The pilot provides an opportunity to assess integrated productivity tools and explore the potential to enhance overall business productivity.

The Microsoft cloud service is a well established and reliable platform. Based on Staff's assessment, it is feasible to proceed with the pilot project for the Microsoft Enterprise online productivity solution

Participants in the pilot will include several members of Council, some senior staff and a cross-section of staff in different departments.

Staff will report back to Council on the results of the pilot, and recommended next steps, in Q1 2021.

**FINANCIAL CONSIDERATIONS**

Microsoft will provide 50 free licenses for the six month pilot. Costs of planning, executing and supporting the pilot through a Microsoft partner are \$25,000 excluding HST. The pilot will be funded through the Digital Markham Strategy budget – Account# 75-5350-16254-005.

**HUMAN RESOURCES CONSIDERATIONS**

No Applicable

**ALIGNMENT WITH STRATEGIC PRIORITIES:**

BMFT - Digital Markham Strategy

**BUSINESS UNITS CONSULTED AND AFFECTED:**

Not Applicable

**RECOMMENDED BY:**

---

Trinela Cane  
Commissioner, Corporate Services

---

Nasir Kenea  
Chief Information Officer



Report to: General Committee

Meeting Date: September 8, 2020

**SUBJECT:** Appointment of Members to the Markham Mayor's Youth Council for the period of September 15, 2020 to June 30, 2021

**PREPARED BY:** Portia Lee, Recreation Coordinator, Programs and Outreach Recreation Services

**RECOMMENDATION:**

- 1) That the Report Appointment of Members to the Markham Mayor's Youth Council for the period of September 15, 2020 to June 30, 2021 be received;
- 2) And that the following Appointments of Members to the Markham Mayor's Youth Council be confirmed for the term September 15, 2020 to June 30, 2021;

Name	School	Grade	Ward
Jin Zhou	Henderson Avenue Public School	8	1
Karina Florea	Thornhill Secondary School	10	1
Elyssa Qi	St. Augustine Catholic High School	9	2
Stephanie Sheng	Bayview Secondary School	10	2
Marissa Wang	Bayview Secondary School	11	2
Eric Gao	Unionville High School	10	3
Justine Lin	Unionville High School	11	3
Patrick Ang	St. Brother Andre Catholic High School	12	3
Selina Qiu	Markville Secondary School	12	3
Ivan Yu	Unionville High School	12	3
Manny Pahwa	Unionville High School	11	4
Olivia Chan	Unionville High School	11	4
Maxine Bisera	St. Brother Andre Catholic High School	12	4
Jorden Robinson	Milliken Mills High School	12	4
Jiabei He	Bill Hogarth Secondary School	9	5
Gloria Huang	Bill Hogarth Secondary School	10	5
Bryant Zheng	Markville Secondary School	11	6
Kara Yang	Markville Secondary School	11	6
Jonathan Feng	Markville Secondary School	11	6

---

Ernest Wong	St Robert Catholic High School	12	6
Seethaa Manoharan	Bayview Secondary School	12	6
Ashwin Suganthan	Markham District High School	11	7
Chloe Vanderlugt	Town Centre Private High School	12	7
Sara Mohammed	Markham District High School	12	7
Ulain Umar	Father Michael McGivney Catholic High School	11	8

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

**PURPOSE:**

The purpose of the report is to confirm appointments to the Markham Mayor's Youth Council for the term September 15, 2020 to June 30, 2021.

**BACKGROUND:**

The Markham Mayor's Youth Council (MMYC), formally known as Mayor's Youth Task Force (MYTF), was created in 1994 to address issues that are pertinent to youth in the community. The group's mandate is:

1. To act in an advisory capacity in providing advice on issues of concern to youth.
2. To act in an advocacy role by providing new ideas and views to council and staff.
3. To raise awareness in the community through planned events (e.g. Youth Week, Youth Forums, Youth Job Fair, etc).
4. To encourage youth participation within the community.

The MMYC is a group of high school students from the City of Markham who meet twice a month to plan events and discuss issues facing youth. The purpose of the MMYC is to provide local youth a voice by which they may give input and develop initiative to enhance youth opportunities within the City of Markham. The Recreation Coordinator, Programs and Outreach will act as staff liaison.

Area Youth Councils are also very active in Thornhill, Unionville, Markham and Milliken. These area councils are responsible for providing specific youth events and opportunities within their communities. The Area Youth Councils coordinate with the MMYC to support City wide youth activities. Recreation Coordinators/Supervisors in each of the areas act as staff liaison and mentor to the youth.

During these challenging times surrounding the COVID-19 pandemic, MMYC and Area Youth Councils are committed to supporting youth in the Markham community by raising awareness about local supports and resources and encouraging youth engagement virtually.

---

### Nomination Process

Nominations into the MMYC are conducted in July and August each year. The nomination process includes:

1. Call for community members to join the Markham Mayor's Youth Council
  - Applications and deadlines were advertised on the MMYC website, MMYC social media pages (Facebook and Instagram), City of Markham website, social media pages (Facebook and Instagram), and e-mail newsletter ;
  - MMYC and Area Youth Council members promoted applications within their schools and community;
  - Area Youth Councils (Thornhill, Markham, Milliken and Unionville) promoted the MMYC opportunity to the members, and at their youth events.
2. Markham Mayor's Youth Council received 186 applications to fill 10 positions for the 2020/2021 year.
3. Ninety-six (96) applicants were selected to move forward to the first screening step (24-hour Virtual Challenge).
4. Fourteen (14) 24-hour Virtual Challenge groups were formed with 5 to 6 applicants in each group.

Each group is assigned a project from the list below and asked to develop a presentation identifying solutions:

- Markham Youth Week Expo virtual programming ideas
  - Increase youth political engagement within the City of Markham specifically addressing youth related social issues, environmental sustainability, mental health and diversity
  - Increase youth community outreach and communication
  - Establish MMYC presence in the City of Markham
  - Increase MMYC relations with other local youth councils
  - Engaging younger youth (Grade 10 and under) to attend events and participate within the community
  - Engaging youth to participate within the community virtually
  - Promoting youth volunteerism
5. Interview panels included: two (2) Markham Mayor's Youth Council Chairs, two (2) Markham Mayor's Youth Council Members, one (1) Full Time staff member, (Recreation Coordinator, Programs and Outreach)
    - Panels interviewed 37 applicants over a 2-week period



- 
6. Confirmation of the Markham Mayor's Youth Council members was completed on August 25 2020 for the 2020/2021 term. While staff strive to find equal representation by Ward this is not always possible based on where the applications have been received.
  7. The Markham Mayor's Youth Council has an active volunteer program called the Ambassador program. This program is comprised of 15-20 youth, who are directly lead by the Markham Mayor's Youth Council Co-Chairs and the staff liaison. The Ambassadors assist in planning and supporting the Markham Mayor's Youth Council on events throughout the year as well as aiding in their outreach efforts. Many of the youth involved in the Ambassadors Program are looking to gain experience with the Markham Mayor's Youth Council and strive to promote volunteerism and activism to a wider range of youth in the community. The Ambassador program strives to have representation from all Wards, schools, ages, and backgrounds.

**FINANCIAL CONSIDERATIONS**

No Financial implications are to be considered in this report.

**HUMAN RESOURCES CONSIDERATIONS**

No Human Resources implications are to be considered in this report

**ALIGNMENT WITH STRATEGIC PRIORITIES:**

Not applicable

**BUSINESS UNITS CONSULTED AND AFFECTED:**

Not applicable

**RECOMMENDED BY:**

Mary Creighton  
Director of Recreation Services



BY-LAW 2019-\_\_\_\_\_

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

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

1. By-law 177-96, as amended, is hereby further amended as follows:
- 1.1

By rezoning the lands outlined on Schedule ‘A’ attached hereto as follows:

from:

Open Space Two \*428 (OS2\*428)

to:

Residential Two \*629 (R2\*629)
- 1.2 By adding the following subsection to Section 7- EXCEPTIONS

Exception 7.629	Andrin Wismer Markham Limited Concession 7, Lot 16, Part 5 65R256001, Part 1 65R37416 (North-east corner 16 <sup>th</sup> Ave and Alexander Lawrie Ave)	Parent Zone R2
File ZA 17 151060		Amending By- law 2019-XXX
Notwithstanding any other provisions of this By-law, the provisions in this Section shall apply to those lands denoted *629 as shown on 'Schedule A' to this By-law		
7.629.1 Special Zone Standards		
The following additional uses are permitted:		
a)	Accessory Dwelling Units	
7.629.2 Special Zone Standards		
The following specific Zone Standards shall apply:		
a)	Notwithstanding any further division or partition of any lands subject to this Section, all lands zoned R2*629 shall be deemed to be one lot for the purposes of this By-law.	
b)	Minimum required interior side yard -1.3 m	
c)	Minimum required rear yard – 7 m	
d)	Minimum required front yard – 3 m	
e)	Minimum width of a townhouse dwelling: a) Interior unit - 5.4 m b) End or corner unit – 5.6 m	
f)	Minimum width of a semi-detached dwelling: a) Corner unit – 7.7 m b) All other units – 7 m	
g)	The minimum lot frontage provisions of table B2 Pat 1 of 3, A, shall not apply	
h)	Maximum height: a) Townhouse dwelling fronting onto Alexander Lawrie Avenue - 11.5 m b) All other townhouse dwellings – 12 m c) Semi-detached dwelling – 9 m	
i)	Minimum area of outdoor amenity space - 700 m2	
j)	Minimum distance between buildings: a) Townhouse buildings - 2.9 m b) Semi-detached buildings - 2.4 m	
k)	Notwithstanding the provisions of Section 6.2, decks are permitted to be located above the first storey, and shall have a minimum interior side yard setback of 4 metres	
l)	Stairs located in the required front yard are to be no closer than 0.6 m from the front lot line	
m)	Porches may encroach into the required distance between townhouse buildings with distance between porches no closer than 2.6 m	

2. SECTION 37 AGREEMENT

2.1 A contribution by the Owner to the City for the purpose of public art, in the amount of \$1425.00 per townhouse dwelling and \$2300.00 per semi-detached dwelling in 2019 dollars, to be indexed to the Ontario rate of inflation as per the consumer price index (CPI), in accordance with Section 37 of the Planning Act, as amended, shall be required. Payments shall be collected in accordance with the terms of an agreement to secure for the Section 37 contribution. Nothing in this section shall prevent the issuance of a building permit as set out in Section 8 of the Building Code Act or its successors.

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

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

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



## **EXPLANATORY NOTE**

### **BY-LAW 2019-\_\_\_\_\_**

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

**Andrin Wismer Markham Limited  
North-east corner 16<sup>th</sup> Avenue and Alexander Lawrie Avenue  
CON 7 LOT 16 PART 5 65R26001, PART 1 65R37416**

#### **Lands Affected**

The proposed by-law amendment applies to 1.77 hectares (4.37 acres) of land located at the north-east corner of 16<sup>th</sup> Avenue and Alexander Lawrie Avenue.

#### **Existing Zoning**

By-law 177-96, as amended, currently zoned the subject lands as Open Space Two \*428 (OS2\*428) which will be zoned to Residential Two \*629 (R2\*629).

#### **Purpose and Effect**

The purpose and effect of this By-law is to amend By-law 177-96, as amended, to rezone the subject property to Residential Two \*629 (R2\*629) in order to facilitate the development of common element condominium development which will be comprised of 68 freehold townhouses and 10 semi-detached homes.