Electronic Council Meeting

Revised Agenda

Meeting No. 21
December 9, 2020, 1:00 PM
Live streamed

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

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

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

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 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. 21
December 9, 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 - NOVEMBER 24, 2020 — 14

1. That the Minutes of the Council Meeting held on November 24, 2020, be adopted.

4. PRESENTATIONS

5. DEPUTATIONS

6. COMMUNICATIONS

6.1. 37-2020 - LIQUOR LICENCE APPLICATION - BIG SMOKE BURGER (WARD 2) (3.21) — 35

(New liquor licence for indoor areas)

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

6.2. 38-2020 - LIQUOR LICENCE APPLICATION - SOUTH STREET BURGER (WARD 8) (3.21) 43

(New liquor licence for indoor areas)

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

6.3. 39-2020 LOCAL PLANNING APPEAL TRIBUNAL (LPAT) DECISION - 1771107 ONTARIO INC., SOUTH SIDE OF HIGHWAY 7, EAST OF WARDEN (13.13) *50*

Summary from Francesco Santaguida, Assistant City Solicitor:

On July 29, 2020, the Local Planning Appeal Tribunal (the LPAT) approved a settlement between the City of Markham, 1771107 Ontario Inc. (the "Appellant"), and other parties with respect to appeals by 1771107 Ontario Inc. from the City's failure to make a decision regarding an application for a zoning by-law amendment for the lands located at the south-east corner of Highway 7 and Warden Avenue (the "Lands").

The settlement permits an additional 1,600 dwelling units from the previously approved zoning, for a total of 6,100 dwelling units, as well as a minimum of 2,500 m2 of commercial/retail space, and 20,000 m2 of Office Space on the Lands. The settlement also includes parkland, valley land, an elementary school block, as well as provisions for Affordable Housing, Purpose-built Rental buildings, Community Space, and a design competition for the corner of Warden and Highway 7 .

The LPAT approved the zoning by-law amendment to incorporate lands into the designated area of By-law 177-96 (the New Urban Area By-law), to permit the development outlined above. This zoning by-law amendment requires the assignment of a number for municipal tracking purposes.

(By-law 2020-145)

1. That the Local Planning Appeal Tribunal (LPAT) decision for 1771107 Ontario Inc., regarding an application for a zoning by-law amendment for the lands located at the south-east corner of Highway 7 and Warden Avenue, be received.

7. PROCLAMATIONS

8. REPORT OF STANDING COMMITTEE

8.1. REPORT NO. 37 - DEVELOPMENT SERVICES COMMITTEE (NOVEMBER 23, 2020)

Please refer to your November 23, 2020 Development Services Committee Agenda for reports.

Mayor and Members of Council:

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

8.1.1. INTENTION TO DESIGNATE A PROPERTY UNDER PART IV OF THE ONTARIO HERITAGE ACT, GEORGE AND ISABELLA PEACH FARMHOUSE, 10961 VICTORIA SQUARE BOULEVARD, WARD 2 (16.11.3) 77

1. That the report titled "Intention to Designate a Property under Part IV of the Ontario Heritage Act, George and Isabella Peach Farmhouse, 10961 Victoria Square Boulevard, Ward 2", dated November 23, 2020, be received; and,

2. That as recommended by Heritage Markham, the George and Isabella Peach Farmhouse -10961 Victoria Square Boulevard be approved for designation under Part IV of the Ontario Heritage Act as a property of cultural heritage value or interest; and,

3. That the Clerk's Department be authorized to publish and serve Council's Notice of Intention to Designate as per the requirements of the Ontario Heritage Act; and,

4. That if there are no objections to the designation in accordance with the provisions of the Ontario Heritage Act, the Clerk be authorized to place a designation by-law before Council for adoption; and,

5. That if there are any objections in accordance with the provisions of the Ontario Heritage Act, the Clerk be directed to refer the proposed designation to the Ontario Conservation Review Board; and,

6. That if the designation is referred to the Conservation Review Board, Council authorize the City Solicitor and appropriate staff to attend any hearing held by the Board in

support of Council's decision to designate the property; and further,

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

8.1.2. IMPROVING THE STATE OF INFILL HOUSING: A MUNICIPAL STRATEGY (10.13) 88

1. That the infill housing strategy proposed by the Chief Building Official in the report titled "Improving the State of Infill Housing: A Strategy" dated November 23, 2020, be adopted by Council and implemented by all affected departments to minimize the impact of infill construction on existing residential neighbourhoods; and,

2. **That the deputations of Christine Bergauer-Free and Ian Free, be received; and,**

3. That the Chief Building Official monitor the actions in this Strategy and bring forth a status report in Q4 of 2021, and further,

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

8.2. REPORT NO. 38 - GENERAL COMMITTEE (NOVEMBER 30, 2020)

Please refer to your November 30, 2020 General Committee Agenda for reports.

Mayor and Members of Council:

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

8.2.1. AUDITOR GENERAL - UPDATE (7.0) 110

1. The Auditor General Update Presentation be received; and,

2. HRIS Implementation Audit – Follow Up Report be received; and,

3. The Development Charges Audit - Follow Up Report be received; and further,

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

8.2.2. AUDITOR GENERAL – INFORMATION AND RECORDS MANAGEMENT AUDIT (7.0) 134

1. The Information and Records Management Audit Presentation be received; and,
2. The Information and Records Management Audit Report be received; and further,
3. That staff be authorized and directed to do all things necessary to give effect to this resolution.

8.2.3. 2021 STORMWATER FEE UPDATE (7.0) 177

1. That the presentation entitled Stormwater Fee Update be received; and,
2. **That the stormwater fee be reinstated in 2021; and,**
3. That Council approve the implementation of an application based program for the **deferral of the** 2021 stormwater fee for eligible taxpayers; and further,
4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

8.2.4. UPDATED BLUE BOX TRANSITION TIMING AND UPDATE (5.1) 181

1. That the presentation entitled "New Provincial Blue Box Regulation and Preferred Program Transition Date" be received; and,
2. That the City of Markham submit the attached document entitled "City of Markham Comments – ERO (Environmental Registry Ontario) Number 019-2579" and Council Resolution to the Minister of the Environment, Conservation and Parks and Ontario's Environmental Registry as the City of Markham's official comments on the draft Blue Box Regulation; and,
3. That the City of Markham requests that the Minister of the Environment, Conservation and Parks include Markham as an Eligible Community on the final Transition Schedule and be assigned the transition date of January 1st, 2023; and,
4. That if an earlier transition date is not provided, the City of Markham requests the right to negotiate directly with the Producers for a date earlier than the one indicated on the final Transition Schedule; and,
5. That the City of Markham requests that the eligible sources, as indicated by the Draft Blue Box Regulation, be expanded to include recycling depots in communities with curbside Blue Box collection, municipal facilities including public-

facing community facilities, all public spaces, Blue Boxes located at Canada Post super mailboxes, and small retail businesses within Business Improvement Areas; and,

6. That the City of Markham requests that the obligations for collection after the transition period (2026+) be equal to or exceed the service standards applicable in transitioning communities on August 15, 2019, specifically, increase Blue Box collection from every other week to weekly collection; and,

7. That, if provided with the ability to select the service delivery option, the City of Markham reserves the right to select the service delivery option determined to be the most financially and operationally beneficial for its residents and report back to Council on the preferred service delivery option; and,

8. That Staff be directed to update Council following the release of the final Regulation and Transition Schedule by the Ministry of the Environment, Conservation and Parks; and,

9. That the City Clerk be directed to forward a copy of this resolution and Comment Letter to the Association of Municipalities of Ontario, York Region and Local Municipalities and the Ontario Ministry of the Environment, Conservation and Parks; and further,

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

8.3. REPORT NO. 39 - DEVELOPMENT SERVICES PUBLIC MEETING (DECEMBER 1, 2020)

Please refer to your December 1, 2020 Development Services Public Meeting Agenda for reports.

Mayor and Members of Council:

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

8.3.1. DEVELOPMENT FEE AND BUILDING FEE BY-LAWS UPDATE (10.0) 222

1. That the Record of the Public Meeting held on December 1, 2020, with respect to the proposed amendments to the Development and Building Fee By-laws be received; and,

2. That the amendment to By-law 211-83, as amended, “Tariff of Fees for the Processing of Planning Applications,”

substantially in the form attached as Appendix 'B', be enacted; and,

3. That By-law 2019-136 as amended be repealed and the attached "By-law respecting Construction, Demolition and Change of Use Permits and Inspections," attached as Appendix 'C', be enacted; and,

4. That the By-laws come into force and take effect on January 1, 2021; and further,

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

(By-laws 2020-139 and 2020-140)

8.4. REPORT NO. 40 - GENERAL COMMITTEE (DECEMBER 7, 2020)

Please refer to your December 7, 2020 General Committee Agenda for reports.

Mayor and Members of Council:

That the report of the General Committee be received & adopted. (Items 1 to 3):

8.4.1. CONTRACT EXTENSION FOR WATER METER READING AND BILLING SERVICES (7.0, 5.3) *264*

1. That the report entitled "Contract Extension for Water Meter Reading & Billing Services " be received; and,

2. That the contract for Water Meter Reading & Billing Services with Alectra Utilities be extended for an additional year (January 1, 2021 to December 31, 2021) increasing from $1,508,427.44 to $1,553,680.26 inclusive of HST for 2021, a 3% escalation over the 2020 rate; and,

3. That the 2021 Waterworks Operating budget be increased by $45,252.82 in 2021 ($1,553,680.26 – 1,508,427.44) and funded from account #760-998-5390 Water Billing/ Administration, subject to Council approval of the 2021 operating budget; and,

4. That the tender process be waived in accordance with Purchasing By-Law 2007-8 Part II, Section 11.1 (c) which states "when the extension of an existing contract would prove more cost effective or beneficial"; and Section 11.2 which states "Request for Tenders, Requests for Proposals and Requests for Quotations may not be required for goods and services to be provided by Utility Companies"; and,

5. That the Mayor and Clerk be authorized to execute the contract extension agreement between the City and Alectra

Utilities, in a form satisfactory to the City Solicitor; and further,

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

8.4.2. RECYCLING DEPOT STAFFING CONTRACT EXTENSION (7.12) *267*

1. That the report entitled "Recycling Depot Staffing Contract Extension" be received; and,

2. That the service Contract for Recycling Depot Staffing be awarded to The Recycle People Corporation, for two years from January 1, 2021 to December 31, 2022 at an estimated cost of $378,145.24 inclusive of HST;

   - Year 1 (2021) $187,510.04
   - Year 2 (2022) $190,635.20Total (2 years) $378,145.24

3. That the 2021 Waste Management Recycling Depot Staffing Operating budget be increased from $168,134.00 to $187,510.04. The budget shortfall in the amount of $19,376.04 ($187,510.04 - $168,134.00) be funded through reallocation of the existing Waste Management Operating budget, subject to Council approval of the 2021 Operating budget; and

4. That the City's tendering process be waived in accordance with Purchasing By-Law 2017-8, Part II, Section 11.1,(c), Non Competitive Procurement, "when the extension of an existing Contract would prove more cost-effective or beneficial; and further,

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

8.4.3. ANIMAL CARE COMMITTEE MINUTES - MARCH 9, 2020 AND OCTOBER 28, 2020 (16.34) *270*

Note: Appendix A is included in the October 28, 2020 minute document. For background information, the original Terms of Reference showing changes made by the Animal Care Committee members is attached.

1. That the minutes of the Animal Care Committee meetings held March 9, 2020 and October 28, 2020 be received for information purposes; and,

2. That the Committee endorse the revised Animal Care Committee Terms of Reference as amended (see Appendix "A"); and,

3. That the Animal Care Committee request that Markham

Council endorse the changes to the Animal Care Committee Terms of Reference.

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. 2021 WATER/WASTEWATER RATE (16.0) *289*

1. That the report entitled "2021 Water/Wastewater Rate" be received; and,
2. That the Minutes from the November 12, 2020 Water/Wastewater Rate Public Consultation meeting be received; and,
3. That the wholesale component of the 2021 Markham water and wastewater rate be adjusted by the corresponding water and wastewater rate increase approved by the Region of York; and further,
4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

11.2. 2021 OPERATING AND CAPITAL BUDGETS (7.0) *296*

1. That the report dated December 9, 2020 titled, "2021 Operating and Capital Budgets" be received; and,
2. That Council approve the 2021 Primary Operating Budget for City services of $248,124,592, (excluding the 2020 surplus/deficit), as detailed in Appendix 1; and,
3. That Council approve a $3,600,000 transfer from the Corporate Rate Stabilization to provide a zero percent property tax rate increase in the 2021 Primary Operating Budget; and,
4. That Council approve the remaining 2021 Capital Budget of $94,447,700 for a total of $103,259,200 ($94,564,600 + $ 8,694,600 pre-approved), as per projects detailed in Appendix 2; and,
5. That Council approve the 2021 Planning & Design Operating Budget totalling $13,498,406, as detailed in Appendix 3; and,
6. That Council approve the 2021 Engineering Operating Budget totalling $8,844,438, as detailed in Appendix 4; and,
7. That Council approve the 2021 Building Standards Operating Budget totalling $11,256,840, as detailed in Appendix 5; and,

8. That Council approve the 2021 Waterworks Operating Budget totalling $135,938,867 (excluding the 2020 surplus/deficit), as detailed in Appendix 6; and,

9. That upon finalization of the 2020 audited financial statements, 2021 operating budgets be adjusted to reflect 2020 operating results; and,

10. That a copy of the budgets be made available to the public through the Clerk's Department, the City website and each of the Markham Public Libraries; and,

11. That the restated budget as detailed in Appendix 7, "Additional Financial Disclosure Requirements Pursuant to Ontario Regulation 284/09" be adopted; and further,

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

11.3. ENHANCED WINTER MAINTENANCE IN PARKS (5.10) *321*

1. That the memorandum dated December 9, 2020 on "Seasonal Park Amenities", be received, and,

2. That Parks washrooms and Port-O-Lets remain closed for the duration of the winter; and,

3. That nine (9) asphalt tennis courts, as identified in Attachment "A" inclusive of nets, remain open for the duration of the winter season; and,

4. That all park pathways remain closed for the winter season, save and except for the single pathway in each of 8 wards which the Operations Department is piloting for winter maintenance and one groomed trail which is included in this pilot located in Milne Conservation Park; and,

5. That 23 parking lots at parks located throughout the City, as identified in Attachment "A" be opened and maintained for the duration of the winter season; and,

6. That the volunteer community ice rink program proceed in approved (winter water service installed) locations with approved signage and adherence to Provincial guidelines; and,

7. That Staff be directed to contact the local school boards asking them to consider opening running tracks for the winter season; and,

8. That Recreation Staff proceed with offering outdoor programming during the winter months in outdoor park locations to encourage physical activity; and further,

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

effect to this resolution.

12. ANNOUNCEMENTS

13. BY-LAWS - THREE READINGS

That By-laws 2020-136 to 2020-143 and 2020-146 be given three readings and enacted.

Three Readings

13.1. BY-LAW 2020-136 ANGUS GLEN VILLAGE LTD., 4071, 4289 MAJOR MACKENZIE DRIVE EAST, ZONING BY-LAW AMENDMENT 327

A By-law to amend By-law 177-96, as amended, to permit the development of townhouse units.

(Item 8.1.1, Report 25, October 14, 2020 Council meeting)

13.2. BY-LAW 2020-137 CORNELL ROUGE DEVELOPMENT CORPORATION, PART LOT CONTROL EXEMPTION BY-LAW 331

A by-law to designate part of a certain plan of subdivision not subject to Part Lot Control, Blocks 122 to 128 (inclusive), Registered Plan 65M-4544, located on the south side of Whites Hill Avenue and west side of Donald Cousens Parkway in the Cornell community.

13.3. BY-LAW 2020-138 2546432 ONTARIO INC. (CARHUB), 120 DONCASTER AVENUE, ZONING BY-LAW AMENDMENT 333

A By-law to amend Zoning By-law 2053, as amended, to permit the sales of motor vehicle and motor vehicle parts, as well as the outdoor storage of motor vehicles on the subject property.

(Item 8.3.2, Report 34, November 10, 2020 Council meeting)

13.4. BY-LAW 2020-139 A BY-LAW TO AMEND BY-LAW 211-83, AS AMENDED (A BY-LAW TO PRESCRIBE A TARIFF OF FEES FOR THE PROCESSING OF PLANNING APPLICATIONS) 336

(Item 8.3.1, Report 39)

13.5. BY-LAW 2020-140 BEING A BY-LAW RESPECTING CONSTRUCTION, DEMOLITION, CHANGE OF USE PERMITS AND INSPECTIONS 348

Repeals and replaces By-law 2019-136.

(Item 8.3.1, Report 39)

13.6. BY-LAW 2020-141 A BY-LAW TO AMEND BY-LAW 2018-116, BEING A 366

BY-LAW TO IMPOSE A TAX IN RESPECT OF THE PURCHASE OF TRANSIENT ACCOMMODATION WITHIN THE BOUNDARIES OF THE CITY OF MARKHAM

13.7. BY-LAW 2020-142 A BYLAW TO AMEND BY-LAW 2002-276, BEING A BY-LAW TO IMPOSE FEES OR CHARGES FOR SERVICES OR ACTIVITIES PROVIDED OR DONE BY THE CITY OF MARKHAM 368

13.8. BY-LAW 2020-143 A BY-LAW TO AMEND BY-LAW 2015-163 BEING A BY-LAW TO APPOINT A CHIEF BUILDING OFFICIAL AND BUILDING INSPECTORS PURSUANT TO THE BUILDING CODE ACT, 1992, S.O. 1992, C. 23, AS AMENDED 369

13.9. 2020-145 - 1771107 ONTARIO INC., SOUTH SIDE OF HIGHWAY 7, EAST OF WARDEN, ZONING BY-LAW AMENDMENT *372*

(By-law 2020-145 approved by LPAT)
(For information only to facilitate the assignment of a By-law number)
(Communication 39-2020)

13.10. 2020-146 A BY_LAW TO AMEND BY-LAW 2005-188 BEING A BY-LAW TO GOVERN AND CONTROL THE PARKING OF VEHICLES IN THE CITY OF MARKHAM *388*

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 - NOVEMBER 24, 2020 (16.0)

14.1.2. PERSONAL MATTERS ABOUT AN IDENTIFIABLE INDIVIDUAL, INCLUDING MUNICIPAL OR LOCAL BOARD EMPLOYEES (BOARD/ COMMITTEE APPOINTMENTS/ RESIGNATIONS) (16.24) [Section 239 (2) (b)]

14.2. GENERAL COMMITTEE - NOVEMBER 30, 2020

14.2.1. INFORMATION EXPLICITLY SUPPLIED IN CONFIDENCE TO THE MUNICIPALITY OR LOCAL BOARD BY CANADA, A PROVINCE OR TERRITORY OR A CROWN AGENCY OF ANY OF THEM; CYBER SECURITY (7.0) [SECTION 239 (2)(h)]

14.3. DEVELOPMENT SERVICES COMMITTEE - DECEMBER 8, 2020

14.3.1. INFORMATION EXPLICITLY SUPPLIED IN CONFIDENCE TO THE MUNICIPALITY OR LOCAL BOARD BY CANADA, A PROVINCE OR TERRITORY OR A CROWN AGENCY OF ANY OF THEM; - RAPID HOUSING INITIATIVE (10.0) [SECTION 239 (2) (h)]

14.4. GENERAL COMMITTEE - DECEMBER 7, 2020

14.4.1. LABOUR RELATIONS OR EMPLOYEE NEGOTIATIONS; PERSONNEL MATTER; RESTRICTED AND CONFIDENTIAL (11.0) [SECTION 239 (2)(d)]

15. CONFIRMATORY BY-LAW - THREE READINGS

That By-law 2020-144 be given three readings and enacted.

Three Readings

BY-LAW 2020-144 A BY-LAW TO CONFIRM THE PROCEEDINGS OF THE COUNCIL MEETING OF DECEMBER 9, 2020.
No attachment

16. ADJOURNMENT

Electronic Council Meeting Minutes

Meeting No. 20
November 24, 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
Trinela Cane, Commissioner, Corporate Services
Arvin Prasad, Commissioner, Development Services
Claudia Storto, City Solicitor and Director of Human Resources
Brian Lee, Director, Engineering
Biju Karumanchery, Director, Planning & Urban Design
Joel Lustig, Treasurer
Bryan Frois, Chief of Staff
Kimberley Kitteringham, City Clerk
Martha Pettit, Deputy City Clerk
Hristina Giantsopoulos, Elections & Council/Committee Coordinator
Meg West, Manager of Business Planning and Projects
Phoebe Fu, Director, Environmental Services
Alex Moore, Senior Manager, Procurement & Accounts Payable
Prathapan Kumar, Senior Manager, Infrastructure, Environmental Services
Francesco Santaguida, Assistant City Solicitor
Lisa Chen, Sr. Manager, Financial Planning & Reporting
Mark Visser, Senior Manager Strategy, Innovation & Investment
Shane Manson, Senior Manager, Revenue & Property Taxation
Kevin Ross, Manager, Development Finance & Payroll
Mona Nazif, Senior Manager, HR Client Services
Regan Hutcheson, Manager, Heritage
Peter Wokral, Senior Planner, Planning & Urban Design
Adam Grant, Fire Chief
Todd Wilkinson, Supervisor, Licensing & Standards
Harvinder Saini, Supervisor, Provincial Offences Officer

Eddy Wu, Manager, Operations & Maintenance

Lilli Duoba, Manager, Natural Heritage,
Liz Wimmer, Senior Planner, Urban Design
Janet Ashfield, Manager, HR Employee & Labour Relations, Health & Safety

Alternate formats for this document are available upon request

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1. CALL TO ORDER

The meeting of Council convened at 1:09 PM on November 24, 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.

2. DISCLOSURE OF PECUNIARY INTEREST

None disclosed.

3. APPROVAL OF PREVIOUS MINUTES

3.1 COUNCIL MINUTES - NOVEMBER 10, 2020

Moved by Councillor Andrew Keyes
Seconded by Councillor Amanda Collucci

1. That the Minutes of the Council Meeting held on November 10, 2020, be adopted.

Carried

4. PRESENTATIONS

4.1 PRESENTATION - POLICING IN A CHANGING ENVIRONMENT (13.4)

Chief Jim MacSween, York Regional Police and Superintendent Chris Bullen from District 5 delivered a presentation outlining the 2020 milestones and how the Regional Police are responding to COVID-19 impacts.

Moved by Councillor Karen Rea
Seconded by Councillor Reid McAlpine

1. That the presentation of Chief Jim MacSween, York Regional Police and Superintendent Chris Bullen, District 5, be received.

Carried

4.2 PRESENTATION - UPDATE ON ANTI-BLACK RACISM STRATEGY (16.0)

Mayor Frank Scarpitti provided an update on the Anti-Black Racism Strategy and announced the launch of the City of Markham's mandatory eLearning module on inclusion training for all Council Members and City staff. An introductory video of the program was presented at the meeting.

Moved by Councillor Isa Lee
Seconded by Councillor Keith Irish

1. That the update on the Anti-Black Racism Strategy and the launch of the City of Markham's mandatory eLearning module on Anti-Black Racism, be received.

Carried

5. DEPUTATIONS

None.

6. COMMUNICATIONS

6.1 36-2020 - MEMORANDUM - DEEMING BY-LAW 37 & 41 ELM STREET (10.0)

Moved by Councillor Karen Rea
Seconded by Regional Councillor Jack Heath

1. That the memorandum titled "Deeming By-Law, Patrick O'Hanlon & David Hicks, 37 & 41 Elm Street, File No: 2020 107378 DEEM", be received;and,
2. That the Deeming By-Law attached as Appendix A to this memorandum be approved and enacted without further notice; and,
3. That Staff be authorized to do all things necessary to give effect to the resolution.

(By-law 2020-134)

Carried

7. PROCLAMATIONS

7.1 PROCLAMATIONS (3.4)

Moved by Councillor Reid McAlpine
Seconded by Councillor Khalid Usman

1. That the following proclamations, issued by the City Clerk in accordance with the City of Markham Proclamation Policy, be received for information purposes:
   a. National Day of Remembrance and Action On Violence Against Women – December 6, 2020
   b. Human Rights Day – December 10, 2020
   c. Nanjing Massacre Day – December 13, 2020
2. That the following new request for proclamation, issued by the City Clerk in accordance with the City of Markham Proclamation Policy, be received and added to the Five-Year Proclamations List approved by Council:
   a. International Day of Persons with Disabilities – December 3, 2020

Carried

8. REPORT OF STANDING COMMITTEE

8.1 REPORT NO. 35 - DEVELOPMENT SERVICES COMMITTEE (NOVEMBER 9, 2020)

Moved by Regional Councillor Jim Jones
Seconded by Councillor Keith Irish

That the report of the Development Services Committee be received & adopted. (Items 1 to 3):

Carried

8.1.1 TRAFFIC OPERATIONS PROJECTS UPDATE (5.10)

Moved by Regional Councillor Jim Jones
Seconded by Councillor Keith Irish

1. That the memorandum entitled, “Traffic Operations Projects Update” be received; and,
2. That staff work with key stakeholders including the Cycling and Pedestrian Advisory Committee and in consultation with the local Ward Councillor to develop an annual Open Streets program and to report back to Council prior to implementation; and,
3. That the temporary parking prohibition on the west side of Main Street Unionville, between Station Lane and Carlton Road, be maintained on a permanent basis; and,
4. That the temporary 30 km/h speed limit on Main Street Unionville, between Station Lane and Carlton Road, be made permanent as described in the attached by-law amendment; and,
5. That the speed limit on Main Street Markham North between Bullock Drive/Parkway Avenue and Highway 7 be reduced from 50 km/h to 40 km/h, as described in the attached bylaw amendment; and,
6. That the posted speed limit on Markham Main Street North between 16th Avenue and Bullock Drive be referred back to staff for review; and further,
7. That staff be directed to do all things necessary to give effect to this resolution.

(By-law 2020-132)

Carried

8.1.2 HIGHWAY 404 MID-BLOCK CROSSING, NORTH OF 16TH AVENUE AND CACHET WOODS COURT EXTENSION – PROJECT UPDATE AND PROPERTY ACQUISITION FOR LANDS ON CACHET WOODS COURT, MARKLAND STREET AND ORLANDO AVENUE (WARD 2) (5.10)

Moved by Regional Councillor Jim Jones
Seconded by Councillor Keith Irish

1. That the report titled "Highway 404 Mid-block Crossing, North of 16th Avenue and Cachet Woods Court Extension – Project Update and Property Acquisition for lands on Cachet Woods Court, Markland Street and Orlando Avenue (Ward 2)", be received; and

2. That staff be authorized to issue a purchase order to the Regional Municipality of York ("York Region") in the amount of $4,578,870.88, inclusive of HST impact, for Markham's share of the cost for properties required for the project; and

3. That the Engineering Department Capital Administration fee in the amount of $91,577.42, be transferred to revenue account 640-998-8871 (Capital Administration Fee); and

4. That the purchase order and capital administration fees be funded from Capital Project #19035 (Hwy. 404 Midblock Crossing, North of 16th Avenue & Cachet Woods), which currently has an available funding of $4,718,716.00; and

5. That the remaining funds of $48,267.70 be kept in the account to cover any additional cost for the project; and further,

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

Carried

8.1.3 AWARD OF RFP 037-R-20 CONSULTING ENGINEERING SERVICES FOR THE DETAILED DESIGN OF THE 2020 SIDEWALK PROGRAM (WARDS 1, 2, 7 AND 8) (5.0, 7.0)

Moved by Regional Councillor Jim Jones
Seconded by Councillor Keith Irish

1. That the report entitled “Award of RFP 037-R-20 Consulting Engineering Services for the Detailed Design of the 2020 Sidewalk Program (Wards 1, 2, 7 and 8)" be received; and,

2. That the contract for RFP 037-R-20 Consulting Engineering Services for the 2020 Sidewalk Design be awarded to the highest ranked, second lowest priced bidder, Accardi Schaeffers & Associates Ltd. in the amount of $516,833.96, inclusive of HST; and,

3. That a 10% contingency in the amount of $51,683.40, inclusive of HST, be established to cover any additional costs to deliver the design and that authorization to approve expenditures of this contingency amount up to the specified limit be in accordance with the Expenditure Control Policy; and,

4. That an allowance in the amount of $4,070.40, inclusive of HST, be established for permits and additional fees (i.e. TRCA review fees) that may be required as part of the work, and,

5. That the Engineering Department Capital Administration and Contract Admin Fee in the amount of $103,277.60, inclusive of HST, be transferred to Revenue Account 640-998-8871 (Capital Admin Fees); and,

6. That the project cost of $675,865.36 ($516,833.96 + $51,683.40 + $4,070.04 + $103,277.60), inclusive of HST, be funded from capital accounts 083-5350-20045-005 (Sidewalk Program (Design)) and 083-5350-20049-005 (Streetlighting Program (Design)) with available budget of $675,900.00; and,

7. That the remaining budget in the amount of $34.64 be returned to the original funding source;

8. That Staff be directed to investigate the feasibility of expanding the scope of work to include the missing section of Swan Lake Boulevard sidewalk in the 2020 Sidewalk Program; and further,

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

Carried

8.2 REPORT NO. 36 - GENERAL COMMITTEE (NOVEMBER 16, 2020)

Moved by Regional Councillor Jack Heath
Seconded by Councillor Amanda Collucci

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

Carried

8.2.1 2021 INTERIM TAX LEVY BY-LAW (7.3)

Moved by Regional Councillor Jack Heath
Seconded by Councillor Amanda Collucci

1. That the report "2021 Interim Tax Levy By-law" be received; and,
2. That Council authorize an interim tax levy for 2021; and,
3. That the attached by-law be passed to authorize the 2021 interim tax levy; and further,
4. That staff be authorized and directed to do all things necessary to give effect to this resolution.

(By-law 2020-133)

Carried

8.2.2 PROPERTY TAX PAYMENT DEFERRAL PROGRAM (7.3)

Moved by Regional Councillor Jack Heath
Seconded by Councillor Amanda Collucci

1. That the report entitled Property Tax Payment Deferral Program be received; and,
2. That Council authorize a Property Tax Payment Deferral Program for the 2021 taxation year for eligible taxpayers; and,
3. That the 2021 Interim Tax Levy By-law include the necessary clauses to permit the waiving of late payment charges for the 2021 taxation

year for eligible property owners of the Property Tax Payment Deferral Program, and,

4. That staff request a report from the Region on the impact of a new optional property subclass for small business by end of January 2021; and,

5. That staff provide **an update** report on the financial impact to the City resulting from the Property Tax Payment Deferral Program to General Committee in June 2021 and further;

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

Carried as Amended

Council consented to amend clause 5 from:

> 5. That staff provide a report on the financial impact to the City resulting from the Property Tax Payment Deferral Program to General Committee in June 2021 and further;

to:

> 5. That staff provide **an update** report on the financial impact to the City resulting from the Property Tax Payment Deferral Program to General Committee in June 2021 and further;

Council had before it the following original recommendation for consideration:

1. That the report entitled Property Tax Payment Deferral Program be received; and,

2. That Council authorize a Property Tax Payment Deferral Program for the 2021 taxation year for eligible taxpayers; and,

3. That the 2021 Interim Tax Levy By-law include the necessary clauses to permit the waiving of late payment charges for the 2021 taxation year for eligible property owners of the Property Tax Payment Deferral Program, and,

4. **That staff request a report from the Region on the impact of a new optional property subclass for small business by end of January 2021; and,**

5. **That staff provide a report on the financial impact to the City resulting from the Property Tax Payment Deferral Program to General Committee in June 2021 and further;**

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

8.2.3 STATUS OF CAPITAL PROJECTS AS OF SEPTEMBER 30, 2020 (7.5)

Moved by Regional Councillor Jack Heath
Seconded by Councillor Amanda Collucci

1. That the report dated November 16, 2020 titled "Status of Capital Projects as of September 30, 2020" be received; and,

2. That the Projects Completed within Scope with Surplus Funds and the Projects Completed within Scope without Surplus Funds, as identified on Exhibit B, be approved for closure and funds in the amount of $3,891,898 be transferred to the original sources of funding as identified on Exhibit B; and

3. That the Projects Closed and Deferred to a Future Year and the Projects Closed and Not or Partially Initiated, as identified on Exhibit C, be approved for closure and funds in the amount of $2,099,287 be transferred to the original sources of funding as identified in Exhibit C; and

4. That the Non-Development Charge Capital Contingency Project be topped up from the Life Cycle Replacement and Capital Reserve Fund by $431,780 to the approved amount of $250,000; and,

5. That the following new capital projects, initiated subsequent to the approval of the 2020 capital budget, be approved:

    - 20302 – Royal Orchard/Bayview Transportation Improvements – Budget of $175,000 funded from Developer Fees.

    - 20303 – Residential Water Service Connections – Budget of $401,105 funded from External Revenues (home owners).

- 20306 – Seasonal Tennis Bubble - Lighting Upgrade (South Court) – Budget of $111,936 funded from the Non-Development Charge Capital Contingency; and further,

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

Carried

8.2.4 AWARD OF TENDER 065-T-20 SUPPLY AND DELIVERY OF WATERWORKS AND SANITARY SEWER MATERIALS (7.12)

Moved by Regional Councillor Jack Heath
Seconded by Councillor Amanda Collucci

1. That the report entitled "Award of Tender 065-T-20 Supply and Delivery of Waterworks and Sanitary Sewer Materials" be received; and,

2. That the contract for the supply and delivery of waterworks and sanitary sewer materials be awarded to the lowest priced Bidder, Wamco, for one (1) year with an option to renew the contract for two (2) additional one year terms at the same itemized pricing in the total amount of $573,514.30 inclusive of HST, broken down as follows;

   - Year 1 (2021) $191,171.43
   - Year 2 (2022) $191,171.43
   - Year 3 (2023) $191,171.43

Total (3 years) $573,514.29

3. That the 2021 award in the amount of $191,171.43 (Inclusive of HST) be funded from the operating accounts identified in the Financial Considerations section of this report with total available budget of $177,188.00; and

4. That the budget shortfall in the amount of $13,983.43 ($191,171.43 - $177,188.00) be included as part of the 2021 Waterworks operating budget; and further,

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

Carried

8.2.5 QUALITY MANAGEMENT SYSTEM - MANAGEMENT REVIEW (3.0)

Moved by Regional Councillor Jack Heath
Seconded by Councillor Amanda Collucci

1. That the report titled "Quality Management System Management Review" be received; and
2. That Council, as the Owner of the City's drinking water system, acknowledge and support the outcome and action items identified from the Management Review; and further,
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

8.3 REPORT NO. 37 - DEVELOPMENT SERVICES COMMITTEE (NOVEMBER 23, 2020)

Moved by Regional Councillor Jim Jones
Seconded by Councillor Keith Irish

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

Carried

8.3.1 FURTHER AMENDMENTS TO THE CONSERVATION AUTHORITIES ACT IN BILL 229: PROTECT, SUPPORT AND RECOVER FROM COVID-19 ACT (BUDGET MEASURES), 2020 (10.0)

Moved by Regional Councillor Jim Jones
Seconded by Councillor Keith Irish

1. That the report entitled "Further Amendments to the Conservation Authorities Act in Bill 229: Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020" be received; and,

2. That the City of Markham request that the Province withhold the enactment of Schedule 6 of Bill 229, the *Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020* related to changes to the Conservation Authorities Act to allow for further review and consultation with municipalities, conservation authorities and the public; and,

3. That the staff report and resolution be forwarded to the Province of Ontario and Toronto and Region Conservation Authority; **the Regional Municipality of York; the Premier of the Province of Ontario; the Minister of the Environment, Conservation, and Parks; the Minister of Municipal Affairs and Housing; the Minister of Natural Resources and Forestry; and all Members of Provincial Parliament for York Region**; and further,

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

Carried as Amended

Council consented to amend clause 3 from:

> 3. That the staff report and resolution be forwarded to the Province of Ontario and Toronto and Region Conservation Authority; **the Regional Municipality of York; the Premier of the Province of Ontario; the Ministry of the Environment, Conservation, and Parks; the Ministry of Municipal Affairs and Housing; the Ministry of Natural Resources and Forestry; and all Members of Provincial Parliament representing constituents within the Regional Municipality of York**; and further,

to:

> 3. That the staff report and resolution be forwarded to the Province of Ontario and Toronto and Region Conservation Authority; **the Regional Municipality of York; the Premier of the Province of Ontario; the Minister of the**

Environment, Conservation, and Parks; the Minister of Municipal Affairs and Housing; the Minister of Natural Resources and Forestry; and all Members of Provincial Parliament for York Region; and further,

Council had the following original recommendation for consideration:

1. That the report entitled "Further Amendments to the Conservation Authorities Act in Bill 229: Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020" be received; and,
2. That the City of Markham request that the Province withhold the enactment of Schedule 6 of Bill 229, the Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020 related to changes to the Conservation Authorities Act to allow for further review and consultation with municipalities, conservation authorities and the public; and,
3. That the staff report and resolution be forwarded to the Province of Ontario and Toronto and Region Conservation Authority; the Regional Municipality of York; the Premier of the Province of Ontario; the Ministry of the Environment, Conservation, and Parks; the Ministry of Municipal Affairs and Housing; the Ministry of Natural Resources and Forestry; and all Members of Provincial Parliament representing constituents within the Regional Municipality of York; and further,
4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

8.3.2 AUTHORITY TO PROVIDE DEVELOPMENT CHARGE CREDITS AND/OR REIMBURSEMENTS TO LINDWIDE DEVELOPMENTS (CORNELL) LIMITED FOR THE CONSTRUCTION OF INFRASTRUCTURE ON THE CITY'S BEHALF (WARD 5) (7.11, 5.0)

Moved by Regional Councillor Jim Jones
Seconded by Councillor Keith Irish

1. That the report entitled "Authority to provide Development Charge Credits and/or Reimbursements to Lindwide Developments (Cornell)

Limited for the Construction of Infrastructure on the City's Behalf (Ward 5)" be received; and,

2. That Council authorize a City Wide Hard Development Charge credit and/or reimbursement not exceeding $331,740, to Lindwide Developments (Cornell) Limited relating to its portion of the construction costs associated with a pressure reducing valve ("PRV") and a Chamber at the intersection of Cornell Rouge Blvd. and Highway 7 and a watermain on Highway 7 from Cornell Rouge Blvd. to Donald Cousens Parkway; and,

3. That Council authorize a City Wide Hard Development Charge credit and/or reimbursement not exceeding $713,837, to Lindwide Developments (Cornell) Limited relating to its portion of the property and construction costs associated with the right-of-way, exceeding 23 metres and asphalt exceeding 11.0 metres, on Bur Oak Avenue from Highway 7 to 260 metres South; and,

4. That Council authorize a City Wide Hard Development Charge credit and/or reimbursement not exceeding $550,717, to Lindwide Developments (Cornell) Limited relating to its portion of the property and construction costs associated with the right-of-way, exceeding 23 metres and asphalt exceeding 11.0 metres, on William Forster Road from Highway 7 to 200 metres South; and,

5. That all of the above credits or reimbursements shall be the absolute value of the credits and reimbursements, and that HST, interest and/or indexing shall not be credited or reimbursed; and,

6. That the Mayor and Clerk be authorized to execute a Development Charge Credit and/or Reimbursement Agreement(s), if required, in accordance with the City's Development Charge Credit and Reimbursement Policy, with Lindwide Developments (Cornell) Limited, or its successors in title to the satisfaction of the Treasurer and the City Solicitor; and further;

7. That staff be directed to do all things necessary to give effect to this report.

Carried

9. MOTIONS

There were no motions.

10. NOTICE OF MOTION TO RECONSIDER

There were no notices of motions.

11. NEW/OTHER BUSINESS

11.1 JOHN STREET WATERMAIN EMERGENCY REPAIR OPTIONS (5.0)

Phoebe Fu, Director, Environmental Services, introduced the item and provided a presentation on the repair options that require immediate resolution.

Moved by Regional Councillor Jack Heath
Seconded by Councillor Keith Irish

1. That the presentation entitled “John Street Watermain Emergency Repair Options”, be received; and,
2. That the contract for John Street Watermain Emergency Break Repair using CIPP lining be awarded to Fer-Pal Construction Ltd. in the amount of $2,208,192 inclusive of HST; and,
3. That the contract for John Street Watermain Emergency excavation of the watermain break location for repair, restore the site to original condition upon completion of repair be awarded to FDM Contracting Ltd. in the amount of $101,760.00 inclusive of HST; and,
4. That the contract for John Street WatermainEmergency Break Repair for dewatering services be awarded to Atlas Dewatering in the amount of $4,884.48 inclusive of HST; and,
5. That a 10% contingency in the amount of $231,483.65 inclusive of HST, be established to cover any additional construction costs and that authorization to approve expending of this contingency amount up to the specified limit be in accordance with the Expenditure Control Policy; and,
6. That the tender process be waived in accordance with Purchasing By-Law 2017-8 Part II, Section 11.1 (h) which states “where it is necessary or in the best interests of the City to acquire non-standard items from a preferred

supplier(s) or from a supplier who has a proven track record with the City in terms of pricing, quality and service."; and,

7. That the total construction cost in the amount of $2,546,320.13 (inclusive of HST and 10% Contingency) be funded from a new capital project in the amount of $2,429,011.20 from the Waterworks Reserve - the operating account #760-100-5300 in the amount of $117,308.93; and further,

8. 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 Councillor Khalid Usman
Seconded by Councillor Isa Lee

That By-laws 2020-132 to 2020-134 be given three readings and enacted.

Carried

Three Readings

13.1 BY-LAW 2020-132 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.

(Item 8.1.1, Report 35)

Carried

13.2 BY-LAW 2020-133 A BY-LAW TO PROVIDE FOR AN INTERIM TAX LEVY IN 2021

Carried

13.3 BY-LAW 2020-134 A BY-LAW TO DEEM CERTAIN LANDS NOT TO BE A REGISTERED PLAN OF SUBDIVISION FOR THE PURPOSES OF SUBSECTION 50(3) OF THE PLANNING ACT

PATRICK O'HANLON & DAVID HICKS, 37 & 41 ELM STREET

(Item 6.1, Communications)

Carried

14. CONFIDENTIAL ITEMS

Kimberley Kitteringham, City Clerk, advised that an additional restricted item regarding labour relations is being added to the confidential agenda.

Moved by Deputy Mayor Don Hamilton
Seconded by Regional Councillor Joe Li

That, in accordance with Section 239 (2) of the *Municipal Act*, Council resolve into a private session to discuss the following confidential matters at 3:37 pm:

14.1 APPROVAL OF CONFIDENTIAL COUNCIL MINUTES - NOVEMBER 10, 2020 (16.0) [Section 239 (2) (a) (b) (c) (e) (f)]

14.2 GENERAL COMMITTEE

14.2.1 LITIGATION OR POTENTIAL LITIGATION, INCLUDING MATTERS BEFORE ADMINISTRATIVE TRIBUNALS, AFFECTING THE MUNICIPALITY OR LOCAL BOARD; DEVELOPMENT CHARGE COMPLAINTS (8.7) [SECTION 239 (2) (e)]

14.3 NEW/ OTHER BUSINESS

14.3.1 LITIGATION OR POTENTIAL LITIGATION, INCLUDING MATTERS BEFORE ADMINISTRATIVE TRIBUNALS, AFFECTING THE MUNICIPALITY OR LOCAL BOARD; LPAT APPEAL - 73 MAIN STREET MAIN STREET SOUTH [SECTION 239 (2) (e)]

14.3.2 LABOUR RELATIONS OR EMPLOYEE NEGOTIATIONS (11.0) [Section 239 (2) (d)]

Carried

Moved by Deputy Mayor Don Hamilton
Seconded by Councillor Amanda Collucci

That Council rise from Confidential session at 5:17 pm.

Carried

The following Confidential items were approved by Council:

14.1 APPROVAL OF CONFIDENTIAL COUNCIL MINUTES - NOVEMBER 10, 2020 (16.0) [Section 239 (2) (a) (b) (c) (e) (f)]

Moved by Deputy Mayor Don Hamilton
Seconded by Regional Councillor Joe Li

1. That the confidential Council minutes of November 10, 2020 be adopted.

Carried

14.2 GENERAL COMMITTEE

14.2.1 LITIGATION OR POTENTIAL LITIGATION, INCLUDING MATTERS BEFORE ADMINISTRATIVE TRIBUNALS, AFFECTING THE MUNICIPALITY OR LOCAL BOARD; DEVELOPMENT CHARGE COMPLAINTS (8.7) [SECTION 239 (2) (e)]

Moved by Regional Councillor Jim Jones
Seconded by Councillor Keith Irish

1. That the confidential report on litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board, be received; and,
2. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

14.3 NEW/ OTHER BUSINESS

14.3.1 LITIGATION OR POTENTIAL LITIGATION, INCLUDING MATTERS BEFORE ADMINISTRATIVE TRIBUNALS, AFFECTING THE MUNICIPALITY OR LOCAL BOARD; LPAT APPEAL - 73 MAIN STREET MAIN STREET SOUTH [SECTION 239 (2) (e)]

Moved by Regional Councillor Jim Jones
Seconded by Councillor Khalid Usman

1. That the confidential memo on litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board, be received.

Carried

14.3.2 LABOUR RELATIONS OR EMPLOYEE NEGOTIATIONS (11.0) [Section 239 (2) (d)]

Moved by Regional Councillor Jack Heath
Seconded by Councillor Khalid Usman

1. That the confidential presentation regarding labour relations or employee negotiations, be received; and,
2. That Council ratify the tentative agreement with the MPFFA negotiated on November 12, 2020; and further,
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

15. CONFIRMATORY BY-LAW - THREE READINGS

Moved by Councillor Isa Lee
Seconded by Councillor Alan Ho

That By-law 2020-135 be given three readings and enacted.

Three Readings

BY-LAW 2020-135 A BY-LAW TO CONFIRM THE PROCEEDINGS OF THE COUNCIL MEETING OF NOVEMBER 24, 2020.

Carried

16. ADJOURNMENT

Moved by Councillor Isa Lee
Seconded by Councillor Keith Irish

That the Council meeting be adjourned at 5:24 pm.

Carried

Kimberley Kitteringham	Frank Scarpitti
City Clerk	Mayor

Municipal Information / Renseignements municipaux

Return completed form to:
Alcohol and Gaming Commission of Ontario
90 Sheppard Avenue, East.
Suite 200
Toronto ON M2N 0A4

Remplir et retourner cette formule à :
Commission des alcools et des jeux de l'Ontario
90, avenue Sheppard Est
Bureau 200
Toronto ON M2N 0A4

Ontario

The information requested below is required in support of all applications for a **new** liquor licence or outdoor areas being added to an **existing** liquor licence.

Les renseignements sont recueillis conjointement à toute demande de **nouveau** permis d'alcool ou d'ajout de zones de plein air à un permis d'alcool **existant**.

Section 1 - Application Details / Section 1 - Détails de la demande

Establishment name/Nom de l'établissement	Establishment tel. no./ N° de tél. de l'établissement
Big Smoke Burger	(905) 477-8600
Contact name/Nom de la personne à contacter	**Contact's tel. no./ N° de tél. de la personne à contacter**
Nihanthan Ratnasingham	(647) 785-4615

Exact location of establishment (not mailing address - street number and name, city or lot no., concession and township)
Emplacement exact de l'établissement (non l'adresse postale - numéro et nom de la rue, ville ou numéro de lot, concession et canton)

8600 Woodbine Avenue, Unit C1, Markham ON L3R 4X8

Does the application for a liquor licence include:/La demande de permis d'alcool porte-t-elle entre autres sur :

☑ indoor areas/des zones intérieures ☐ outdoor areas/des zones de plein air

Section 2 - Municipal Clerk's official notice of application for a liquor licence in your municipality

Section 2 - Avis officiel de demande de permis d'alcool dans votre municipalité à l'intention du (de la) secrétaire municipal(e)

Municipal Clerk - please confirm the "wet/damp/dry" status below.

Secrétaire municipal(e) : Confirmer le statut de la région ci-dessous.

Name of village, town, township or city where taxes are paid/Nom du village, de la ville ou du canton à qui les impôts sont versés :
(If the area where the establishment is located was annexed or amalgamated, provide the name of the Village, Town, Township or City was known as)
(Si la région où se trouve l'établissement a été annexée ou fusionnée, nom sous lequel le village, la ville ou le canton était connu)

Is the area where the establishment is located:/ La vente de boissons alcooliques est-elle autorisée dans la région où se trouve l'établissement?

☐ Wet (for spirits, beer, wine)/Oui (spiritueux, bière, vin) ☐ Damp (for beer and wine only)/Oui (bière et vin seulement) ☐ Dry/Non

Note:
Specify concerns regarding zoning, non-compliance with bylaws, or general objections to the application by council or elected municipal representatives, must be clearly outlined, **in a separate submission or letter within 30 days of this notification.**

Remarque :
Toute question particulière concernant le zonage, la non-conformité aux règlements municipaux ou toute objection générale relative à la demande de la part de membres du conseil ou de représentants municipaux élus doit être décrite clairement **dans un document distinct ou une lettre à l'intérieur d'une période de 30 jours après la remise du présent avis.**

Signature of municipal official/Signature du (de la) représentant(e) municipal(e)	Title/Poste
Address of municipal office/Adresse du bureau municipal	Date

MARKHAM

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		Last Name	
Ainslie		Dunstone	
Street Number	Street Name		Suite/Unit Number
92	Kincardine Drive		
City		Postal Code	Province
Ottawa		K2V 1B2	ON
Telephone Number	Mobile Number	Email	
(613) 866-9849	(613) 866-9849	alcoholandgaming@gmail.com	

Restaurant Information

Name of Restaurant		
Big Smoke Burger		
Street Number	Street Name	Suite/Unit Number
8600	Woodbine Avenue	Unit C1
City	Postal Code	Province
Markham	L3R 4X8	ON

Rev. Jan/17

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

What is the closest major intersection to the restaurant?	What is the distance between the restaurant and the closest residential area? (in kilometres)
Woodbine Avenue and Highway No. 7	115 metres
Does the restaurant have a valid Business Licence issued by the City of Markham? (●) Yes ( ) No Business Licence Number: 20129131EE If no, please note that a Business Licence is required.	**Does the restaurant have a working Fire Alarm System?** (●) Yes ( ) No

Type of restaurant (select one)

[✓] Family [ ] Roadhouse [ ] Sports Bar [ ] Fine Dining [ ] Take Out [ ] Cafe

What, if any, entertainment or amusements will be provided in the restaurant? (select all that apply)

[ ] Karaoke [ ] Live Entertainment [ ] Casino [ ] Off-Track Betting [ ] Arcade

Is the liquor licence application for an expansion of the existing operations?

( ) Yes

(●) No

If yes, please provide the current existing maximum seating capacity: _____

If no, please provide the planned existing maximum seating capacity: _____

Location History

Has a Building Permit been applied for or obtained for this location?

( ) Yes Building Permit Number: _____

(●) No

Was the location previously used as a restaurant? ( ) Yes (●) No

If no, a Building Permit is required. Contact Building Services at 905-477-7000 ext. 4870 for more information.

If the location was previously used as a restaurant, has construction or alteration been proposed?

( ) Yes ( ) No

If yes, please provide Alteration Permit Number: N/A

Applicant's Signature

2020-10-13
Date

Rev. Jan/17

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MARKHAM

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		Last Name	
Ainslie		Dunstone	
Street Number	Street Name		Suite/Unit Number
92	Kincardine Drive		
City		Postal Code	Province
Ottawa		K2V 1B2	ON
Telephone Number	Mobile Number	Email	
(613) 866-9849	(613) 866-9849	alcoholandgaming@gmail.com	

Restaurant Information

Name of Restaurant		
Big Smoke Burger		
Street Number	Street Name	Suite/Unit Number
8600	Woodbine Avenue	Unit C1
City	Postal Code	Province
Markham	L3R 4X8	ON

Rev. Jan/17

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What is the closest major intersection to the restaurant?	What is the distance between the restaurant and the closest residential area? (in kilometres)
Woodbine Avenue and Highway No. 7	115 metres
Does the restaurant have a valid Business Licence issued by the City of Markham? (●) Yes ( ) No Business Licence Number: 20129131EE If no, please note that a Business Licence is required.	**Does the restaurant have a working Fire Alarm System?** (●) Yes ( ) No

Type of restaurant (select one)

[✓] Family [ ] Roadhouse [ ] Sports Bar [ ] Fine Dining [ ] Take Out [ ] Cafe

What, if any, entertainment or amusements will be provided in the restaurant? (select all that apply)

[ ] Karaoke [ ] Live Entertainment [ ] Casino [ ] Off-Track Betting [ ] Arcade

Is the liquor licence application for an expansion of the existing operations?

( ) Yes

(●) No

If yes, please provide the current existing maximum seating capacity:_____

If no, please provide the planned existing maximum seating capacity:_____

Location History

Has a Building Permit been applied for or obtained for this location?

( ) Yes Building Permit Number:_____

(●) No

Was the location previously used as a restaurant? ( ) Yes (●) No

If no, a Building Permit is required. Contact Building Services at 905-477-7000 ext. 4870 for more information.

If the location was previously used as a restaurant, has construction or alteration been proposed?

( ) Yes ( ) No

If yes, please provide Alteration Permit Number: N/A

Applicant's Signature

2020-10-13

Date

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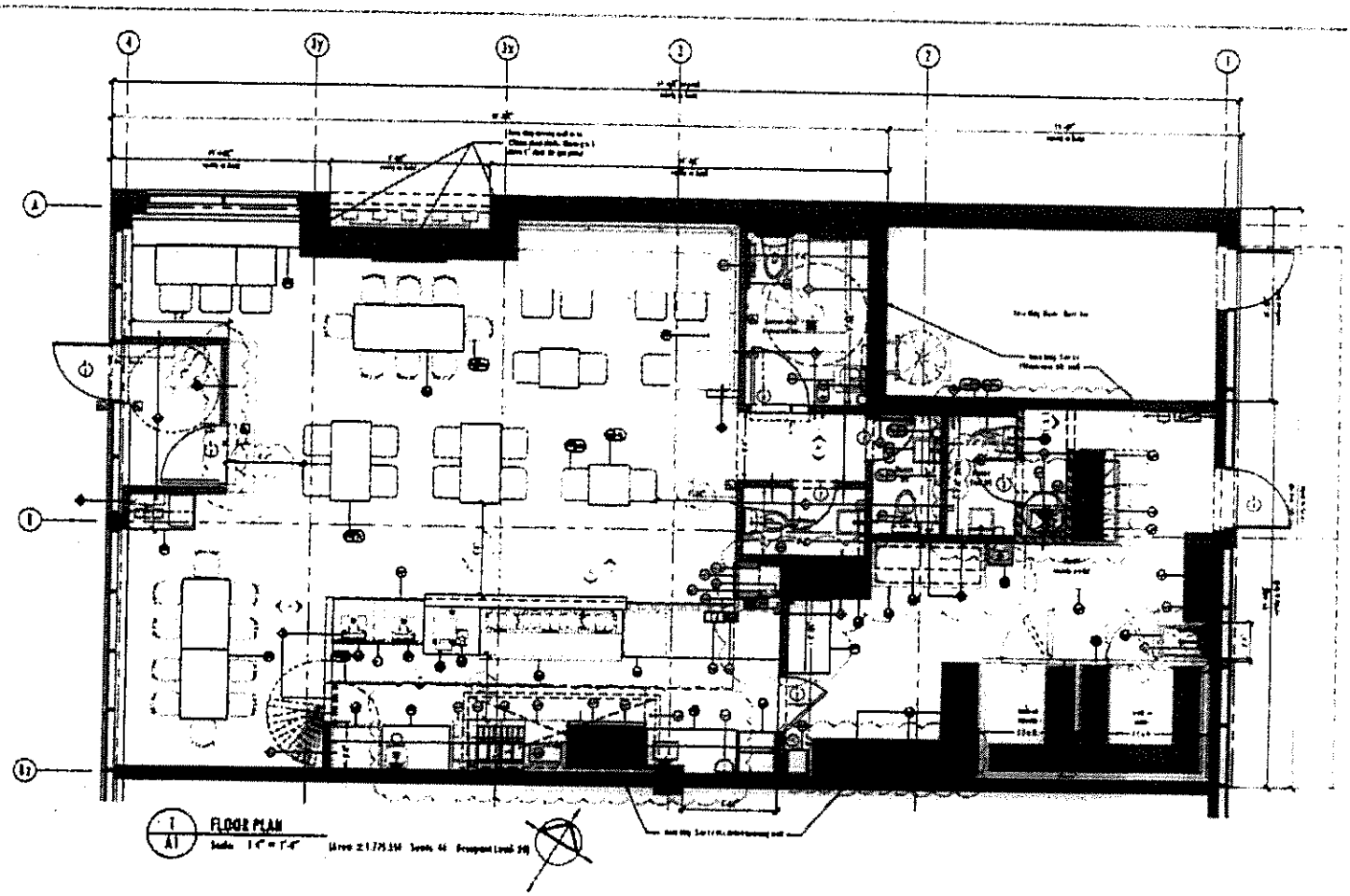
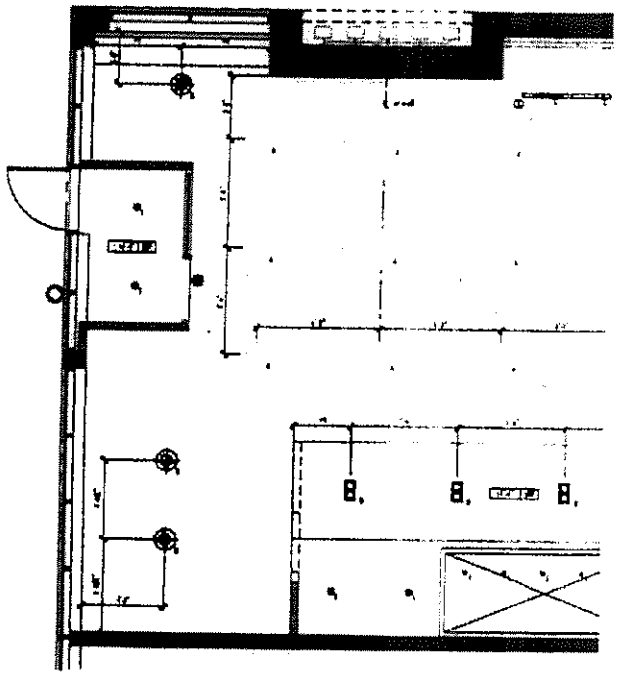


Symbol	Type	Description

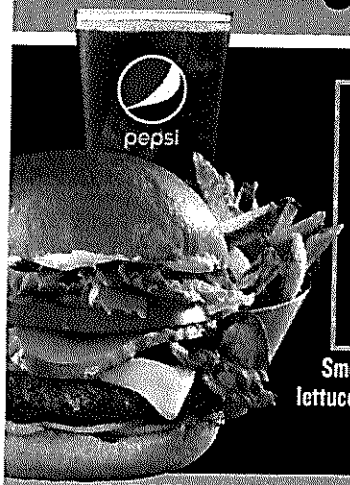


FRESH GOURMET BURGERS

BIG SMOKE BURGER

SIGNATURE BURGERS

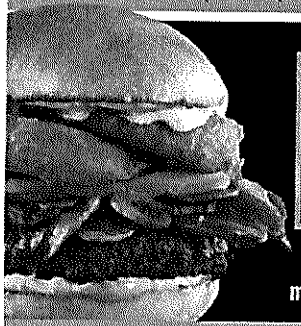
ALSO AVAILABLE WITH A CHICKEN BREAST, VEGGIE, OR LAMB PATTY FOR AN ADDITIONAL CHARGE. WHOLE WHEAT BUN OR LETTUCE WRAP AVAILABLE.



SMOKEY CHEDDAR BACON BURGER

Smoked Canadian cheddar, bacon, lettuce, tomato, pickle, onions, ketchup, mustard & mayo.

BURGER	POP/FRY COMBO	BEER/FRY COMBO
$11.50	$16.15	$19.50



The BEAST

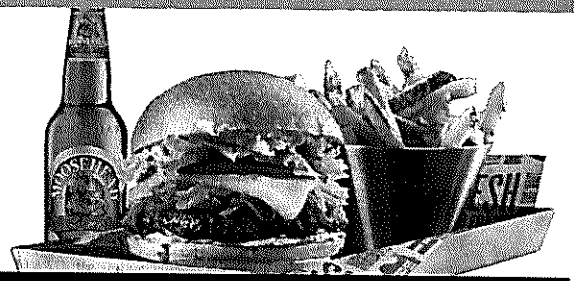
Smoked Canadian cheddar, sautéed mushrooms, bacon, onion ring, BIG sauce.

BURGER	POP/FRY COMBO	BEER/FRY COMBO
$12.55	$17.20	$20.55

SPICY

Caramelized onions, house-made chipotle mayo, jalapenos, lettuce, tomato.

BURGER	POP/FRY COMBO	BEER/FRY COMBO
$10.05	$14.70	$18.05



BIG SMOKE

Caramelized onions, house-made horseradish mayo, smoked Canadian cheddar, lettuce, tomato.

BURGER	POP/FRY COMBO	BEER/FRY COMBO
$10.05	$14.70	$18.05

THE DOUBLE SMOKE STACK

2 beef patties, smoked Canadian cheddar, lettuce, pickle, onion, BIG sauce.

BURGER	POP/FRY COMBO	BEER/FRY COMBO
$14.65	$19.30	$22.65

BLUE

Avocado, Gorgonzola, house-made rosemary-garlic mayo, lettuce, tomato.

BURGER	POP/FRY COMBO	BEER/FRY COMBO
$10.05	$14.70	$18.05

Crispy CHICKEN

Boneless chicken breast, lightly breaded, pickle, slaw, house-made chipotle mayo.

SANDWICH	POP/FRY COMBO	BEER/FRY COMBO	ADD CHEESE
$11.50	$16.15	$19.50	$2.05

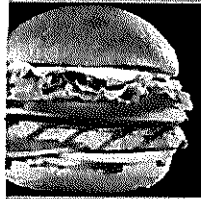
CLASSIC BURGERS

Served with lettuce, tomato, pickles, onions, ketchup, mustard & mayo.

	BURGER	COMBO (FRIES+POP)
THE CLASSIC	$7.60	$12.25
THE CHEESE	$9.65	$14.30
THE VEGGIE	$8.80	$13.45
THE BEYOND CLASSIC	$10.90	$15.55

ADD Smoked Canadian Cheddar +2.05 ADD Bacon +2.00 Make it a Double! +5.00

GRILLED CHICKEN



Grilled boneless chicken breast with crisp iceberg lettuce, tomato, pickles, onions, ketchup, mustard & mayo.

SANDWICH $10.45
FRY/POP COMBO $15.10
FRY/BEER COMBO $18.45

SIDES

FRESH-CUT FRIES	SMALL $3.75	LARGE $4.60
Poutine	SMALL $5.40	LARGE $7.30
Onion Rings	$5.40	+ $1.40 FOR DIP
Sweet Potato Fries	$5.10	+ $1.40 FOR DIP
Fry-Rings	$5.40	+ $1.40 FOR DIP
Garden Salad		$4.30

MAKE IT A COMBO

The Perfect COMBO *includes fresh-cut fries or garden salad & Pop*	+$4.65
Upgrade to Poutine/Onion Ring/Fry-Rings instead of regular fries	+$1.20
Upgrade to Sweet Potato Fries instead of regular fries	+$1.00
Upgrade to an old-fashioned Milkshake instead of Pop	+$2.40
Upgrade to Specialty Drink	+$1.20
Upgrade to Beer	+$3.35

PREMIUM POUTINE

Made with crispy fresh-cut fries with rich hot gravy & Quebec cheese curds.

BACON	*Crispy fries, Quebec cheese curds, gravy, crispy bacon.*	$10.05
SPICY	*Crispy fries, Quebec cheese curds, gravy, caramelized onions, chipotle mayo.*	$10.05
CRAFT	*Crispy fries, Quebec cheese curds, gravy, sautéed mushrooms, rosemary-garlic mayo.*	$10.05

MILKSHAKES

Ice cold milk, Canadian ice-cream & hand-spun to order.

CHOCOLATE, STRAWBERRY OR VANILLA $5.60

BEER

Moosehead Lager 473ml can
Barking Squirrel Amber Lager 473ml
Cracked Canoe Light 473ml
$6.85

Municipal Information / Renseignements municipaux

Return completed form to:
Alcohol and Gaming Commission of Ontario
90 Sheppard Avenue, East.
Suite 200
Toronto ON M2N 0A4

Remplir et retourner cette formule à :
Commission des alcools et des jeux de l'Ontario
90, avenue Sheppard Est
Bureau 200
Toronto ON M2N 0A4

Ontario

The information requested below is required in support of all applications for a **new** liquor licence or outdoor areas being added to an **existing** liquor licence.

Les renseignements sont recueillis conjointement à toute demande de **nouveau** permis d'alcool ou d'ajout de zones de plein air à un permis d'alcool **existant**.

Section 1 - Application Details / Section 1 - Détails de la demande

Establishment name/Nom de l'établissement	Establishment tel. no./ N° de tél. de l'établissement
South Street Burger Co.	(905) 305-0771
Contact name/Nom de la personne à contacter	**Contact's tel. no./ N° de tél. de la personne à contacter**
Nihanthan Ratnasingham	(647) 785-4615

Exact location of establishment (not mailing address - street number and name, city or lot no., concession and township)
Emplacement exact de l'établissement (non l'adresse postale - numéro et nom de la rue, ville ou numéro de lot, concession et canton)

7355 Woodbine Avenue, Markham ON L3R 1A7

Does the application for a liquor licence include:/La demande de permis d'alcool porte-t-elle entre autres sur :

☑ indoor areas/des zones intérieures ☐ outdoor areas/des zones de plein air

Section 2 - Municipal Clerk's official notice of application for a liquor licence in your municipality

Section 2 - Avis officiel de demande de permis d'alcool dans votre municipalité à l'intention du (de la) secrétaire municipal(e)

Municipal Clerk - please confirm the "wet/damp/dry" status below.

Secrétaire municipal(e) : Confirmer le statut de la région ci-dessous.

Name of village, town, township or city where taxes are paid/Nom du village, de la ville ou du canton à qui les impôts sont versés :
(If the area where the establishment is located was annexed or amalgamated, provide the name of the Village, Town, Township or City was known as)
(Si la région où se trouve l'établissement a été annexée ou fusionnée, nom sous lequel le village, la ville ou le canton était connu)

Is the area where the establishment is located:/ La vente de boissons alcooliques est-elle autorisée dans la région où se trouve l'établissement?

☐ Wet (for spirits, beer, wine)/Oui (spiritueux, bière, vin) ☐ Damp (for beer and wine only)/Oui (bière et vin seulement) ☐ Dry/Non

Note:
Specify concerns regarding zoning, non-compliance with bylaws, or general objections to the application by council or elected municipal representatives, must be clearly outlined, **in a separate submission or letter within 30 days of this notification.**

Remarque :
Toute question particulière concernant le zonage, la non-conformité aux règlements municipaux ou toute objection générale relative à la demande de la part de membres du conseil ou de représentants municipaux élus doit être décrite clairement **dans un document distinct ou une lettre à l'intérieur d'une période de 30 jours après la remise du présent avis.**

Signature of municipal official/Signature du (de la) représentant(e) municipal(e)	Title/Poste
Address of municipal office/Adresse du bureau municipal	Date

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		Last Name	
Ainslie		Dunstone	
Street Number	**Street Name**		**Suite/Unit Number**
92	Kincardine Drive		
City		**Postal Code**	**Province**
Ottawa		K2V 1B2	ON
Telephone Number	**Mobile Number**	**Email**	
(613) 866-9849	(613) 866-9849	alcoholandgaming@gmail.com	

Restaurant Information

Name of Restaurant		
South Street Burger Co.		
Street Number	**Street Name**	**Suite/Unit Number**
7355	Woodbine Avenue	
City	**Postal Code**	**Province**
Markham	L3R 1A7	ON

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What is the closest major intersection to the restaurant?	What is the distance between the restaurant and the closest residential area? (in kilometres)
Woodbine Avenue and Denison Street	982 metres
Does the restaurant have a valid Business Licence issued by the City of Markham? (●) Yes ( ) No Business Licence Number: 20101255EE If no, please note that a Business Licence is required.	**Does the restaurant have a working Fire Alarm System?** ( ) Yes ( ) No

Type of restaurant (select one)

[✓] Family [ ] Roadhouse [ ] Sports Bar [ ] Fine Dining [ ] Take Out [ ] Cafe

What, if any, entertainment or amusements will be provided in the restaurant? (select all that apply)

[ ] Karaoke [ ] Live Entertainment [ ] Casino [ ] Off-Track Betting [ ] Arcade

Is the liquor licence application for an expansion of the existing operations?

( ) Yes

(●) No

If yes, please provide the current existing maximum seating capacity: _____

If no, please provide the planned existing maximum seating capacity: _____

Location History

Has a Building Permit been applied for or obtained for this location?

( ) Yes Building Permit Number: _____

(●) No

Was the location previously used as a restaurant? ( ) Yes (●) No

If no, a Building Permit is required. Contact Building Services at 905-477-7000 ext. 4870 for more information.

If the location was previously used as a restaurant, has construction or alteration been proposed?

( ) Yes ( ) No

If yes, please provide Alteration Permit Number: N/A

Applicant's Signature

2020-10-13
Date

Rev. Jan/17

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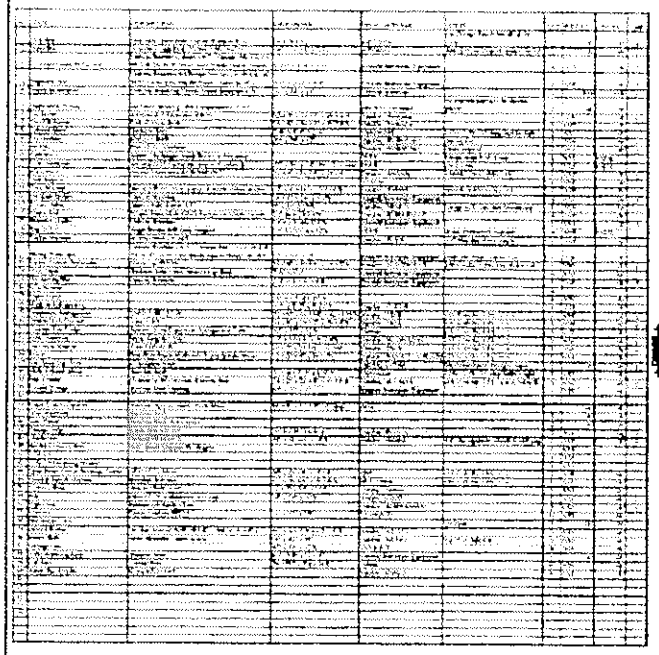
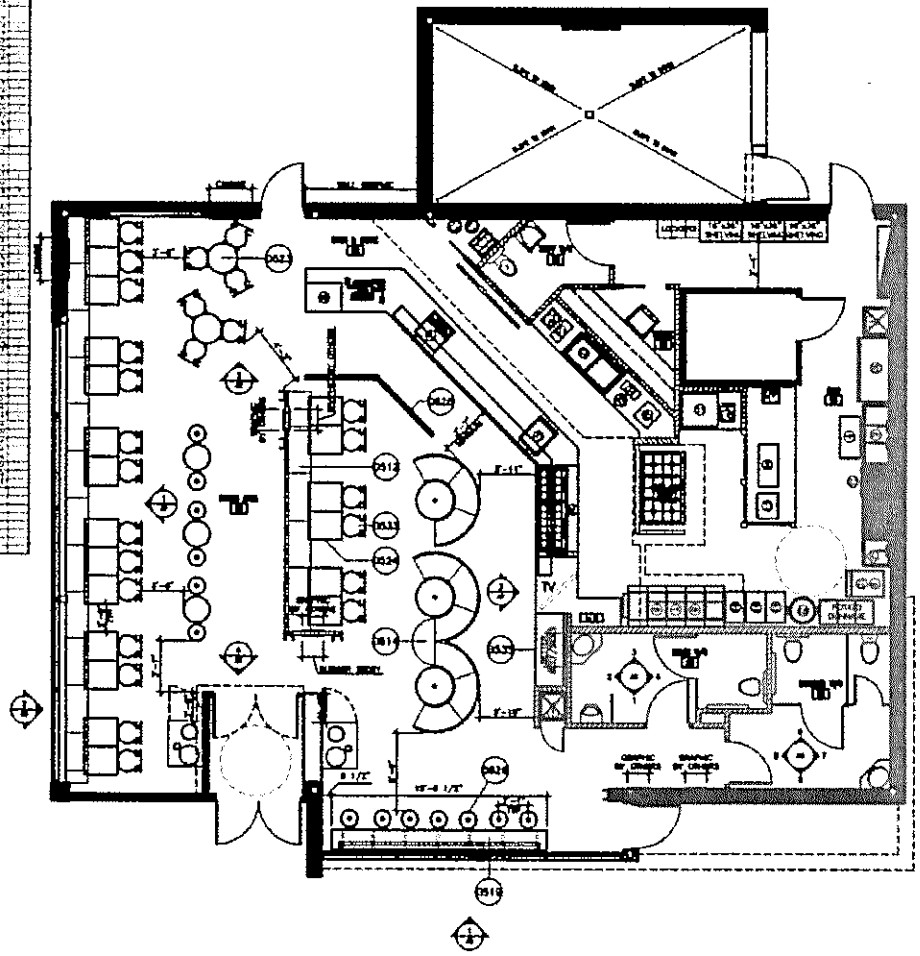




JUMP

SOUTH ST. BURGER CO.

7355 WOODBINE AVE.
BUILDING [B]
MARKHAM, ONTARIO
L3R 1A7

FURNITURE, FIXTURE
AND EQUIPMENT PLAN

A4

Ainslie S. Dunstone
ALCOHOL GAMING AND CANNABIS CONSULTANT

92 Kincardine Drive
Ottawa ON K2V 1B2
Tel: (613) 866-9849
Fax: 1 (866) 228-8844
eMail: alcoholandgaming@gmail.com

Corporate Menu

https://southstburger.com/food/

FRESH GOURMET BURGERS

BIG SMOKE BURGER

SIGNATURE BURGERS

ALSO AVAILABLE WITH A CHICKEN BREAST, VEGGIE, OR LAMB PATTY FOR AN ADDITIONAL CHARGE. WHOLE WHEAT BUN OR LETTUCE WRAP AVAILABLE.

CRAFT

Sautéed mushrooms, house-made rosemary-garlic mayo, lettuce, tomato.

BURGER	POP/FRY COMBO	BEER/FRY COMBO
$10.05	$14.70	$18.05

SWISS

Swiss cheese, sautéed mushrooms, BBQ sauce, mayo, lettuce.

BURGER	POP/FRY COMBO	BEER/FRY COMBO
$10.05	$14.70	$18.05

CRAZY

Slaw, banana peppers, smoked Canadian cheddar, lettuce, chipotle mayo, BBQ sauce.

BURGER	POP/FRY COMBO	BEER/FRY COMBO
$10.05	$14.70	$18.05

Blazing PINEAPPLE

Grilled sweet & spicy pineapple, BBQ sauce, mayo, banana peppers, lettuce, tomato.

BURGER	POP/FRY COMBO	BEER/FRY COMBO
$10.05	$14.70	$18.05

LAMB

Lamb patty, house-made cilantro-feta spread, white onions, lettuce, tomato.

BURGER	POP/FRY COMBO	BEER/FRY COMBO
$11.50	$16.15	$19.50

The HOGTOWN

Swiss cheese, sautéed mushrooms, bacon, rosemary-garlic mayo, Dijon mustard, lettuce, tomato.

BURGER	POP/FRY COMBO	BEER/FRY COMBO
$12.55	$17.20	$20.55

BEYOND BIG SMOKE

Beyond Meat™ plant based patty, caramelized onions, house-made horseradish mayo, smoked Canadian cheddar, lettuce, tomato.

BURGER $13.30
FRY/POP COMBO $17.95
FRY/BEER COMBO $21.30

BEYOND BAJA

Beyond Meat™ plant based patty, chipotle mayo, avocado, pico de gallo, lettuce.

BURGER $13.70
FRY/POP COMBO $18.35
FRY/BEER COMBO $21.70

CLASSIC BURGERS

Served with lettuce, tomato, pickles, onions, ketchup, mustard & mayo.

	BURGER	COMBO
THE CLASSIC	$7.60	$12.25
THE CHEESE	$9.65	$14.30
THE VEGGIE	$8.80	$13.45
THE BEYOND CLASSIC	$10.90	$15.55

ADD Smoked Canadian Cheddar +2.05 ADD Bacon +2.00
Make it a Double! +5.00

GRILLED CHICKEN

Grilled boneless chicken breast with crisp iceberg lettuce, tomato, pickles, onions, ketchup, mustard & mayo.

SANDWICH $10.45
FRY/POP COMBO $15.10
FRY/BEER COMBO $18.45

SIDES

Fresh-Cut Fries	SMALL $3.75	LARGE $4.60
Poutine	SMALL $5.40	LARGE $7.30
Onion Rings	$5.40	+ $1.40 FOR DIP
Sweet Potato Fries	$5.10	+ $1.40 FOR DIP
Fry-Rings	$5.40	+ $1.40 FOR DIP
Garden Salad		$4.30

MAKE IT A COMBO

The Perfect COMBO *Includes fresh-cut fries or garden salad & Pop*	+$4.65
Upgrade to Poutine/Onion Ring/Fry-Rings *instead of regular fries*	+$1.20
Upgrade to Sweet Potato Fries *instead of regular fries*	+$1.00
Upgrade to an old-fashioned Milkshake *instead of Pop*	+$2.40
Upgrade to Specialty Drink	+$1.20
Upgrade to Beer	+$3.35

PREMIUM POUTINE

Made with crispy fresh-cut fries with rich hot gravy & Quebec cheese curds.

BACON *Crispy fries, Quebec cheese curds, gravy, crispy bacon.*	$10.05
SPICY *Crispy fries, Quebec cheese curds, gravy, caramelized onions, chipotle mayo.*	$10.05
CRAFT *Crispy fries, Quebec cheese curds, gravy, sautéed mushrooms, rosemary-garlic mayo.*	$10.05

MILKSHAKES

Ice cold milk, Canadian ice-cream & hand-spun to order.

CHOCOLATE, STRAWBERRY OR VANILLA $5.60

BEER

MOOSEHEAD LAGER
BARKING SQUIRREL AMBER LAGER
CRACKED CANOE LIGHT
$6.85

BIGSMOKEBURGER® GOES BEYOND

BEYOND BIG SMOKE

Beyond Meat™ plant based patty, caramelized onions, house-made horseradish mayo, smoked Canadian cheddar, lettuce, tomato

BURGER	FRY/POP COMBO	FRY/BEER COMBO
$13.30	$17.95	$21.90

BEYOND BAJA

Beyond Meat™ plant based patty, chipotle mayo, avocado, pico de gallo, lettuce

BURGER	FRY/POP COMBO	FRY/BEER COMBO
$13.70	$18.35	$21.70

Local Planning Appeal Tribunal
Tribunal d'appel de l'aménagement local

ISSUE DATE: July 29, 2020 **CASE NO(S).:** PL180368

The Ontario Municipal Board (the "OMB") is continued under the name Local Planning Appeal Tribunal (the "Tribunal"), and any reference to the Ontario Municipal Board or Board in any publication of the Tribunal is deemed to be a reference to the Tribunal.

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

Applicant and Appellant:	1771107 Ontario Inc. (Times Group Corp.)
Subject:	Application to amend Zoning By-law No. (By-Law 2004-196) - Neglect of the Town of Markham to make a decision
Existing Zoning:	MC-D2*11 (Markham Centre Downtown), MC-PS1 (Markham Centre Public Space One)
Proposed Zoning:	Site Specific (To be determined)
Purpose:	To permit an increase in residential unit count and building height
Property Address/Description:	South Side of Highway 7, East of Warden
Municipality:	Town of Markham
Municipality File No.:	ZA 16 164154
LPAT Case No.:	PL180368
LPAT File No.:	PL180368
LPAT Case Name:	1771107 Ontario Inc. v. Markham (Town)

Heard: July 22, 2020 by video hearing

APPEARANCES:

Parties	**Counsel/Representative***
1771107 Ontario Inc. (Times Group Corp.) ("Applicant")	Ira Kagan Sarah Kagan (articling student)
City of Markham ("City")	Pitman Patterson Piper Morley
Aryeh Construction Ltd. ("Aryeh")	Jennifer Meader

Dorsay (Residential) Developments Inc.	Kyle Gossen
York Region District School Board	James Easto
Unionville Ratepayers' Association	Peter Miasek*

Participant

Smart Centres Real Estate Investment Trust	Michael Cook

MEMORANDUM OF ORAL DECISION DELIVERED BY BRYAN W. TUCKEY ON JULY 22, 2020 AND INTERIM ORDER OF THE TRIBUNAL

INTRODUCTION

[1] This Memorandum of Oral Decision results from a hearing on the merits conducted via video hearing.

[2] The Applicant is appealing pursuant to s. 34(11) of the *Planning Act* the failure of the City of Markham to make a decision within 120 days on its application for a Zoning By-law Amendment ("ZBA") to permit an increase in density and building height for a proposed development of its lands consisting of approximately 36 hectares located at the South Side of Highway No. 7 and east of Warden Avenue in the City.

[3] Mr. Kagan, counsel for 1771107 Ontario Inc. advised the Tribunal that the Applicant has reached a full settlement with City and all parties. Therefore, a settlement hearing proceeded with this understanding and with the consent of all parties.

[4] Mr. Kagan requested that an oral decision be issued by the Tribunal approving the ZBA submitted by the parties but that that the Tribunal withhold its Final Order pending the resolution of the following three matters:

1) That certain revisions be made to the ZBA respecting building setbacks.

2) Confirmation to the Tribunal that a revised school board option agreement has been signed by the parties.

3) Confirmation to the Tribunal that the final Minutes of Settlement between the Applicant and the City has been signed by both parties.

[5] No one took issue with Mr. Kagan's request.

LAND USE PLANNING

[6] Testimony was heard from two planning witnesses, Lincoln Lo on behalf of the Applicant and Stephen Lue on behalf of the City of Markham. Both were qualified to give expert land use planning evidence in this matter and have considerable planning experience within the subject area and the City of Markham.

[7] The subject lands are in what is commonly referred to as "Markham Centre". The majority of the parcels that are subject to the ZBA are located on the south east corner of Highway 7 and Warden Avenue.

[8] Mr. Lo described in detail the locational context and existing development found in the surrounding area. Development within Markham Centre has generally occurred in an east to west direction. Markham Centre has evolved in an orderly, well planned and phased fashion over many years. Existing developments within Markham Centre include: Times Village Parkway, Markham Town Square, Sheridan Nursery, Remington Downtown Markham, the Unionville GO Station, a Young Men's Christian Association, a Hilton Hotel and Markham Civic Centre. There are several active development applications and projects under construction within Markham Centre.

[9] There is a long established, clear and consistent hierarchy of land use designations for the Markham Centre and the subject lands beginning with Provincial and concluding with City policy. The subject lands have the following land use designations:

1) In the Provincial Growth Plan for the Greater Golden Horseshoe 2019 ("Growth Plan") as an "Urban Growth Centre" including several existing and planned "Major Transit Station Areas";

2) In the York Region Official Plan ("YROP") as a Regional Centre and a portion of Highway 7 identified as a Regional Corridor; and

3) In the Markham Official Plan ("Markham OP") the policies of the 1987 Official Plan remain in effect as a "Community Amenity Area – Major Urban Place", as amended by Official Plan Amendment 21.

[10] Both planners evaluated and gave expert opinion with specific reference to Provincial, Regional and Municipal Policy. They agreed as to consistency to or conformity with all relevant policy documents.

[11] The proposed ZBA is consistent with the Provincial Policy Statement 2020 ("PPS"). It promotes development patterns that optimize the use of land, resources, investment of infrastructure and public service facilities. The Application represents significant intensification that includes a mix and range of market based and affordable housing, office and civic uses at a transit supportive scale and density.

[12] The proposed ZBA conforms to the Growth Plan. The Growth Plan identifies how and where growth and development will occur in the Greater Golden Horseshoe. The Application is in a Provincially designated Urban Growth Centre which is planned to accommodate a significant amount of municipal population and employment growth in a compact built-form to ensure the creation of a complete community.

[13] The proposed ZBA conforms to the YROP. The YROP identifies the subject lands being within the Urban Area and where the highest and most intense form of development is to be located namely: Regional Centres and along Regional Corridors (Highway 7). The YROP requires detailed sequencing plans to be included in each secondary plan to ensure an orderly and efficient progression of development.

Markham Centre and this Application implements regional policy by providing the greatest intensity of development and diverse mixture of uses within the Region.

[14] The proposed ZBA conforms to the Markham OP (1987 remains in effect) as amended by OPA 21. The municipal planning regime directs that the highest concentration of development and the greatest variety of activities are to be located in the Markham Centre planning district on lands designated “Community Amenity Area – Major Urban Place”. The subject lands are intended to be developed in a comprehensive manner ensuring the development of a high density, mixed use, transit supportive complete community.

[15] The Tribunal accepts the uncontested opinion of the expert planning witnesses and finds the proposed ZBA to be consistent with the PPS and in conformity with all necessary planning policies as outlined in Paragraphs 12 –14.

PROPOSED ZBA

[16] The ZBA uses text and a series of Schedules to define provisions for the various blocks found in the subject lands. The Tribunal found this approach to be a clear and effective way to describe the intended development and how it will be phased. It is a clear, comprehensive, implementation focused document.

[17] The ZBA creatively regulates the many important considerations for the development of the subject properties. The Tribunal will highlight in the following paragraphs key elements of the ZBA that the expert witnesses and the Tribunal found to be worthy of note.

[18] The ZBA:

1) Seeks to increase the maximum number of dwelling units permitted from 4,500 to 6,100;

2) The proposal includes a total of 300 units of purpose-built rental which will remain in perpetuity;

3) A total of 60 affordable housing units which include a substantial number of two and three-bedroom units suitable for families,

4) The necessary height, density and setback (to be included) provisions required for appropriate development;

5) A school site has been preserved within the subject lands;

6) A significant office space with a minimum Gross Floor Area of 20,000 square metres ("m^2") and non-residential commercial and/or Retail uses with a minimum of 2,500 m^2 is required in the ZBA to ensure a complete, mixed use community;

7) Suitable public open space and community facilities are secured to further the City's policy objectives; and

8) A comprehensive suite of Holding Provisions is found within the ZBA to ensure the proper sequencing of development in keeping municipal priorities and infrastructure delivery. Holding provisions include many implementation mechanisms including: requirements regarding the Toronto/Buttonville Airport Zoning Regulations; the registration of a Subdivision Agreement; approval of Site Plan applications; Traffic Impact Studies; a Water Supply Analysis; a Municipal Design completion and Section 37 Agreements. The Holding Provisions are clear as to their intent and what conditions must be met for their future release.

[19] The Tribunal makes specific note of a certain portion of Mr. Lue's testimony in which he clearly described the City's continuous efforts to ensure that Markham Centre develop as a successful complete community. He outlined five critical elements

important to Markham and described how the ZBA ensures these elements were secured. The five elements are as follows:

1) **Parkland Dedication**. The City will secure a 1.42 hectare ("ha") public park on the south side of Rougeside Promenade. The addition of this new public park will assist in implementing an extensive interconnected park and open space system along the Rouge River.

2) **Affordable Housing and Purpose Built Rental***.* The YROP and Markham OP requires that Regional Centres require a range of housing that is affordable to low and moderate-income households. The ZBA secures 300 purpose built rental units of which 60 will be affordable with many of a size that is suitable for families.

3) **Community Space***.* The ZBA secures a minimum of 930^{m2} Net Gross Floor Area for community facility space. Several other Community Benefits are identified in Mr. Lue's witnesses' statement.

4) **Warden Avenue Design Competition**. The *"Warden Strip and Area E likely represents the Appellant's final development phase"*. Area E is found on Schedule X5 – Holding Zones. Holding provisions in the ZBL require a design competition to ensure development and built form worthy of this landmark location.

5) **Office and Non-Residential Uses**. A Special Provision in the ZBA requires a minimum Gross Floor Area of 20,000 ^{m2} of which a minimum of 2,500 ^{m2} will be commercial and/or retail space with office and non residential uses.

[20] The Tribunal finds that ZBA, as presented, represents good land use planning, is consistent or in conformity with and meets the objectives of all requisite public policy, and is in the public interest. The outcome of the planning efforts that culminated with

the proposed ZBA will be a high density, mixed use, transit oriented and pedestrian friendly, livable, complete community.

ARYEH SUBMISSION

[21] Aryeh has an application on lands in the Markham Centre that is presently before the Local Planning Appeal Tribunal ("LPAT") for consideration.

[22] Ms. Meader on behalf of her client takes issue with the ZBA provision requiring the owner to prepare, submit and mitigate the recommendations of a Water System Analysis. Aryeh has objected to similar provisions found in the ZBA for their lands. Her client will not object to the provisions in the ZBA that is the subject of this Tribunal Hearing but made the argument that its approval should not prejudice Aryeh's application in any way.

[23] Counsel for the municipality indicated that the Aryeh application will be considered on its own merits and approval of this ZBA will not predetermine any of Aryeh's related issues.

[24] Accordingly, the Tribunal will allow the appeal in part and approve the ZBA found in Exhibit 1 pages 4 to 18 in the electronic version subject to the modifications referred to above.

[25] The Tribunal will withhold the Final Order for the ZBA until the following conditions have been satisfied:

a. A revised final version of the ZBA is circulated to all parties for their review and consent. The ZBA will be provided to the Tribunal as an Attachment to said Final Order;

b. The Tribunal receives confirmation that a revised school board option agreement has been signed by the participating parties; and

c. The Tribunal receives confirmation that the final Minutes of Settlement between the Applicant and the City have been signed by both parties.

[26] The Member may be spoken to if any issues arise among the parties.

"Bryan W. Tuckey"

BRYAN W. TUCKEY
MEMBER

Local Planning Appeal Tribunal
Tribunal d'appel de l'aménagement local

ISSUE DATE: August 31, 2020 **CASE NO.:** PL180368

The Ontario Municipal Board (the "OMB") is continued under the name Local Planning Appeal Tribunal (the "Tribunal"), and any reference to the Ontario Municipal Board or Board in any publication of the Tribunal is deemed to be a reference to the Tribunal.

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

Applicant and Appellant:	1771107 Ontario Inc. (Times Group Corp.)
Subject:	Application to amend Zoning By-law No. (By-Law 2004-196) - Neglect of the City of Markham to make a decision
Existing Zoning:	MC-D2*11 (Markham Centre Downtown), MC-PS1 (Markham Centre Public Space One)
Proposed Zoning:	Site Specific (To be determined)
Purpose:	To permit an increase in residential unit count and building height
Property Address/Description:	South Side of Highway 7, East of Warden
Municipality:	City of Markham
Municipality File No.:	ZA 16 164154
LPAT Case No.:	PL180368
LPAT File No.:	PL180368
LPAT Case Name:	1771107 Ontario Inc. v. Markham (City)

BEFORE:

BRYAN W. TUCKEY	)	Monday, the 31st day of
MEMBER	)	
	)	August, 2020

THIS MATTER having come on for a public hearing and the Tribunal in its Decision issued on July 29, 2020, having withheld its Order for the Zoning By-law Amendment (the "ZBA") until the following conditions have been satisfied: a) a revised final version of the ZBA is circulated to all parties for their review and consent; b) the Tribunal receives confirmation that a revised school board option agreement has been signed by the participating parties; and c) the Tribunal receives confirmation that the final Minutes of Settlement between the Applicant and the City have been signed by both parties;

THE TRIBUNAL ORDERS that the appeal is allowed in part, and By-law No. 2004-196, as amended, of the City of Markham, is hereby amended in the manner set out in Attachment "1" to this Order. The Tribunal authorizes the municipal clerk to assign a number to this by-law for record keeping purposes.

"Becky Fong"

REGISTRAR

If there is an attachment referred to in this document,
please visit www.olt.gov.on.ca to view the attachment in PDF format.

ATTACHMENT "1"

EXPLANATORY NOTE

BY-LAW NO. 2020-XX
A By-law to amend By-law 2004-196, as amended.

1771107 Ontario Inc. (Times Group Inc.)
Blocks 1,2,3,4,7,8,9, and 13

LANDS AFFECTED
This by-law applies to properties totalling ~13.5 hectares (33.4 acres) located south of Highway 7 between Warden Avenue and east of Birchmount Road (the "Lands").

EXISTING ZONING
The Lands are zoned "Markham Centre Downtown Two" (MC-D2*11 and MC-DC*14) with site-specific provisions, "Markham Centre Downtown Five" (MC-D5*12) with site-specific provisions, Markham Centre Public Space (MC-PS1) and Markham Centre Public Space (MC-PS1*13) with site-specific provisions and Markham Centre Public Space Two (MC-PS2) by the Markham Centre Zoning By-law 2004-196, as amended.

PURPOSE OF THE BY-LAW
The purpose of this By-law amendment is to:

a) increase permitted building heights for portions of the Lands
b) increase the maximum permitted number of residential units from 4,500 to 6,100

EFFECT OF THE BY-LAW
The effect of this by-law amendment is to permit the high-density mixed-use development as proposed.

By-law 2020-XX

A by-law to amend the Markham Centre
Zoning By-law 2004-196, as amended

THE COUNCIL OF THE CORPORATION OF THE CITY OF MARKHAM HEREBY ENACTS AS FOLLOWS:

1. Zoning By-law 2004-196, as amended, be and the same is hereby further amended as follows:

   1.1 By deleting Schedules F1, F2, F3, F4, and X5 and replacing them with the attached Schedules F1, F2, F3, F4, and X5 to this By-law.

   1.2 For the purposes of this By-law, the definition of Gross Floor Area is as follows:

   Gross Floor Area means the aggregate of the areas of each floor of a *building* or *structure* above or below grade, measured between the exterior faces of the exterior walls of the *building* or *structure*, or where there are common walls between uses or *buildings* or *structures*; measured to the centre-line of a common wall. The calculation of gross floor area excludes the areas of each floor used, or designed or intended for the parking of motor vehicles, unless the parking of *motor vehicles* is the principal use of a *building* or *structure*.

   1.3 By adding the following new subsections to **Section 2.6 – Holding Provisions** to By-law 2004-196:

   "2.6.X1 Holding Provision ("HX1")

   The following Holding Provisions shall apply:

   a) Holding Provision HX1, as shown in Schedule X5 to this By-law, shall only be lifted when the following provisions have been met:

      i) For buildings that exceed the Toronto/Buttonville height restrictions, the Toronto/Buttonville Airport Zoning Regulations (SOR/88-148) have been repealed and the height restriction on the Lands or portions thereof, provided in section 4 therein are no longer in force and effect in respect of the Lands shown on Schedule "A" attached hereto, to the satisfaction of the City.

      ii) A Subdivision Agreement has been executed and registered securing the conveyance and construction of the public street, the conveyance of any road widening along Highway 7 and Warden Avenue along the frontage of the Lands, the establishment of the

school block, the conveyance of parkland, and the extension of public services with respect to the development of the Lands, to the satisfaction of the City.

iii) For the residential units that exceed 4500 on the Lands, the following shall apply, to the satisfaction of the City:

1. The Traffic Impact Study prepared by NexTrans and dated April 2020, must be updated to:

   A) consider the appropriate number of units that can be supported in advance of the Rougeside Promenade extension to Warden Avenue; and,

   B) reflect that the access points to Highway 7 and Warden Avenue will not be considered by York Region until the Rougeside Promenade extension to Warden Avenue is constructed.

2. The Holding Provision on the development blocks or residential units that can be supported in advance of the construction of the Rougeside Promenade extension to Warden Avenue will be removed once the City is satisfied with the updated Traffic Impact Study.

3. The Holding Provision on the remaining development blocks or residential units, including the Warden Strip and "Area E", will only be lifted once the Rougeside Promenade extension to Warden Avenue is constructed and operational.

iv) Final approval of a Site Plan Approval application(s) has been obtained for the Lands, or portion thereof, from which the Holding Provision is being removed, in accordance with Section 41 of the *Planning Act*.

v) For the residential units that exceed 4500 on the Lands, the following shall apply, to the satisfaction of the City:

1. The Owner shall prepare and submit a Water Supply Analysis in consideration of the conclusions and suggestions identified in the Water System Analysis, prepared by FP & P and HydraTek & Associates, dated May 27, 2020, to determine what is required to provide water services for the development of the Lands without

causing adverse impacts elsewhere in the water supply system.

2. The Owner shall identify the recommendations and address the necessary works to mitigate any impacts identified in the Water Supply Analysis and the deficiencies identified in the Water System Analysis, prepared by FP & P and HydraTek & Associates, dated May 27, 2020.

3. The City shall retain a peer reviewer, at the Owner's expense, to peer review the Water Supply Analysis and mitigation recommendations as set out in paragraphs (v)(1) and (v)(2) above.

4. The Owner shall execute an agreement with the City securing the provision of, or where more than the Lands benefit from the works, contribution to, water service infrastructure improvements identified by the above-noted Water Demand Analysis related to the development of the Lands.

vi) Notwithstanding the above, driveways and underground parking garages are permitted to be constructed on the Lands prior to the lifting of the applicable Holding Provision(s), to the satisfaction of the City.

vii) For the residential units that exceed 4500 on the Lands, the execution and registration of an Agreement, pursuant to Section 37 of the *Planning Act* and in accordance with the City's Official Plan policies, between the City and the Owner for the following:

1. the payment contribution by the Owner of $ 3,885,000.00 with respect to increases in building height and density, in 2020 dollars, to be indexed to the Ontario rate of inflation as per the Toronto Consumer Price Index (CPI) up to the date the payment is required.

2. the separate payment by the Owner of $807,500.00 for the provision of public art.

3. the provision of a minimum 930 m^2 net Gross Floor Area community facility space, if the City identifies the need for such space in the manner set out in the Agreement executed pursuant to Section 37 of the *Planning Act,*

which would reduce the contribution identified in paragraph (vii)(1) above.

A. Should the fair market value of this community space exceed the total amount of the Section 37 amount and public art contributions for the Lands, then the City will immediately provide the difference to the Owner.

B. Prior to the initial design of the building containing the potential community facility space, the City shall provide the Owner a design brief that describes the functional program requirements including, but not limited to, space dimensions, access, clear ceiling heights, heating and cooling, and lighting, to the satisfaction of the City.

Payment of the Section 37 amount, in accordance with paragraphs (1) and (2) above, shall be pro-rated based on the percentage of the approved number of units and payable prior to the execution of a Site Plan Agreement, to the satisfaction of the City.

viii) A purpose-built rental housing building containing approximately 300 units shall be constructed in either "Area A" or "Area B", as shown on Schedule X5 to this By-law, prior to the approval of any development in Area "D" or the Warden Strip. In addition, 60 affordable rental housing units (as defined in the Markham Official Plan 2014) shall be provided within the purpose-built rental housing building and will contain the following, to the satisfaction of the City:

1. 36, one-bedroom units;

2. 16, two-bedroom units; and,

3. 8 three-bedroom units.

ix) For clarity, the Agreement, in accordance with paragraph (viii) above, will reflect the following:

1. that the 300 units in the purpose-built rental housing building will not be required to pay any Section 37 amount or public art contribution, which waiver is already reflected in paragraphs (vii)(1) and (vii)(2) above;

2. 180 of the 300 units will not be required to make any parkland contribution (land or cash-in-lieu); and,

3. none of the overall 6,100 units approved for the Lands will be required to pay any Community Benefit Charge.

x) Notwithstanding any other provisions of this By-law, the following provisions shall apply to "Area A" on Schedule X5 to this By-law. All other provisions, unless specifically modified or amended by this section, continue to apply to the Lands subject to this section. Prior to this Holding Provision HX1 being removed, the following conditions shall be fulfilled, to the satisfaction of the City:

1. the Owner shall confirm that the maximum height shall be 17 storeys through the execution of a Site Plan Agreement; or,

2. Notwithstanding paragraph (1) above, the Owner shall confirm the provision of not less than 60 units of affordable housing integrated in a purpose-built rental housing building, as contemplated in Section 2.6X1(a)(vii)4 of this Zoning By-law, with a maximum height of 30 storeys through the execution of a Site Plan Agreement; and,

3. Should not less than 60 units of affordable housing be contemplated, the following parking provision shall apply to "Area A":

A. a minimum of 0.8 parking space per dwelling unit and a maximum of 1.08 parking spaces per dwelling plus 0.12 parking spaces per dwelling unit for visitors.

xi) Notwithstanding any other provisions of this By-law, the following provisions shall apply to "Area B" on Schedule X5 to this By-law. All other provisions, unless specifically modified or amended by this section, continue to apply to the Lands subject to this section. Prior to this Holding Provision HX1 being removed, the following conditions shall be fulfilled, to the satisfaction of the City:

1. the Owner shall confirm that the maximum height shall be 24 storeys through the execution of a Site Plan Agreement; or,

2. Notwithstanding paragraph (1) above, the Owner shall confirm the provision of not less than 60 units of affordable housing integrated in a purpose-built rental housing building, as contemplated in Section 2.6X1(a)(vii)4 of this Zoning By-law, with a maximum height of 30 storeys through the execution of a Site Plan Agreement.

b) Prior to the removal of Holding Provision HX1 from the portion of the Lands shown as "Area D and the "Warden Strip" in Schedule X5 to this By-law, the conditions for removal of the Holding Provision HX1 from the portion of the Lands shown as "Area A" and "Area B" in Schedule X5 to this By-law shall be satisfied such that the affordable housing units in a purpose-built rental housing building have been provided in either "Area A" or "Area B.

2.6.X2 Holding Provision ("HX2")

The following Holding Provisions shall apply:

a) Holding Provision HX2, as shown in Schedule X5 to this By-law, shall only be lifted when the following provisions have been met:

i) A design competition shall be organized by the Owner, assisted by the City, based on the terms of the competition brief to be agreed to by the Owner and City and provided in the executed Minutes of Settlement between the Owner and the City (LPAT File PL 180368) for further planning and design consideration, which addresses the requirements in sections "6.XX.2 Site Specific Provision" and "6.AA Special Provisions – Office Site south of Highway 7 and east of Warden Avenue" of this By-law.

1. For clarity, a jury consisting of representatives for the Owner and the City shall select a winning design outcome, in accordance with the criteria described in the competition brief, to the satisfaction of the Commissioner of Planning and the Owner.

b) Notwithstanding the above, driveways and underground parking garages are permitted to be constructed prior to the lifting of the applicable Holding Provision(s).

1.4 By adding the following new subsection to **Section 6 – Exceptions** to By-law 2004-196:

"6.XX Special Provisions - Warden Strip south of Highway 7 and east of Warden Avenue

Notwithstanding any other provisions of this By-law, the following provisions shall apply to the Lands denoted by the symbol *XX (Exception XX), as shown in Schedule F1 to this By-law. All other provisions, unless specifically modified/amended by this section, continue to apply to the Lands.

6.XX.1 Special Uses Provisions

The following additional uses are permitted:

a) *Home occupations* within the first and second *storeys* of a *building* may be permitted along a local street.

6.XX.2 Special Site Provisions

The following Special Site Provisions shall apply:

a) *Dwelling units* are prohibited on those portions of the first *storey* of a *building* facing Warden Avenue and Highway 7.

b) Notwithstanding a), lobbies and other areas used to access residential uses are permitted within the first *storey* of a *building*.

c) Special Provision (2) to Table A1 shall not apply.

d) The minimum height of the *first storey* shall be 4.5 m, measured from the floor of the first storey to the floor of the storey above.

e) The minimum podium height shall be 6 storeys

f) The minimum commercial and/or retail space area shall be 2,500 m^2 in the combined *XX and *AA Zones.

g) In the case of a *corner lot* with a daylighting triangle, the *exterior side lot line* shall be deemed to extend to its hypothetical point of intersection with the extension of the *front lot line* for the purposes of calculating minimum and maximum *setbacks* from *streetlines*.

h) Notwithstanding g), in no case shall any *building* or *structure* extend into the public street right-of-way.

i) Awnings are permitted to extend to any street line or lot line.

j) Rooftop mechanical features, such as structures containing equipment necessary to control an elevator, shall not be included in the definition of *Height*.

k) No setbacks or yards shall be required for any portion of a *private garage* or Parking Garage if it is constructed completely below the Established Grade. This exemption shall also apply to ventilation shafts and housings, stairways, planters, retaining walls extending from the garage wall, underground structures including areas used for storage lockers and uses accessory to an apartment building, and other similar facilities above Established Grade associated with underground structures.

6.XX.3 Special Parking Provisions

The following Special Parking Provisions shall apply:

a) The parking space requirement for apartment dwellings and multiple dwellings shall be as follows:

i) A minimum of 0.8 parking space per dwelling unit and a maximum of 1.08 parking spaces per dwelling unit plus 0.12 parking spaces per dwelling unit for visitors.

ii) The provision of additional parking spaces is not permitted.

iii) A maximum of 5% of the required parking spaces may be located in a surface parking area.

6.YY Special Provisions - School Site south of Highway 7 and east of Warden Avenue

Notwithstanding any other provisions of this By-law, the following provisions shall apply to the Lands denoted by symbol *YY (Exception YY), as shown in the Schedule F1 to this By-law. All other provisions, unless specifically modified/amended by this section, continue to apply to the Lands subject to this section.

6.YY.1 Special Uses Provisions

The following Special Use Provisions shall apply:

a) Only the following uses are permitted:

i) *Schools, Public*
ii) *Parks*
iii) *Day Nurseries*
iv) *Community Facilities / Community Centres*

6.YY.2 Special Site Provisions

The following Special Site Provisions shall not apply:

a) Section 4.14.8.

b) Special Provision (2) to Table A1.

6.ZZ Special Provisions - Lands fronting Highway 7 and Verdale Crossing

Notwithstanding any other provisions of this By-law, the following provisions shall apply to the Lands denoted by symbol *ZZ (Exception ZZ), as shown in the Schedule F1 to this By-law. All other provisions, unless specifically modified/amended by this section, continue to apply to the Lands subject to this section.

6.ZZ.1 Special Parking Provisions

Notwithstanding any other parking provisions in this By-law (including Section 6.11.3), the following Special Parking Provisions shall apply:

a) The parking space requirement for apartment dwellings and multiple dwellings shall be as follows:

   i) A minimum of 0.8 parking space per dwelling unit and a maximum of 1.08 parking spaces per dwelling unit plus 0.12 parking spaces per dwelling unit for visitors.

   ii) The provision of additional parking spaces is not permitted.

   iii) A maximum of 5% of the parking spaces required may be located in a surface parking area.

6.AA Special Provisions – Office Site south of Highway 7 and east of Warden Avenue

Notwithstanding any other provisions of this By-law, the following provisions shall apply to the lands denoted by the symbol *AA (Exception AA), as shown in Schedule F1 to this By-law. All other provisions, unless specifically modified or amended by this section, continue to apply to the Lands.

6.AA.1 Special Uses Provisions

The following special use provisions shall apply:

a) Only the following uses are permitted:

   i) *Business Office*
   ii) *Community Facilities / Community Centres*
   iii) *Financial Institutions*

iv) *Medical Offices*
v) *Personal Service Shops*
vi) *Place of Worship*
vii) *Restaurants*
viii) *Retail Stores*

6.AA.2 Special Site Provisions

The following additional provisions apply:

a) The minimum office gross floor area shall be 20,000 m^2.

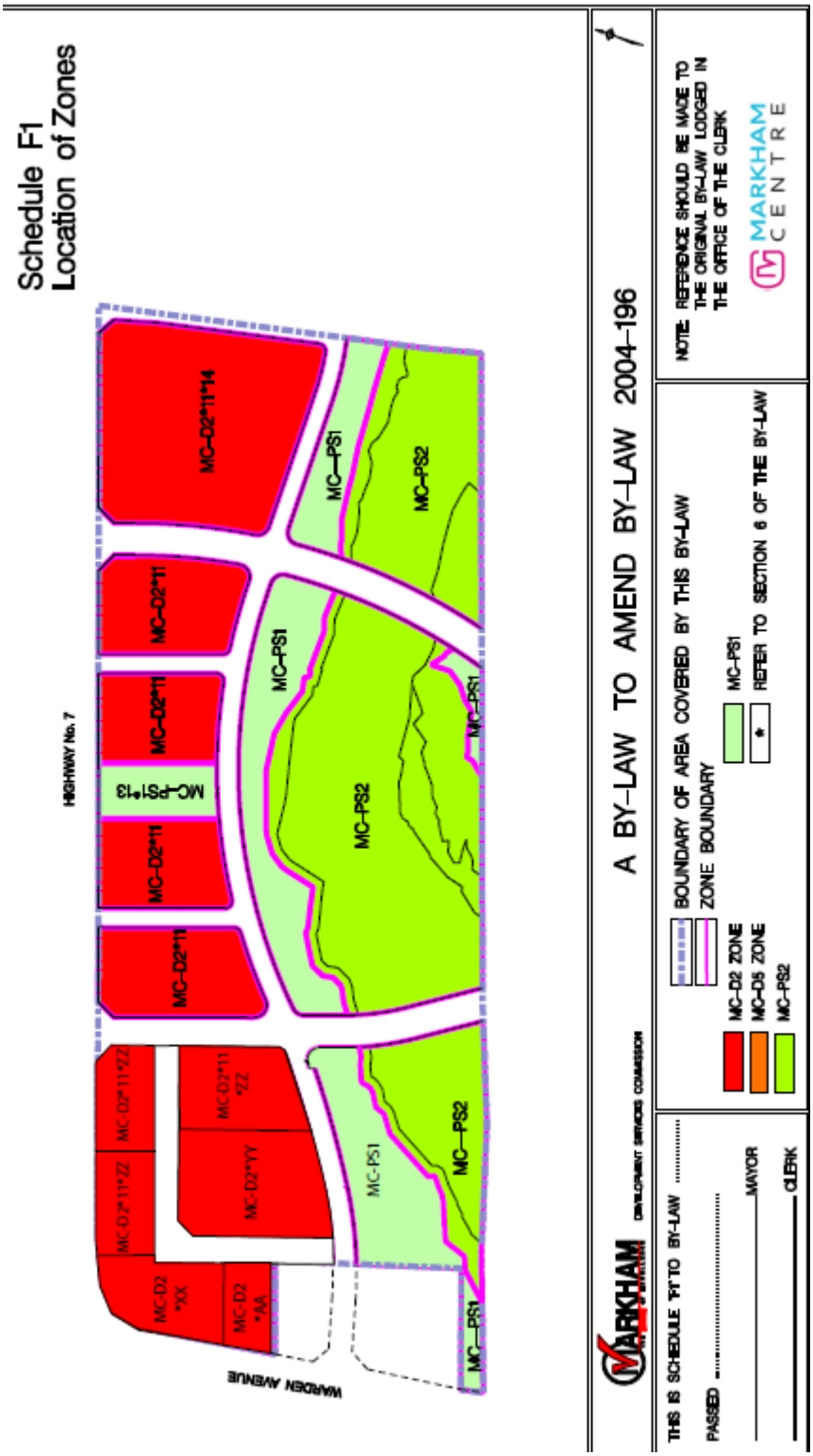
b) The maximum permitted podium height shall be 4 storeys for the area shown in hatching in Schedule F3 to this By-law.

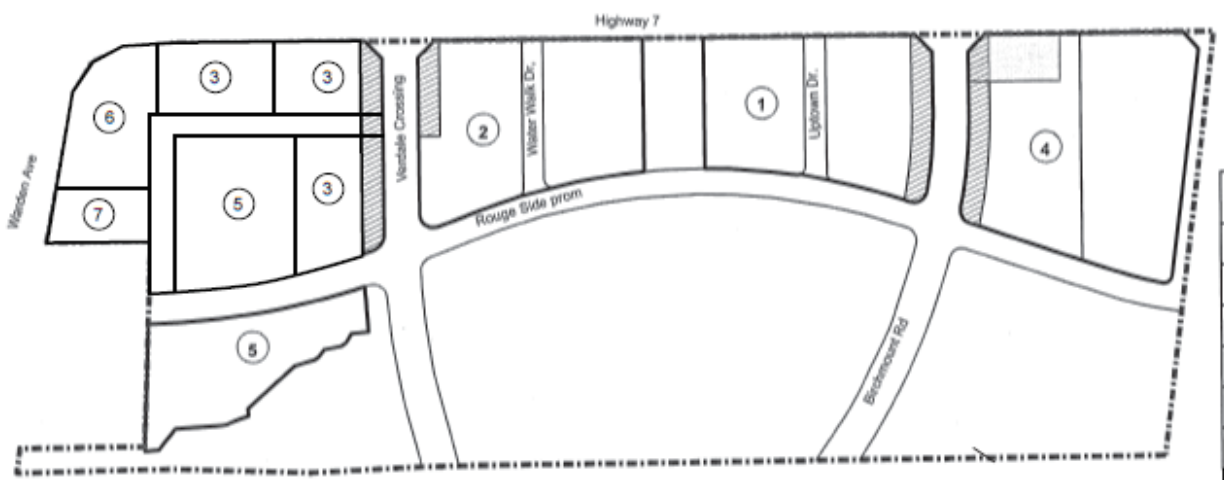
c) The minimum commercial and/or retail space area shall be 2,500 m^2 in the combined *XX and *AA Zones."

2. All other provisions of By-law 2004-196, as amended, consistent with the provisions of this By-law shall continue to apply.

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

_____ _____
City Clerk Mayor


Schedule F1
Location of Zones
HIGHWAY No. 7
WARDEN AVENUE
MC-D2*11*14
MC-D2*11
MC-D2*11
MC-PS1*13
MC-D2*11
MC-D2*11
MC-D2*11*ZZ
MC-D2*11*ZZ
MC-D2*11*ZZ
MC-D2*YY
MC-D2*XX
MC-D2*AA
MC-PS1
MC-PS1
MC-PS1
MC-PS1
MC-PS2
MC-PS2
MC-PS2
A BY-LAW TO AMEND BY-LAW 2004-196
MARKHAM
DEVELOPMENT SERVICES COMMISSION
BOUNDARY OF AREA COVERED BY THIS BY-LAW
ZONE BOUNDARY
MC-D2 ZONE
MC-D5 ZONE
MC-PS2
MC-PS1
REFER TO SECTION 6 OF THE BY-LAW
NOTE: REFERENCE SHOULD BE MADE TO THE ORIGINAL BY-LAW LODGED IN THE OFFICE OF THE CLERK
MARKHAM CENTRE
THIS IS SCHEDULE "F1" TO BY-LAW .....
PASSED .....
MAYOR
CLERK



Schedule F2
Permitted gross floor area & dwelling units

Number on schedule F2	Maximum gross floor area (M2)	Maximum number of dwelling units
1	Non-Residential 2000	1150
2	Non-Residential 2200	1655
3	Non-Residential 4500	2400
4	Non-Residential 1200	600
5	N/A	0
6	Non-Residential 4,500	1,000
7	Non-Residential 50,000	0

Note: The maximum number of dwelling units in areas 1, 2, 3, 4 and 6 combined shall be 6,100.

SCHEDULE " X " TO BY-LAW 2020-XX

AMENDING BY-LAW 2004-196 DATED _____

BOUNDARY OF AREA COVERED BY THIS SCHEDULE

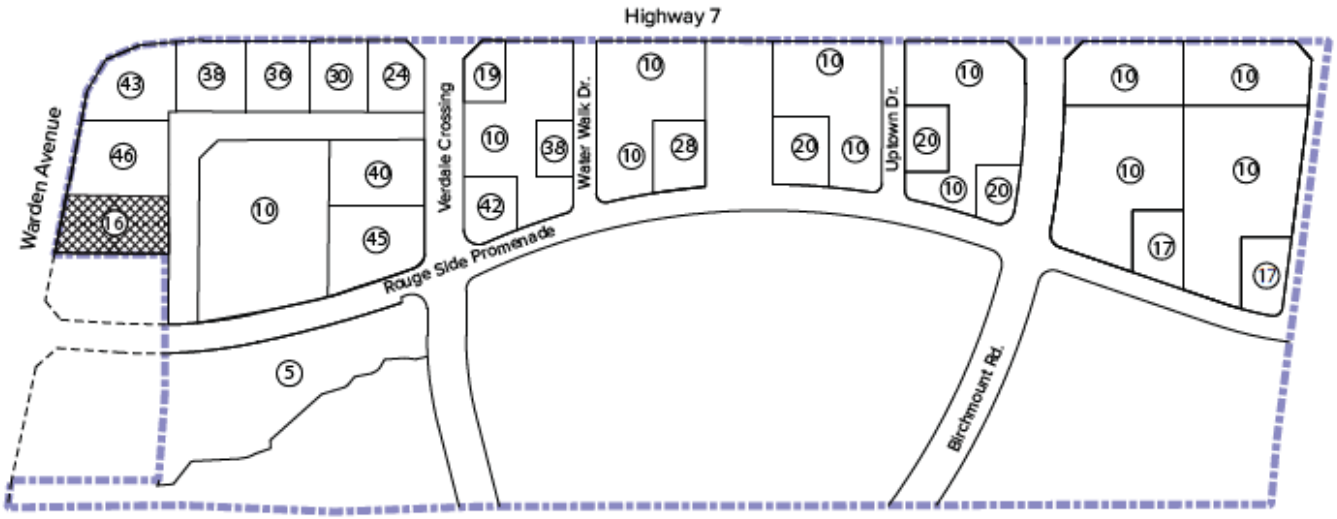
REFER TO SECTION 6.11.2(a) OF THE BY-LAW

REFER TO SECTION 6.14.2(a) OF THE BY-LAW

MARKHAM CENTRE

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

Schedule F3
Maximum Building Heights



The following provisions also apply:

1) For any portion of a residential building with a height of greater than 30m, the maximum gross floor area, per storey, shall be 800 sq. m, not including balcony areas.

2) Any portion in excess of 30 metres in height of any residential building shall be not less than 30 metres from any portion in excess of 30 metres in height of any other residential building.

A BY–LAW TO AMEND BY–LAW 2004–196

THIS IS SCHEDULE 'F3' TO BY–LAW .....

PASSED .....

.....MAYOR

..... CLERK

BOUNDARY OF AREA COVERED BY THIS BY–LAW

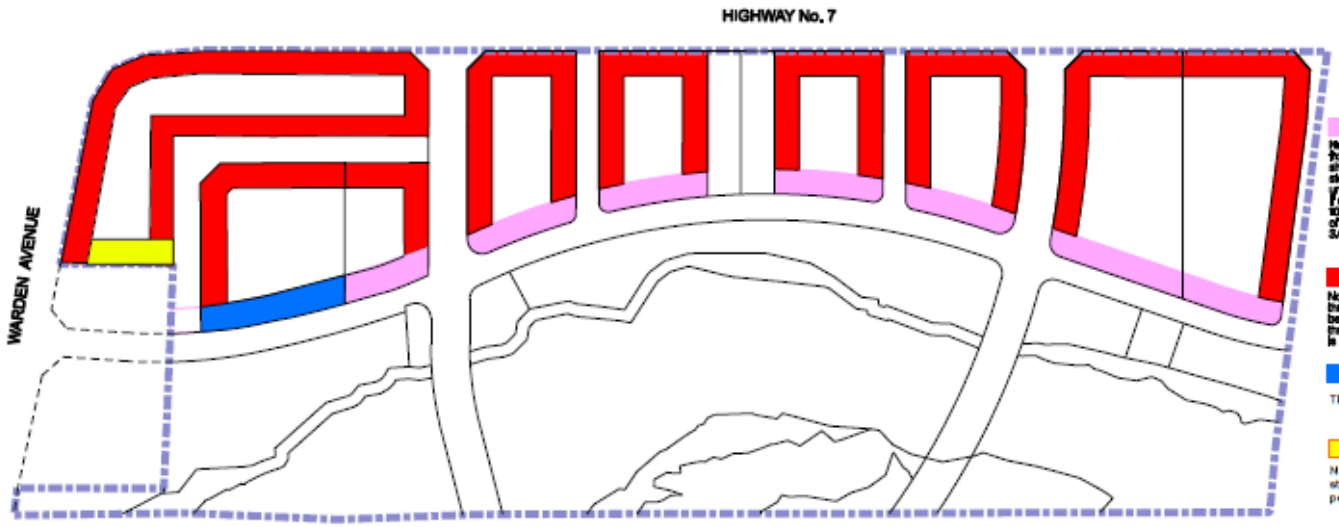
(X) MAXIMUM NUMBER OF PERMITTED STOREYS

REFER TO SECTION 6.AA.2(b) OF THE BY-LAW

NOTE: REFERENCE SHOULD BE MADE TO THE ORIGINAL BY–LAW LODGED IN THE OFFICE OF THE CLERK

MARKHAM CENTRE

Schedule F4
Setbacks



No building shall be located any closer than 4.0 metres from the street line. The minimum setback from the streetline shall be increased to 8.0 metres for any portion of the first storey that is occupied by the whole or part of a dwelling unit that is located within 10 metres of the streetline. If no part of a dwelling unit in the first storey is located within 10 metres of the streetline, a maximum of 50% of the length of the wall facing the streetline may be located no closer than 3.0 metres from the street line.

No building shall be located any closer than 2.0 metres from the streetline. The minimum setback from the streetline shall be increased to 3.0 metres for any portion of the first storey that is occupied by the whole or part of a dwelling unit that is located within 10 metres of the streetline.

The minimum setback from the streetline shall be 0.0 metres.

No building shall be located any closer than 4.0m from the streetline or property line increasing to 10.0m for any portion of the building above 30m.

MARKHAM DEVELOPMENT SERVICES COMMISSION

A BY–LAW TO AMEND BY–LAW 2004–196

THIS IS SCHEDULE "E" TO BY–LAW .....

PASSED .....

.....MAYOR

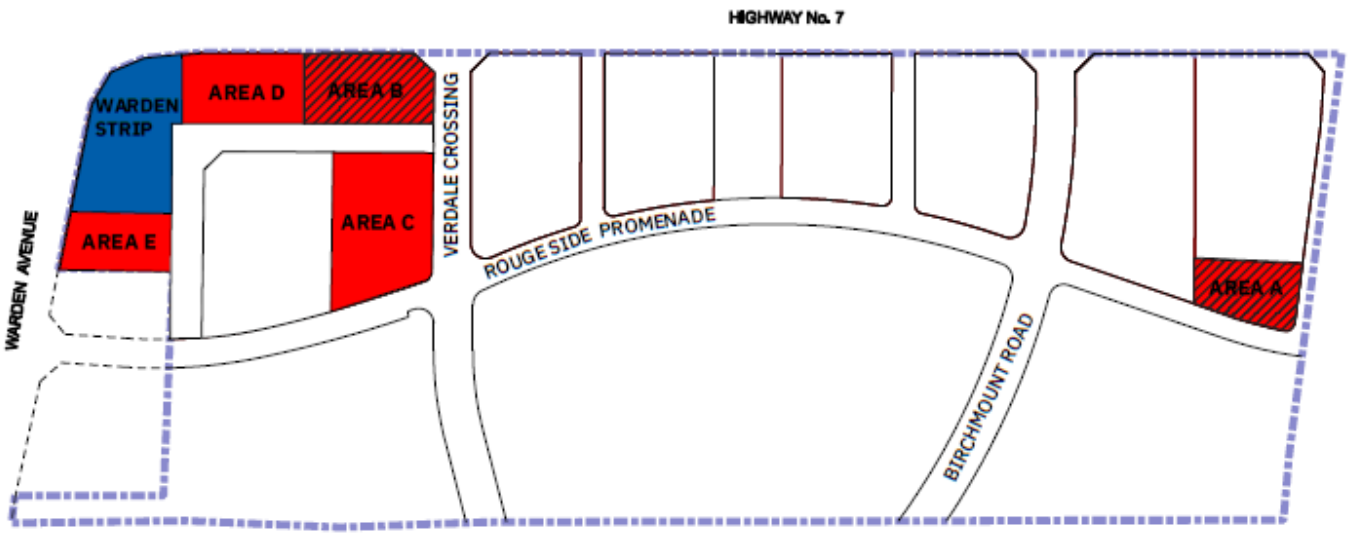
..... CLERK

BOUNDARY OF AREA COVERED BY THIS BY–LAW

NOTE: REFERENCE SHOULD BE MADE TO THE ORIGINAL BY–LAW LODGED IN THE OFFICE OF THE CLERK

MARKHAM CENTRE

Schedule X5
Holding Zones



MARKHAM DEVELOPMENT SERVICES COMMISSION

A BY-LAW TO AMEND BY-LAW 2004-196

THIS IS SCHEDULE "X5" TO BY-LAW .....

PASSED .....

.....MAYOR

.....CLERK

BOUNDARY OF AREA COVERED BY THIS BY-LAW

HX1

HX1 & HX2

NOTE: REFERENCE SHOULD BE MADE TO THE ORIGINAL BY-LAW LODGED IN THE OFFICE OF THE CLERK

MARKHAM CENTRE

MARKHAM

Report to: Development Services Committee Meeting Date: November 23, 2020

SUBJECT: Intention to Designate a Property under Part IV of the Ontario Heritage Act, George and Isabella Peach Farmhouse, 10961 Victoria Square Boulevard, Ward 2

PREPARED BY: Peter Wokral, Senior Heritage Planner, ext. 7955

REVIEWED BY: Regan Hutcheson, Manager Heritage Planning, ext. 2080

RECOMMENDATION:

1. That the report titled "Intention to Designate a Property under Part IV of the Ontario Heritage Act, George and Isabella Peach Farmhouse, 10961 Victoria Square Boulevard, Ward 2", dated November 23, 2020, be received;
2. That as recommended by Heritage Markham, the George and Isabella Peach Farmhouse -10961 Victoria Square Boulevard be approved for designation under Part IV of the Ontario Heritage Act as a property of cultural heritage value or interest;
3. That the Clerk's Department be authorized to publish and serve Council's Notice of Intention to Designate as per the requirements of the Ontario Heritage Act;
4. That if there are no objections to the designation in accordance with the provisions of the Ontario Heritage Act, the Clerk be authorized to place a designation by-law before Council for adoption;
5. That if there are any objections in accordance with the provisions of the Ontario Heritage Act, the Clerk be directed to refer the proposed designation to the Ontario Conservation Review Board;
6. That if the designation is referred to the Conservation Review Board, Council authorize the City Solicitor and appropriate staff to attend any hearing held by the Board in support of Council's decision to designate the property; and
7. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

PURPOSE:
The purpose of this report is to recommend to Council that the "George and Isabella Peach Farmhouse" be designated under Part IV of the Ontario Heritage Act.

BACKGROUND:
The property is listed on the Markham Register
The subject dwelling has been recently relocated a short distance from its former address at 10975 Woodbine Ave. (See Figure 4-Archival Photograph) to a prominent lot at the corner of Victoria Square Boulevard and George Peach Avenue that forms an entrance to the surrounding subdivision development (See Location Map and Aerial Map Figures 1 &2). The property is listed on the Markham Register of Property of Cultural Heritage Value or Interest. The Register is the City's inventory of non-designated properties

identified as having cultural heritage value or interest, Part IV properties (individual designations) and Part V properties (district designation).

The George and Isabella Peach Farmhouse is a fine example of mid-19th century solid brick classical revival farmhouse constructed for a prosperous farming family

The George and Isabella Farmhouse is fine example of the solidly built, architecturally forthright farmhouses constructed in the mid-19th century during one of the most prosperous agricultural eras in Markham's history. As a condition of subdivision approval, the exterior of the house has been meticulously restored and enhanced with a replica front veranda and compatible rear addition and attached two car garage. The dwelling acts as a fitting entrance to the newly developed subdivision, and provides a tangible reflection of the City of Markham's Motto "Leading while Remembering" (see Figure 3- Photographs of the George and Isabella Peach farmhouse).

The George and Isabella Peach House has been assessed using the Province's Designation Criteria

The Government of Ontario on January 25, 2006 passed a regulation (O.Reg. 9/16) which prescribes criteria for determining a property's cultural heritage value or interest for the purpose of designation. Municipal councils are permitted to designate a property to be of cultural heritage value or interest if the property meets the prescribed criteria.

The purpose of the regulation is to provide an objective base for the determination and evaluation of resources of cultural heritage value. The prescribed criteria help ensure the effective, comprehensive and consistent determination of value or interest by all Ontario municipalities. The criteria are essentially a test against which properties can be judged; the stronger the characteristics of the property compared to the standard, the greater the property's cultural heritage value. The property may be designated if it meets one or more of the following criteria.

- The property has design value or physical value because it:
    - Is a rare, unique, representative or early example of a style, type expression, material or construction method,
    - Displays a high degree of craftsmanship or artistic merit,
    - Demonstrates a high degree of technical or scientific achievement.

- The property has historical value or associative value because it:
    - Has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community;
    - Yields, or has the potential to yield, information that contributes to an understanding of a community or culture, or
    - Demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community

- The property has contextual value because it:

- Is important in defining , maintaining or supporting the character of an area
- Is physically, functionally, visually or historically linked to its surroundings
- Is a landmark

Following staff's research and evaluation under Ontario Regulation 9/06, it has been determined that the property merits designation under Part IV (Section 29) of the Ontario Heritage Act for its design, associative and contextual value.

From a design perspective, the George and Isabella Peach Farmhouse is a representative example of a mid-19th century, solid brick Classic Revival farmhouse. It exhibits high quality architectural detailing, craftsmanship and building techniques reflecting the growing prosperity of Markham's farming families in the mid-19th century around the time of the both the Crimean War (1853-56) and American Civil War (1861-65) when instability in both Europe and United States led to high prices for Canadian agricultural products. In this era, many farming families in Canada West, were able to upgrade from earlier modest log and frame buildings to more substantial and comfortable brick and stone farmhouses.

The property has associative value for representing the former farming uses and families that worked the land surrounding hamlet of Victoria Square for almost 200 years. George Peach immigrated to Upper Canada from England in the 1830's. He and his wife Isabella Loadman were well established by the 1850's, and had acquired the means to construct the brick farmhouse circa 1860. The Peach family played a significant role in the local Primitive Methodist Church at Victoria Square, and George Peach was an occasional lay preacher at the Peach's meeting house, near the crossroads community of Cashel.

The property has contextual value as it maintains its original orientation and general proximity to the portion of Woodbine Avenue renamed Victoria Square Boulevard and it now forms a historical landmark surrounded by parkland that marks the north end of the hamlet of Victoria Square.

The Statement of Significance – Reasons for Designation is attached as Appendix 'A'.

Heritage Markham has recommended designation

The designation process under the Ontario Heritage Act requires a municipal council to consult with its municipal heritage committee when properties are considered for designation. Heritage Markham recommended that the George and Isabella Peach House be designated as a property of cultural heritage value or interest on June 10, 2015 once successfully relocated to its new lot.

OPTIONS/ DISCUSSION:

The protection and conservation of heritage resources is consistent with City policies

The City of Markham Official Plan contains cultural heritage policies related to the protection and conservation of heritage resources, including how they are to be treated within the development of an area. Cultural heritage resources are often a fragile gift from past generations. They are not a renewable resource, and once lost, they are gone forever. Markham understands the importance of safeguarding its cultural heritage resources and uses a number of mechanisms to protect them. It is the policy of Council to recognize their significance by designating individual properties under the provisions of the Ontario Heritage Act. Designation helps to ensure that the cultural heritage values and heritage attributes are addressed and protected.

As a condition of development approval for the plan of subdivision, the owner agreed to enter into a Heritage Easement Agreement and to permit the designation of the property under Part IV of the Ontario Heritage Act. The owner executed the Heritage Easement Agreement in 2015.

The owner has restored the exterior of the dwelling as per a Heritage Site Plan Agreement and has installed a Markham Remembered plaque on the property highlighting the history of the property and the Peach family.

Provincial planning policies support designation
The Ontario Government's Provincial Policy Statement which was issued under Section 3 of the Planning Act includes cultural heritage policies. These policies indicate that significant built heritage resources and significant cultural heritage landscapes shall be conserved. Designation provides a mechanism to achieve the necessary protection. The policies further indicate that development and site alteration may be permitted on adjacent lands to protected heritage property where the proposed development has been evaluated and it has been demonstrated that the heritage attributes of the resource will be conserved.

Designation acknowledges the importance of the heritage resource
Designation signifies to both the owner and the broader community that the property contains a significant resource that is important to the community. Designation doesn't restrict the use of the property. However, it does require the owner to seek approval for property alterations that are likely to affect the heritage attributes described in the designation by-law. Council can also prevent, rather than just delay, the demolition of a resource on a designated heritage property.

The owner has been advised that a designation by-law is being recommended and has no objections. The designation of this cultural heritage resource is supported by staff.

FINANCIAL CONSIDERATIONS
Not Applicable

HUMAN RESOURCES CONSIDERATIONS
Not Applicable

ALIGNMENT WITH STRATEGIC PRIORITIES:
Heritage designation aligns with the strategic priorities of Managed Growth and Environment. Designation recognizes, promotes and protects heritage resources, which strengthens the sense of community. The preservation of heritage buildings is environmentally sustainable because it conserves embodied energy, diverts sound construction materials from entering landfill sites, and reduces the need to produce and transport new construction materials.

BUSINESS UNITS CONSULTED AND AFFECTED:
Acceptance of this recommendation to designate the property located at 10961 Victoria Square Boulevard under Part IV of the Ontario Heritage Act will require the Clerk's Department to initiate the following actions:

- publish and serve on the property owner, the Ontario Heritage Trust and the public through newspaper advertisement, Council's notice of intention to designate the property as per the requirements of the Act: and
- prepare the designation by-law for the property to be approved by Council.

RECOMMENDED BY:

Biju Karumanchery, M.C.I.P., R.P.P. Director of Planning & Urban Design	Arvin Prasad, M.C.I.P., R.P.P. Commissioner of Development Services

ATTACHMENTS:
Figure 1 - Owner/Agent and Location Map
Figure 2 - Aerial Map
Figure 3 - Photographs of the George and Isabella Peach Farmhouse
Figure 5- Archival Photograph of the George and Isabella Peach Farmhouse

Appendix 'A' – Statement of Significance

FIGURE 1- Owner and Location Map

Owner: EP Victoria Square Manors LP

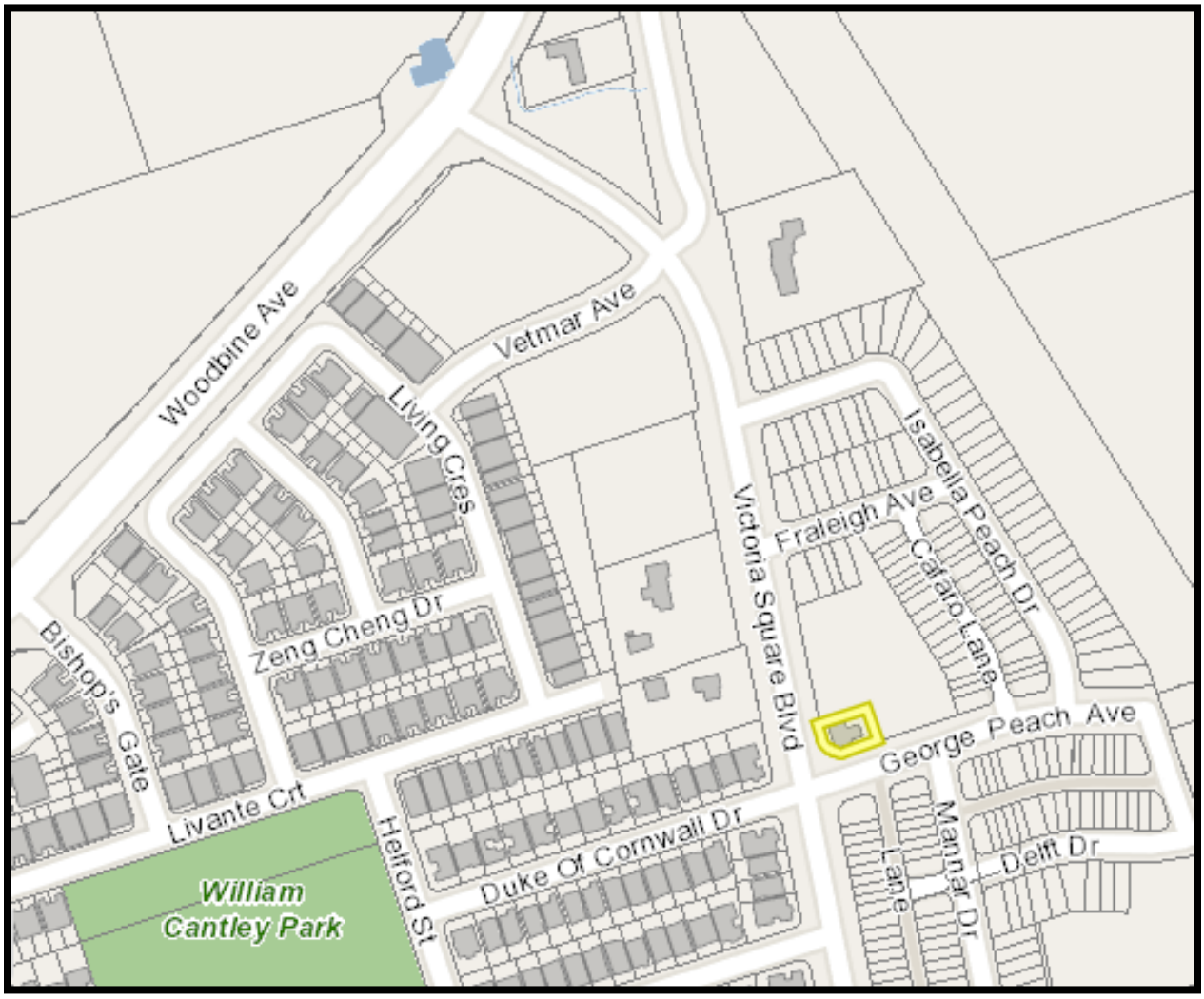


FIGURE 2 - Aerial Map

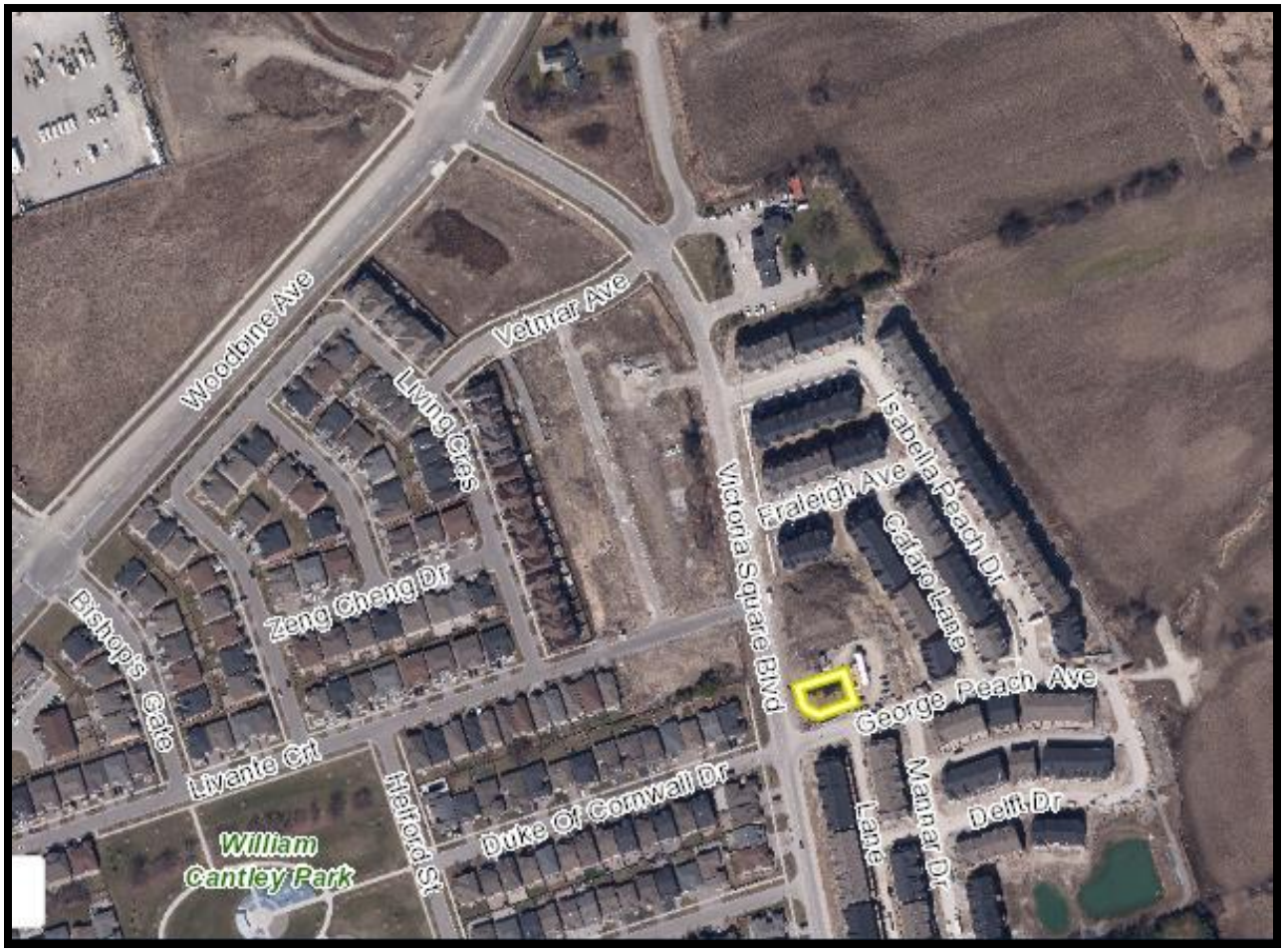


FIGURE 3 – Photographs of the George and Isabella Peach Farmhouse

FIGURE 4-Archival Photograph of the George and Isabella Peach Farmhouse (prior to restoration

Appendix 'A'
Statement of Significance/Reasons for Designation

George and Isabella Peach Farmhouse

c.1860

10961 Victoria Square Boulevard

The George and Isabella Peach Farmhouse is recommended for designation under Part IV of the Ontario Heritage Act as a property of cultural heritage value or interest, as described in following Statement of Significance.

Description of Property

The George and Isabell Peach Farmhouse is located on the east side of Victoria Square Boulevard, north of the historic community of Victoria Square. The property has transitioned from farmland to residential development.

Design and Physical Value

The George and Isabella Peach Farmhouse has design value as a representative example of a mid-nineteenth century farmhouse designed with elements of the Georgian architectural tradition and the Classic Revival style. Its T-shaped plan with a rear kitchen wing, patterned brickwork, one and a half storey height and symmetry in the placement of openings is characteristic of its period of construction. Brickwork on the west wall has a Flemish bond pattern, an indication of superior craftsmanship.

Historical and Associative Value

The property has historical and associative value as the former home of George Peach, an English-born farmer, and his wife Isabella Loadman. The Peach family immigrated to Canada about 1830. By the mid-1850s, George and Isabella Peach were well enough established to purchase a farm from King's College and build a fine brick farmhouse circa 1860. The farmhouse contributes to an understanding of the former agricultural community. The family played a significant role in the local Primitive Methodist Church at Victoria Square, and George Peach was an occasional lay preacher at Peach's meeting house, near the crossroads community of Cashel.

Contextual Value

The George Peach House has contextual value as a farmhouse located within the former farming community that surrounded the historic crossroads community of Victoria Square. The property maintains its original orientation and general proximity to the portion of Woodbine Avenue renamed Victoria Square Boulevard and it now forms a

historical landmark surrounded by parkland that marks the north end of the hamlet of Victoria Square.

Significant Architectural Attributes

Character-defining attributes that embody the cultural heritage value of the George and Isabella Peach Farmhouse include:

- T-shaped plan outline of the original house;
- One and a half storey height and roofline;
- Brick walls with a red brick body decorated with quoins and arches over door and window openings in white brick;
- Gable roof with wide, overhanging eaves with eave returns, asphalt shingles and wood cornice mouldings;
- Gable end chimneys on the main block;
- Front entrance with transom light, multi-paned sidelights, and panelled wood door;
- Six over six paned wood windows;
- Replicated full width front veranda and side porch;
- 2019 one and one half storey frame addition;

Infill Housing Strategy

Infill development means:

- Construction of a new house on a vacant lot
- Demolition of existing dwelling & construction of new
- Demolition of existing & no new construction
- Construction of substantial additions

Background

Challenge	Working Group	Work Plan	Strategy
Minimizing the adverse effects of Infill Housing	Building Standards Operations Engineering Bylaw Enforcement	DSC July 13- CBO presented a Work Plan to Develop a Strategy	DSC Nov 23- Strategy presented

Understanding the Problem

Builder

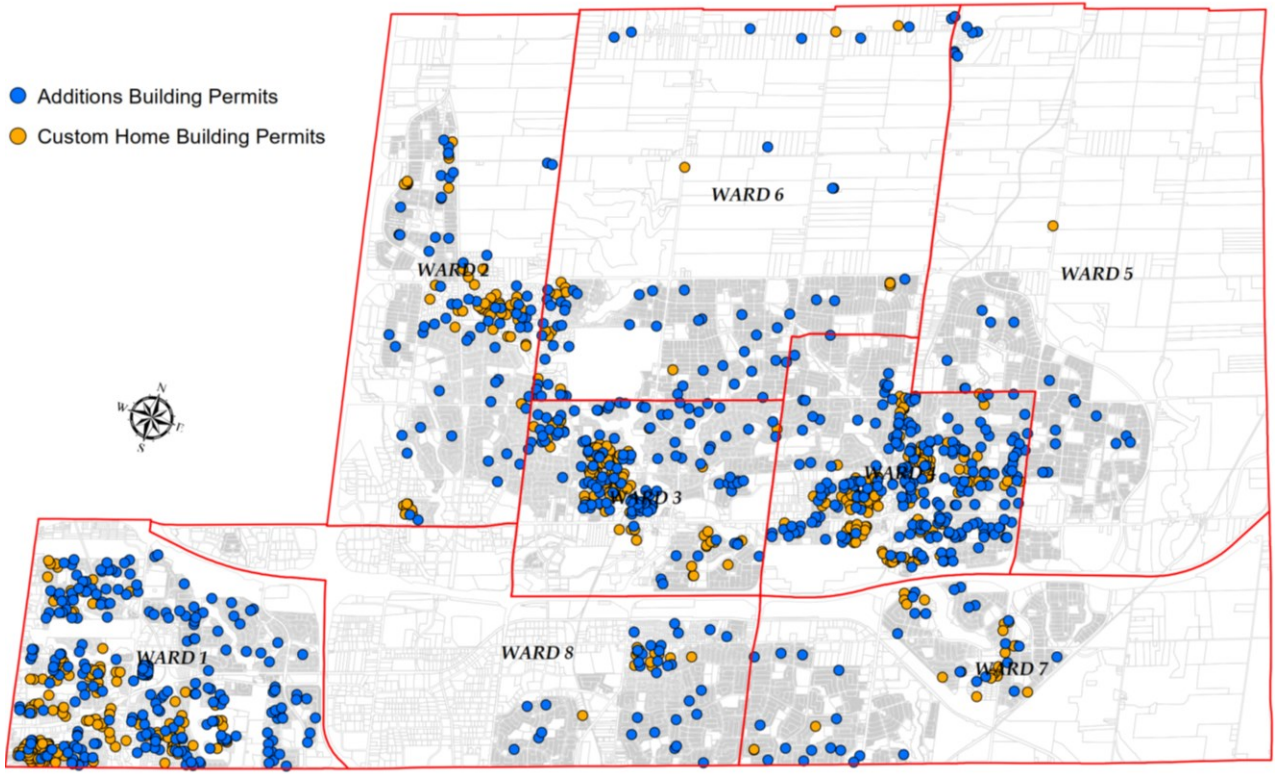
Residents

City

Building Code
Zoning
Property Standards
City By-Law and Standards
Grading and Servicing

- Noise /work hour violations
- Unauthorized road occupancy and mud tracking on roads
- Unsightly construction sites, dust and blowing debris
- Excavations and encroachments affecting adjacent properties
- Tree damage or unauthorized tree or tree protection removal

Issued Building Permits 2009-2019



Strategy Development

Guiding Principles

- Development approval processes must remain efficient;
- The City must provide clear, understandable and accessible information to the general public on infill construction related matters;
- Departments must work cooperatively towards effective enforcement;
- Proactive and preventative measures must be implemented;
- Resourcing needs to be considered;
- Public expectations must be reasonable; an informed public should help this
- Builders must be held more accountable for maintaining safe, compliant and orderly construction sites

Effective Complaints Management & Enforcement
Encouraging Good Construction Practices
Infill Housing Strategy
Improving Communication

Encouraging Good Construction Practices

Goal	• Promote a better understanding of regulations, City bylaws and expectations to promote safe, orderly and compliant construction sites • Encourage a more respectful building environment • Being proactive to reduce the need for and burden of active enforcement
Issues	• Prolonged construction schedules and unfinished buildings • Not built in accordance • Construction fencing and sites not properly maintained • Demolition and excavation compromising adjacent properties • Nuisance activities like noise, dust, garbage and site drainage • Illegal road occupancy including material storage and parking • Tree damage and/or illegal removal of trees and/or tree protection barriers
Actions	• Continued development of 'Builder Tips' [Ongoing] • Implement a Start of Construction mandatory inspection [Q1 – 2021] • Develop a comprehensive Good Construction Guide [Q2 – 2021] • Posting a Work Site Code of Conduct sign [Commenced] • Explore the effectiveness of a Demolition Control By-law [Q3 – 2021]

Improving Communication

Goal	• Effectively communicate City regulations, by-laws and approval processes • Provide the ability to conveniently access information about infill housing projects
Issues	• Difficulties accessing information about a development • Coordinated response • Difficulties accessing information about the status of approvals
Actions	• Enhance the City web site with specific focus on infill housing, consolidating all information related to such in one place [Q3 – 2021] • Leverage technology to improve complaint tracking and coordination of municipal response. This would be reliant on the implementation of AMANDA 7 [Q1 – 2022] • Develop project notice board & implement its mandatory installation on all infill sites [Q2 – 2021]

Effective Complaints Management & Enforcement

Goal	• Disseminate complaints in a more organized and consolidated manner • Provide efficient and coordinated interdepartmental response • Control poor building performance with effective enforcement actions • Consider the use of ticketing through AMPS for by-law contraventions
Issues	• Construction proceeding without the necessary permits or approvals • Construction sites not being properly maintained • Builders challenged by building code and by-law compliance • A range of disruptive activities including noise, dust, garbage & fouling of roads
Actions	• Re-assign a building inspector to a dedicated position of Infill Housing Inspector focused solely on infill housing projects [Q1 – 2021] • Where appropriate, register Building Code Act Orders on title [Q2 – 2021] • Explore further implementation of securities to encourage compliance and act upon those already collected [Q3 – 2021] • Review actions & necessary resources to implement an AMPS ticketing program [Q3 – 2021] • Amend tree protection by-laws [Q3 – 2021]

Next Steps

- Implement actions set out in Appendix B of the November 23 report
- Status report by CBO in Q4 of 2021

Recommendations

- That the infill housing strategy proposed by the Chief Building Official in the report titled "Improving the State of Infill Housing: A Strategy" dated November 23, 2020, be adopted by Council and implemented by all affected departments to minimize the impact of infill construction on existing residential neighbourhoods;
- That the Chief Building Official monitor the actions in this Strategy and bring forth a status report in Q4 of 2021, and
- That Staff be authorized and directed to do all things necessary to give effect to this resolution

Questions

Report to: Development Services Committee Meeting Date: November 23, 2020

SUBJECT: Improving the State of Infill Housing: A Strategy

PREPARED BY: Chris Bird, Director of Building Standards, ext. 4716

RECOMMENDATION:

1. That the infill housing strategy proposed by the Chief Building Official in the report titled "Improving the State of Infill Housing: A Strategy" dated November 23, 2020, be adopted by Council and implemented by all affected departments to minimize the impact of infill construction on existing residential neighbourhoods; and,
2. That the Chief Building Official monitor the actions in this Strategy and bring forth a status report in Q4 of 2021, and further,
3. 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 bring forth a municipal strategy for an effective, coordinated and proactive response to residential infill construction projects. In developing this report, all affected Departments have been consulted to develop a set of actions to be implemented.

This report does not discuss or present recommendations on residential design matters or architectural control that may be regulated through zoning by-laws and other applicable laws.

BACKGROUND:
On July 13, 2020, the Chief Building Official brought forward a report to Development Services Committee presenting a work plan to develop a strategy to minimize the adverse effects of infill housing construction.

Representatives from Building Standards, Engineering, By-law Enforcement, Operations and Legal collaborated on the actions presented as part of that work plan. Our findings and recommendations for a comprehensive strategy are contained in this report.

For the purposes of this report, infill development means:

- Construction of a new house on a vacant lot
- Demolition of existing dwelling & construction of new
- Demolition of existing & no new construction
- Construction of substantial additions to an existing house

Understanding the Problem

Residential infill development can provide many positive impacts including improving the safety and energy efficiency of homes through new Code compliant construction, intensification within the existing urban boundary and improving property values. With that however, comes a different set of competing issues:

- Developers/builders building in mature neighbourhoods on confined sites and streets, frequently under the watchful eye of current residents;
- Increased demands for new homes or renovations within those mature neighbourhoods;
- Residents having their lives disrupted by ongoing construction activities and displeased with the changing character of their neighbourhood; and,
- City regulators trying to efficiently process development applications, enforce and communicate a range of by-laws and regulations, respond to complaints while at the same time, preserving the rights of everyone.

Markham has experienced a steady increase in these infill construction activities over the past 10 years as people look for development opportunities within mature neighbourhoods. The problem is not unique to Markham; almost all GTA municipalities are facing similar challenges within their urban boundaries.

While the Building Standards Department is responsible for authorizing construction through the issuance of building permits and inspections, many of the challenges posed by infill construction arise through construction activities that are not directly related to Building Code enforcement. Construction activities can cause disruption - they are messy, noisy and can pose potentially dangerous conditions to the surrounding community. Frequently, they are the source of complaints that are regulated via bylaws and regulations administered by multiple Departments. These include:

- Noise and work hour violations;
- Unauthorized road occupancy including equipment and vehicle parking;
- Unsightly construction sites littered with building materials and garbage;
- Mud tracking on roads;
- Dust and blowing debris;
- Excavations and encroachments that affect adjacent properties; and,
- Tree damage or unauthorized tree or tree protection removal

As the City continues to be challenged by these activities, a more comprehensive strategy is necessary.

OPTIONS/ DISCUSSION:

Building Standards and Engineering have implemented and continue to develop actions to address some of the more common problems and complaints associated with infill construction. These were set out in the work plan report but have been included in this Report as **Appendix "A"**. Proactive measures will continue to be developed and will form part of this strategy. Developers and builders must understand and respect their responsibility to comply with regulations, by-laws, standards and municipal expectations.

The Proposed Strategy

In the development of the proposed Strategy the following key principles were identified:

- Development approval processes must remain efficient - complicated and lengthy approvals can lead to frustration and potential antagonism;
- The City must provide clear, understandable and accessible information to the general public on infill construction related matters;
- Departments must work cooperatively towards effective, integrated enforcement;
- Proactive and preventative measures must be implemented;
- Resourcing needs to be considered;
- Public expectations must be reasonable; an informed public should help this; and,
- Builders must be held more accountable for maintaining safe, compliant and orderly construction sites

The Interdepartmental Working Group considered all issues common to infill housing and agreed that solutions could be addressed through the following main initiatives:

- Encouraging good construction practices to proactively address the problem.
- Improving communications within the community and between City Departments.
- Providing more effective complaints management and enforcement.

Encouraging Good Construction Practices

There are many good builders in Markham who contribute to the economic vitality of the City. However, there are also some that can tarnish the reputations of others and create tension within the communities they build in. Builders are challenged by customer demands and aggressive schedules, rising costs, regulatory requirements and confined construction sites. Construction activities can be messy and disruptive; effective construction management practices are critical. Proponents have the right to build and the right to an appropriate building permit but the community is entitled to safe and orderly development.

The Strategy must include a proactive communications protocol that sets out the City's rules and expectations to maintain order and ensure that poor, disrespectful construction practices are not to be tolerated. The following summarizes the issues, goals and actions of this initiative.

Issues: The most common issues related to infill construction practices include:

- **Prolonged construction schedules and unfinished buildings & external works**
  The issuance of an Occupancy Permit is a mandatory document issued by the Chief Building Official that allows the building to be occupied for its intended use. It must be issued once the building meets all of the minimum health and safety provisions set out in the *Building Code*. It does not mean the project is completely finished. Frequently, final grading and landscaping remains outstanding. Prolonged inactivity in completing those works may, where they become problematic, be addressed through permit revocation, drawing on security deposits and/or pursuing actions through the *Infill By-law 2018-77*.
- **Concerns that construction may be deviating from approvals or by-laws**
  Frequently, concerns are expressed that construction is varying from those plans or from zoning standards or minor variance approvals. Building Standards requires the submission of as-built surveys at foundation stage to determine early compliance with zoning.
- **Road construction and sewer & water service connections**
  Municipal service connection activities can cause potential problems; including disruption to existing roadways and interface between municipal and private services that require careful coordination.
- **Construction fencing not being properly installed or maintained**
  Construction fencing is required under the City's Building Bylaw. It must be shown on permit plans and is inspected by Building Inspectors. Maintenance is frequently lacking.
- **Construction sites not being properly maintained**
  Disorganized material and equipment storage, garbage and other unsightly conditions create tensions within the neighbourhood. Building Standards now requires screening on all fencing surrounding the construction site to screen much of that from view and to minimize blowing dust and garbage beyond the site.
- **Demolition and excavation compromising adjacent properties**
  Proposed excavation limits are reviewed at permit application but frequently excavation is cut too close to property lines that can compromise adjacent lots
- **Nuisance activities like noise, dust, garbage and site drainage**
- **Illegal road occupancy including material storage and parking**
  Construction activities and material & equipment storage encroaching onto municipal property, resulting in damage to boulevards & municipal infrastructure.
- **Tree damage and/or illegal removal**
  Damage to trees or the unauthorized removal of trees and tree protection barriers continues to be a problem

Goal: The goal in encouraging good construction practices is to:

- Promote a better understanding of regulations, City by-laws & expectations to promote safe, orderly and compliant construction sites
- Promoting a more respectful building environment
- Proactively reduce the need for and burden of active enforcement

Actions: The proposed Strategy will implement the following proactive measures to help mitigate those problems:

- Continued development of 'Builder Tips'. Widely published and distributed by Building Standards, they are on the City's web site and distributed with permits. There is an opportunity to consider how to improve this document and make it more widely available
- Implementing a Start of Construction mandatory inspection at the beginning of every project, to inform owners/builders of their obligations and responsibilities to build in compliance with the building code and City by-laws
- Development of a comprehensive *"Good Construction Guide"*.
- Ensuring the recently implemented Work Site Code of Conduct sign is appropriately posted
- In conjunction with the City solicitor, explore the effectiveness of implementing a Demolition Control By-law, authorized by s. 33 of the *Planning Act.*

Improving Communication

Effective communications is a key element of the Strategy. It must provide clear, transparent information accessible by all, provide access to information on approval processes and status, and to the extent possible, information on the nature of a development in the community being careful to protect privacy.

Some municipalities have implemented a practice of requiring the posting of a project notice board containing information about the development. This practice helps provide information to the community. The *Building Code Act* requires the building permit to be posted on the construction site; it is an offense not to do so. Bylaw 2018-77 (a By-law to Address Infill Construction Activities) provides for a Construction Information Sign. Part of the strategy would implement a consolidation of this information into a more organized sign board that would include permit information, builder contact, good construction practice principles and where appropriate, simplified building elevations.

Issues: Common communication issues expressed include:

- Difficulties accessing information about a development
- Difficulties accessing information about the status of approvals

Goal: The goal of a communication strategy is to:

- Through the effective use of technology, provide relevant information on City regulations, by-laws, standards and approval processes
- Provide the ability to conveniently access information through multiple channels about infill housing projects and status

Actions: The proposed Strategy will implement the following proactive measures to help improve communications throughout the City:

- Enhance the City web site with specific focus on infill housing and consolidate all information related to such in one place
- Leverage technology to improve complaint tracking and coordination of municipal response. This would be reliant on the implementation of AMANDA 7
- Develop a project notice board and implement its mandatory installation on all infill construction sites

Effective Complaints Management & Enforcement

An effective enforcement strategy should include good proactive measures to help mitigate its need. While construction within an established neighbourhood can be disruptive, it is important to note that most often municipal inspectors do not observe violations as they occur; instead residents alert the City in the form of complaints. A more effective complaints management and enforcement regime is necessary.

Building inspection staff conduct 7 mandatory inspections prescribed by the *Ontario Building Code* once various stages of construction are complete. The focus of their inspections is to determine building code compliance. Those inspections however do provide an opportunity for some oversight and reinforce municipal by-laws and expectations.

Administrative Monetary Penalties (AMPS) provides another enforcement tool. In 2016, the *Municipal Act* expanded AMPs programs to include any regulatory by-law. In June 2016, Markham City Council passed By-law 2016-84, a By-law to Implement Administrative Monetary Penalty for Non Parking Offences. Several other regulatory by-laws are "AMPs" ready including the Infill Construction By-law 2018-77

The Provincial Court System is significantly backlogged resulting in lower priority to lower tier offences. The City is currently assigned only six court dates per year for prosecutions. In 2019, budget pre-approval was granted to procure a modern E-Ticketing and Payment System Platform that will provide a valuable tool for shifting the remaining by-law prosecutions to the City' Administrative Monetary Penalty System. This Platform should result in increased revenues because the City is allowed to retain all penalty revenue by legislation. Procurement of the new system is in the final stages of the evaluation process and on track to be awarded and implemented by the end of Q2 2021.

Issues

Complaints are an inevitable when constructing buildings within existing urbanized areas. Frequent sources of complaints include:

- Construction proceeding without the necessary permits or approvals
- Construction sites not being properly maintained
- Demolitions and/or excavations that compromise adjacent property
- A range of disruptive activities including noise, dust, garbage & fouling of roads

Goal: The goal of an effective complaints management & enforcement system is to:

- Receive & disseminate complaints in an organized and effective manner
- Provide efficient and coordinated interdepartmental response
- Control poor building practices with effective enforcement actions
- Where practical, implement the ticketing through AMPS for by-law infractions

Actions: The following actions will be taken to improve complaints management and enforcement:

- The re-assignment of a building inspector to a position of Infill Housing Inspector focusing solely on infill housing projects. In addition to *Building Code* inspections, this inspector will conduct Start of Construction inspections and act as a liaison between the various enforcing departments
- Where appropriate, registering *Building Code Act* Orders on title
- Explore the feasibility of implementing more securities to encourage compliance and act upon those already collected
- Review actions and necessary resources to implement an AMPS ticketing program by Bylaw Enforcement
- Operations is leading a review of the current by-law with a view to amend.

FINANCIAL CONSIDERATIONS

None in the preparation of this strategy.

HUMAN RESOURCES CONSIDERATIONS

The implementation of an effective enforcement strategy may require additional staff resources in the future in Building Standards and By-law Enforcement

ALIGNMENT WITH STRATEGIC PRIORITIES:

Exceptional Services by Exceptional People:

Leverage current technology to provide an improved complaints management system to enable city building and evolution / transformation of our services;

Engaged, Diverse, Thriving and Vibrant City:

Improved quality of life for residents

Safe, Sustainable and Complete Community:

Develop a strategy that helps improve that safety and quality of life for residents and the community

Stewardship of Money and Resources:

Provides a communication strategy that is more transparent and informative

BUSINESS UNITS CONSULTED AND AFFECTED:

By-law Enforcement
Operations
Engineering

RECOMMENDED BY:

Chris Bird
Director of Building Standards

ATTACHMENTS:

Appendix A: Current Implemented Practices

Appendix B: Summary of Initiatives

Appendix A: Current Implemented Practices

Building Standards has developed policies and procedures for the efficient processing of permit applications. In addition, departmental practices have evolved in an attempt to proactively address many of the concerns and complaints of infill. They include:

- Enhanced demolition procedures and inspections
- Detailed site plans showing construction fencing and proposed excavation limits;
- New shoring standards to control excavations and promote site safety;
- New safety fencing standards including screening to control blowing debris;
- As-built surveys to confirm zoning compliance at the earliest opportunity;
- Zoning preliminary review reports to better inform Committee of Adjustment;
- Participating with Tarion in their application for a Letter of Confirmation for an 'owner/builder' who seeks a permit to build their own home;
- Regular production of Builder Tips to guide contractors
- Notifying By-law Enforcement of the issuance of every permit for such works
- Notifying Operations of the issuance of every permit for such works

Engineering and Operations Departments collaborate on approving lot grading and servicing plans that include:

- Improved site grading approval practices incorporating tree protection requirements
- Lot grading undertakings and posting of Letters of Credit
- Requiring construction access mud mats to minimize mud tracking
- Servicing plans
- Implementing more stringent tree protection by-laws and permitting procedures and incorporating them into approved lot grading plans
- Issuance of Road Occupancy permits

Appendix B: Summary of Initiatives

Initiative: Encouraging Good Construction Practices		
Action	**Responsibility**	**Implementation**
Continued development of 'Builder Tips'.	Building	Ongoing
Start of Construction mandatory inspections	Building	Q1 2021
Develop a comprehensive good construction guide	All Departments	Q2 2021
Demolition Control By-law	Building/Legal	Q3 2021

Initiative: Improving Communications		
Action	**Responsibility**	**Implementation**
Enhance City web site with dedicated infill housing	All Departments	Q3 2021
Leverage technology to improve complaint tracking and coordination of municipal response	All Departments	Q1 2022
Develop a project notice board and implement its mandatory installation on all infill construction sites	Building	Q2 2021

Initiative: Complaints Management & Enforcement		
Action	**Responsibility**	**Implementation**
Implement dedicated Infill Housing Inspector		Q1 2021
Registering Building Code Act Orders on title		Q2 2021
Expanded use of Undertakings & Securities		Q3 2021
Review actions and necessary resources to implement an AMPS ticketing program by Bylaw Enforcement		Q3 2021
Amend tree protection by-laws		Q3 2021

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City of Markham

Auditor General Update

November 30, 2020

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Agenda

1. Status Update
2. HRIS Implementation Follow Up
3. Development Charges Follow Up
4. New Audit Term & Audit Plan Update

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Status Update

- Continuation of Auditor General Services during COVID-19 environment through virtual means
- Completion of the following audits:
  - ✓ Information Management
  - ✓ Cyber Security – Follow Up Audit
  - ✓ HRIS Implementation – Follow Up Audit
  - ✓ Development Charges – Follow Up Audit
- Excluding 2 additional follow up audits that are planned to be completed in 2021, the Auditor General's four-year audit plan has been completed

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Status of Four-Year Audit Plan

- The existing four year audit plan included completion of the following audits and corresponding follow up audits, as follows:

Audit Name	Completion Date	Follow Up Completed
Property Tax & Water Billing	Property Tax – October 2016 Water Billing – February 2017	Property Tax – October 2017 Water Billing – June 2018
Cash Handling	April 2017	November 2018
Vendor Management	October 2017	March 2019
Cyber Security	March 2018	November 2020
HRIS Implementation	June 2018	November 2020
Development Charges	September 2018	November 2020
Payroll	November 2018	N/A – no recommendations
Asset Management	October 2019	Planned for 2021
Information Management	November 2020	Planned for 2021

HRIS Implementation – Follow Up Audit

On June 18, 2018, the Human Resource Information System ("HRIS") Implementation Audit Report was issued, evaluating the effectiveness of the City's key change management controls and system implementation and data migration activities relating to the HRIS.

As reported, the City performed reasonable procedures to implement the new HRIS system (Workforce Now), including efficient and effective internal controls and project management activities.

The results of the audit identified two medium priority observations and one low priority observation with corresponding recommendations.

The follow-up audit was completed August 2020.

HRIS Implementation – Follow Up Audit

1. Implementation of Complementary User Entity Controls ("CUEC")

✓ Remediation Status – Complete

MEDIUM

The one CUEC related to conducting periodic reviews of assigned City employee access to Workforce Now to validate access permissions, has been implemented by the City.

2. Role Based Access Controls ("RBAC")

✓ Remediation Status - Complete

MEDIUM

The City's Information Technology Services and Finance departments perform a review of roles and access rights to Workforce Now on a quarterly basis. In addition to the review, all Directors and Managers of the respective departments must approve of their subordinates' user access rights.

3. Review of ADP Service Organization Controls ("SOC 1") Report

✓ Remediation Status - Complete

LOW

The City's Information Technology Services and Finance departments perform a review and approve the annual ADP SOC 1 report shortly after receipt. The report is reviewed to ensure the adequacy and effectiveness of control activities. Any identified gaps or deficiencies are subject to rectification in a timely manner.

Development Charges – Follow Up Audit

On September 4, 2018 , the Development Charges Audit Report was issued, evaluating the City's development charges processes and controls.

As reported, the City had sufficient and effective processes and controls in place over the issuance, collection, and remittance of development charges.

The results of the audit identified one medium priority observation and one low priority observation with corresponding recommendations.

The follow-up audit was completed May 2020.

Development Charges – Follow Up Audit

1. Consistency in the Development Charge Reserve Borrowing Interest Rate

MEDIUM

✓ Remediation Status – Complete

In May 2019, the City's Development Charge Borrowing Policy and the Investment Interest Allocation Policy were updated to reflect the same guidance - that all internal lending to the Development Charges Reserve will be at the Prime Rate for borrowing deemed to be less than 5 years in duration, and at the York Region debenture rate when borrowing is deemed to be over five years in duration.

2. Presentation of Development Charge Borrowing Balance

LOW

✓ Remediation Status - Complete

While the City has not incurred internal borrowing with regards to development charges since August 1, 2018, Management is committed to itemizing each internal borrowing transaction separately on its reports to Council related to Development Charge Reserves when such occurrences do take place in the future.

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New Audit Term and Audit Plan Update

- Auditor General term has been renewed for five years from 2020 to 2024
- Have been developing the new Five-Year Audit Plan, considering:
  - ✓ Existing, new and emerging trends
  - ✓ Value for money
  - ✓ Upcoming initiatives
  - ✓ Innovation and leading practices
- Audit Plan will be presented to Executive Leadership and General Committee at upcoming meetings

Recommendations

The Auditor General recommends that:

- The Auditor General Update Presentation be received.

Acknowledgement

MNP extends our appreciation to the staff and Commissioners of the City for their co-operation and assistance through our audits and thanks the General Committee of Council for their continued trust and support of the Auditor General role.

City of Markham

Human Resource Information System ("HRIS") Implementation Audit – Follow up

November 30, 2020

PREPARED BY :

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November 30, 2020

Mayor and Members of Council,

Pursuant to MNP LLP's appointment to provide Auditor General Services, I am pleased to present the Human Resource Information System ("HRIS") Implementation Audit Follow-Up Report ("Follow-Up Report") of the Auditor General for the City of Markham ("City"). This Follow-Up Report provides a status update on management's remediation of the observations and recommendations made in the HRIS Implementation Audit issued on June 18, 2018.

As reported in the June 18, 2018 audit report, the City performed reasonable procedures to implement the new HRIS system, Workforce Now, including efficient and effective internal controls and project management activities.

The results of the audit identified two medium priority observations and one low priority observation which included opportunities for improvement with respect to implementing complementary user entity controls to support Workforce Now; defining access roles and appropriately segregating incompatible duties; and reviewing and assessing the ADP service organization control report.

As part of the Auditor General's audit plan, we conducted follow-up procedures to determine the status and evaluation of the effectiveness of management's activities to remediate the three observations identified in the June 18, 2018 audit report. This Follow-Up Report also provides any additional recommendations, if necessary.

This Follow-Up Report was discussed with the City's management, who have reviewed and provided their responses within, as applicable.

This Follow-Up Report will be posted on the City's website and made available to the public after tabling to Council.

Sincerely,

Geoff Rodrigues, CPA, CA, CIA, CRMA, ORMP

Auditor General, City of Markham

REMEDIATION STATUS

#	Observations & Recommendations (from June 18, 2018 Audit Report)	Initial Rating	Remediation Overview and Further Auditor General Recommendations	Status

1	**Implementation of Complementary User Entity Controls ("CUEC")**
	Workforce Now was designed under the assumption that certain key controls would be implemented by the City, in addition to the controls maintained by the service provider (ADP).
	It was noted that one CUEC identified in the ADP Service Organization Control ("SOC 1") report has not been implemented. As such, there is a risk that CUECs that are required for a complete and fulsome system of controls are not sufficiently implemented and operating effectively at the City, thereby not supporting the service organizations system of controls.
	The City has not implemented the following CUEC that relates to the logical access of Workforce Now:
	• Periodic review of assigned clients' (i.e. City) employees' access to the in-scope applications for appropriateness, including assigned roles to promote segregation of duties.
	
	Recommendation
	The following CUEC should be implemented:
	• Periodic reviews of assigned City employee access to Workforce Now to validate that:
	  • access permissions granted to users continue to be appropriate; and,
	  • dormant accounts are identified, and access is removed on a timely basis.
		M	The City has implemented the CUEC relating to conducting periodic reviews of assigned City employee access to Workforce Now to validate that access permissions granted to users continue to be appropriate and identifying dormant accounts and removing access on a timely basis.
			Specifically, the City has developed a Responsible, Accountable, Supporting, Consulted and Informed ("RASCI') matrix that sets out responsibilities for the review of user roles in Workforce Now, including adding and updating user roles, and performing user role audits.
			In addition, a Subject Matter Expert ("SME") Committee, comprised of Management from Human Resources and Finance departments, meet on a monthly basis to review user role requests that are "non-routine" in nature to ensure that users are assigned to the correct group and appropriate separation of duties.
			The review of user groups and appropriateness of their access permissions are conducted by the SME Committee on an annual basis.
				Complete

#	Observations & Recommendations (from June 18, 2018 Audit Report)	Initial Rating	Remediation Overview and Further Auditor General Recommendations	Status
	Management Timeline: Q4 2018		**Further Auditor General Recommendations** None.	
2	**Role Based Access Controls ("RBAC")** A RBAC approach is implemented to restrict access to authorized users in Workforce Now. Users are assigned access rights through predefined roles that are configured in the application. The project team worked with ADP and representatives from the business lines to define the different roles and document them in profiles that identify the access rights for each role (i.e. accessible functionalities in the application for each type of role). However, we noted the following: • Evidence was not retained to support that the roles were reviewed and signed off for segregation of duties conflicts prior to the system going live; • Evidence was not retained to support that access assigned to users was reviewed and approved before going live, or after going live; and, • The Library Practitioner role (which has been assigned to two individuals) has access to edit both HR and payroll modules. Mitigating controls to address the segregation of duties conflicts have not been identified and implemented. **Recommendation** A review of all roles in Workforce Now should be performed to identify segregation of duty conflicts. Where segregation of duty conflicts exists in	**M**	The City's Information Technology Services and Finance departments perform a review of user access to Workforce Now on a quarterly basis. In addition to this review, all departmental Directors and Managers approve of their subordinates' user access rights to Workforce Now and review roles for appropriate segregation of duties. Evidence of this review is documented through signatures on Workforce Now user status reports and is retained by the Finance department. The Library Practitioner role was changed to provide read-only access, to one of the two individuals who originally had access, to mitigate segregation of duties conflicts. **Further Auditor General Recommendations** None.	**Complete**

#	Observations & Recommendations (from June 18, 2018 Audit Report)	Initial Rating	Remediation Overview and Further Auditor General Recommendations	Status
	the roles, an assessment of the risk should be completed and documented with monitoring controls implemented that address the conflict. The Manager, Financial Reporting and Payroll should review the access rights for all current Workforce Now user profiles and sign-off to approve the access rights provisioned. ***Management Timeline: Q4 2018***			
3	**Review of ADP Service Organization Controls ("SOC 1") Report** The Workforce Now application is hosted and managed by the vendor, ADP. The vendor issues a SOC 1 Type 2 report addressing the design and operating effectiveness of the controls managed by ADP. Although the latest SOC 1 Type 2 audit report was obtained and reviewed at a high level by the Internal Project Lead, we noted that accountability over formally reviewing the report to assess the adequacy and effectiveness of the control activities at the service organization has not been formally assigned. This is expected to be assigned in the Responsibility Matrix, however this matrix has yet to be finalized. **Recommendation** Responsibility for reviewing and evaluating the ADP SOC report should be formally assigned to an individual with an adequate understanding of the HRIS and system of internal controls. The SOC 1 audit report should be reviewed to: • Assess the adequacy of the scope of the control objectives and control activities outlined in the report; • Evaluate the impact of any service organization control gaps or	L	The City's Information Technology Services and Finance departments have been assigned responsibility for performing a review of and approving the annual ADP SOC 1 report. The 2018 and 2019 ADP SOC 1 reports were reviewed by the departments to ensure the adequacy and effectiveness of control activities, with identified gaps and deficiencies rectified in a timely manner. **Further Auditor General Recommendations** None.	**Complete**

#	Observations & Recommendations (from June 18, 2018 Audit Report)	Initial Rating	Remediation Overview and Further Auditor General Recommendations	Status
	deficiencies noted and their impact to the City's control environment; and, • Identify compensating controls within the City's processes to address the gaps or deficiencies noted. ***Management Timeline: Q2 2019***			

RECOMMENDATION

The Auditor General recommends that:

1. HRIS Implementation Audit – Follow Up Report be received.

MNP

City of Markham

Development Charges Audit – Follow up

November 30, 2020

PREPARED BY :

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November 30, 2020

Mayor and Members of Council,

Pursuant to MNP LLP's appointment to provide Auditor General Services, I am pleased to present the Development Charges Audit Follow-Up Report ("Follow-Up Report") of the Auditor General for the City of Markham ("City"). This Follow-Up Report provides a status update on management's remediation of the observations and recommendations made in the Development Charges Audit issued on September 4, 2018.

As reported in the September 4, 2018 audit report, the City had sufficient and effective processes and controls in place over the issuance, collection, and remittance of development charges. Noted areas of strength include having documented and defined processes, multiple levels of documentation review, and reconciliation of development charge collections and remittances.

The results of the audit identified one medium priority observation and one low priority observation which included opportunities for improvement with respect to consistency between the City's Development Charge Borrowing Policy and Investment Interest Allocation Policy and the presentation of development charge borrowing balances to Council.

As part of the Auditor General's audit plan, we conducted follow-up procedures to determine the status and evaluation of the effectiveness of management's activities to remediate the two observations identified in the September 4, 2018 audit report. This Follow-Up Report also provides any additional recommendations, if necessary.

This Follow-Up Report was discussed with the City's management, who have reviewed and provided their responses within, as applicable.

This Follow-Up Report will be posted on the City's website and made available to the public after tabling to Council.

Sincerely,

Geoff Rodrigues, CPA, CA, CIA, CRMA, ORMP

Auditor General, City of Markham

REMEDIATION STATUS

#	Observations & Recommendations (from September 4, 2018 Audit Report)	Initial Rating	Remediation Overview and Further Auditor General Recommendations	Status
1	**Development Charge Reserve Borrowing Interest Rate** The City has two policies which address reserves and interest rates: • Development Charge Borrowing Policy; and, • Investment Interest Allocation Policy. The Development Charge Borrowing Policy, 2015, states: *"Internal Borrowing Interest Rate - The internal borrowing rate will be based on the York Region debenture rate for a similar term as the internal borrowing is estimated to be required."* The Investment Interest Allocation Policy, 2015 states: *"Interest Bearing Reserves and Reserve Funds - Interest is calculated and allocated monthly. The amount of interest is determined by applying the average money market rate earned by the City in a given month to the previous month's ending reserve balance. Any reserves or reserve funds with negative balances will be charged at a rate of prime."* As detailed in the 2018 First Quarter Investment Performance Review, an interest rate of 3.45% was applied to the approved $20M internal borrowing to the Development Charge Reserves from the General Portfolio. The interest rate of 3.45% is the prime rate at the time of borrowing (February 22, 2018), which is appropriate given that some components of the Development Charge Reserve were in a negative balance at the time of borrowing. However, the prime rate differs from the York Region debenture rate, which is the interest rate listed in the Development Charge Borrowing Policy.	**M**	The City's Development Charge Borrowing Policy and the Investment Interest Allocation Policy have been updated to reflect the same guidance - that all internal lending to the Development Charges Reserve will be at the Prime Rate for borrowing deemed to be less than 5 years in duration, and at the York Region debenture rate when borrowing is deemed to be over five years in duration. Both policies were updated in May 2019. **Further Auditor General Recommendations** None.	**Complete**

#	Observations & Recommendations (from September 4, 2018 Audit Report)	Initial Rating	Remediation Overview and Further Auditor General Recommendations	Status
	Recommendation The City should update the Development Charge Borrowing Policy to ensure consistency with the Investment Interest Allocation Policy and reflect current practice. ***Management Timeline: Q1 2019***			
2	**Presentation of Development Charge Borrowing Balance** On a quarterly basis, City staff present the balance of internal borrowing between the Development Charge Reserves and the General Portfolio to General Committee of Council, as required by the Development Charge Borrowing Policy. Upon review of the 2018 First Quarter Investment Performance Review – Exhibit 3: Investment Terms, presented to General Committee, $20M borrowed on February 22, 2018 is combined with $20M borrowed on January 6, 2016 to show a single balance of $40M with one borrowing term and one transaction date. Individual internal borrowing transactions for the Development Charge Reserves are not itemized, but rather summed into a single balance. **Recommendation** The City should include a footnote that clarifies that the single balance representing Development Charge Reserves lending is comprised of multiple transactions, when applicable, for full transparency and details of the City's internal borrowing to Council. ***Management Timeline: Q4 2018***	**L**	While the City has not incurred internal borrowing with regards to development charges since August 1, 2018, Management is committed to itemizing each internal borrowing transaction separately on its reports to Council related to Development Charge Reserves when such occurrences do take place in the future. **Further Auditor General Recommendations** None.	**Complete**

RECOMMENDATION

The Auditor General recommends that:

1. The Development Charges Audit - Follow Up Report be received.

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City of Markham

Report of the Auditor General

Information and Records Management Audit

November 30, 2020

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Background

The Legislative Services & Communications Department sets the direction for information and records management and City departments are responsible for maintaining records under their custody.

The City has made progress in advancing its information and records management program over the past few years, undertaking initiatives to advance its information and records management program, including;

- Council approval of the City's Record Classification and Retention By-Law 2017-151 in December 2017 which was updated to adopt international best practice frameworks;
- Development of a Corporate Records & Information Management Policy to complement By-Law 2017-151;
- Data cleansing activities to remove redundant, outdated and trivial information from the Markham Museum;
- Establishment of the Leveraging Technology Steering Committee to provide strategic enterprise leadership for the oversight of key information technology and digital objectives, initiatives, and activities; and,
- Council approval to hire one additional resource to support in developing a long-term information and records management strategy, procedures, and training material.

As Auditor General of the City, MNP included an audit within the four-year Audit Plan to assess the policies, processes, and controls of the City's information and records management program, and to provide recommendations for continuous improvement.

Audit Objective

The objectives of the audit were to:

- Evaluate the policies, processes, and controls in place over records and information management;
- Assess compliance of departments with the City's records and information management policies and applicable by-laws; and,
- Provide recommendations for improving the efficiency and effectiveness of records and information management processes, ensuring they align with the City's operating environment.

MNP

Scope

The scope of the audit was on records and information management activities, covering the period from September 1, 2018 to August 31, 2019. Specifically, the scope of the audit focused on the following:

- Review of the design effectiveness of the City's records and information management policies, processes, and governance structures against best practice frameworks (i.e. ISO-15489, COBIT, DAMA , and TOGAF).
- Review of the City's record retention/destruction policies, and verify through a sample, that records are retained, destroyed, or stored as required.
- Assess compliance with the City's Corporate Records and Information Management Policy, and Classification and Retention By-law 2017-151 through sampling records from four sample departments, which included:
  - Legislative Services & Communications;
  - Environmental Services;
  - Building Standards; and,
  - Human Resources.
- Review the City's FOI request handling and tracking against MFIPPA requirements.

Audit Approach

1. Project Planning

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

2. Project Execution

- Obtain existing policies, process descriptions and relevant documentation.
- Conduct interviews / discussions.
- Understand current state.
- Evaluate current state.

3. Project Reporting

- Identify improvement opportunities.
- Prepare draft report with observations and recommendations.
- Validate and present recommendations.
- Issue final report.

Audit Observations - Strengths

Records Management Software for Physical Records

The City utilizes Infolinx, a records management software, to track and manage the complete lifecycle of physical records and is administered by the Legislative Services & Communications Department. Infolinx is configured to ensure that selections (i.e. records series names, accountability, total retention period, disposition, and security classifications) made in the software are mapped to the requirements of the Record Classification and Retention By-Law 2017-151.

Formalized Data Readiness Assessments

The Information Technology Services Department has a formalized process for performing data readiness assessments for the Open Data program that focuses on data availability, data ownership, risk, corporate alignment, publication value, and technical considerations. In addition, data privacy assessments are performed on information sets before they are released to the public. This formalized process creates a strong foundation for data readiness assessments to be eventually applied to all data sets across the City.

Conclusion

Observation Rating Scale

Rating	Rating Description
Low (L)	The observation is not critical but should be addressed in the longer term to improve internal controls or process efficiency (i.e. 6 to 12 months).
Medium (M)	The observation should be addressed in the short to intermediate term to improve internal controls or process efficiency (i.e. 3 to 6 months).
High (H)	The observation should be given immediate attention due to the existence of a potentially significant internal control weakness or operational improvement opportunity (i.e. 0 to 3 months).

Overall 4 Medium and 1 Low priority observations were identified.

1. Information and Records Management Strategy and Program

MEDIUM

Detailed Observation:

An information and records management strategy is a key artifact for a municipality's governance of records, generally outlining the necessary leadership, accountability and responsibility. It provides a long-term and enterprise-wide approach to managing a municipality's records across all operational environments.

More specifically, an information and records management strategy identifies and explains:

- the importance of information and records management to the municipality's operations (i.e. 'business enabling' capability to be delivered through records management);
- the responsibilities for information and records management;
- how the strategy aligns with applicable laws, standards, business plans and strategic requirements of the municipality; and,
- how the strategy applies to all records in various formats and locations.

The City does not currently have an information and records management strategy, or a dedicated information and records management program. Driven by the strategy, an information and records management program entails the mobilization of resources and organization of processes to systematically control records throughout their lifecycle.

It is our understanding that the City has stalled in the development its information and records management program due to the following reasons:

- Low data management maturity within the City's electronic and physical information sets (e.g. abundance of duplicate and outdated records, limited metadata to support search & retrieval of unstructured data); and,
- Perceived resource capacity constraints in helping to advance the information and records management program.

In absence of an overarching strategy, mature information sets and dedicated roles, the City is not well-positioned to develop its information and records management program. For instance, the City will not be able to target and prioritize information and records management improvements across defined milestones and transitional states.

As a result, the City is at risk of inefficient utilization of resources, as well as non-compliance to the legislative requirements of the By-Law.

1. Information and Records Management Strategy and Program

MEDIUM

Recommendation:

An information and records management strategy and program should be developed and implemented, and endorsed and promoted by the Executive Leadership Team, for successful adoption across the organization.

In developing the strategy, the City should begin with identifying the ideal information and records management environment (i.e. records assets, legislative compliance, data management, and privacy and security), documenting the directions taken so far, and identifying resources and technologies available to implement information and records management objectives.

In order to be effective, the City's information and records management strategy should be aligned with other City strategies, objectives, risk management programs, and information technology initiatives.

To develop and implement an information and records management program, the City should consider including the following:

- Governance Structure – Outlining leadership, organizational structures, and formal monitoring and reporting requirements.
- Risk Management - Understanding and prioritizing key risks of mismanaging different sets of records and evaluating their impacts.
- Policies and Procedures – Outlining the roles and responsibilities of City staff, steps for records classification, and secure & compliant processes for retention and destruction of records.
- Training & Awareness - Providing the methods and cadence for role-specific records management training.
- Roadmap – Implementing the program in a prioritized sequence, considering the dependencies and impacts of other municipal IT and data projects/initiatives.
- Continuous Improvement – Strategies for ongoing enhancement of processes and capabilities (e.g. goals and performance targets).

The City can leverage its existing Policy and records retention schedule (which contains some of the above elements) to develop a program that contains all key elements. For example, the existing Policy defines a clear governance structure (refer to Observation #2 below), which should be included in the City's program.

1. Information and Records Management Strategy and Program

MEDIUM

Management Response:

Management supports the Auditor General's recommendation to establish an information and records management strategy and program for the City in the future. The City is in the process of implementing several significant IT systems, including; replacement of the program registration system, replacement of the CRM system, new E-Ticketing and scheduling systems, and a new Enterprise Asset Management system. These projects will each require significant staff resources to implement and each will have some form of information management components contained within. As such, management believes it prudent to wait until these systems have been implemented prior to embarking on the creation of an Information and Records Management Program to govern all of Markham's information assets. As such, the City will build the information management model by taking a "bottom up" approach as each system comes on-line.

Following implementation of the new systems and related information management components, the City will enhance its current information and records management practices by developing a program that will include:

- An information management strategy
- A data governance model
- Policies and procedures
- Targeted priorities and dates to address the gaps identified in this audit report
- Identification of budget and resources required

This will provide a more sustainable approach to enhance the City's information and records management posture based on the level of risk tolerance deemed appropriate by the City.

The Information and Records Management Program will be developed for senior management decision-making once the significant projects noted above have been implemented.

Timeline to Implement:
Q4 2022 - In the interim, the City will take steps to enhance its current information and records management practices through policy development and staff training.

Timeline to Implement:
Q1 2021 - Note: This timing may be delayed by the ongoing COVID-19 Pandemic.

2. Information and Records Management Oversight and Monitoring

MEDIUM

Detailed Observation:

The City's Policy defines the governance structure and responsibilities associated with managing records in a transparent and accountable manner. As per the Policy:

The Legislative Services & Communications Department has responsibility for:

"Preparing and issuing management and quality control reports on the status of the Records & Information Management (RIM) Program and ensuring compliance with same throughout the City."

City departments are required to have Records Coordinators responsible for:

"Departmental implementation and maintenance of RIM policies and procedures and supporting department staff and participating in quality control compliance audits as required under the RIM Program Manager."

During our audit, we found that the Legislative Services & Communication Department do not have a formally designated RIM Program Manager and do not create management/quality control reports on the status of the RIM program, and consequently compliance with the program is not being reported to the ELT.

As well, it was noted that adherence to the Policy is not being monitored by the department Records Coordinators. Some Records Coordinators were not familiar with the contents of the Policy and were not aware that they had been formally designated as a Records Coordinator. Without regular monitoring and oversight, departments may not be complying with the Policy and related procedures.

2. Information and Records Management Oversight and Monitoring

MEDIUM

Recommendation:

The City should reinforce the importance of the Policy by communicating the Policy to all departments and staff. A Records & Information Management ("RIM") Program Manager should be formally assigned within the Legislative Services & Communications Department. A Records Coordinator should be formally assigned within each department, with training provided and regular monitoring activities to assess the compliance with the Policy and related procedural manuals. Information and records management compliance topics should be regular agenda items (i.e. at least annually) in ELT meetings to ensure information and records management compliance is reviewed and discussed.

2. Information and Records Management Oversight and Monitoring

MEDIUM

Management Response:

Management supports the Auditor General's recommendation.

Communications will be sent to Directors and Performance Managers outlining City records management requirements. Records Coordinators will be designated in each Department to oversee the records management function and ensure compliance with the Records Classification and Retention By-law. Additional work relative to this recommendation will be determined once the Information Management Program has been developed.

Timeline to Implement:
Q1 2021 - Designation of Records Coordinators
Q2 2021 - Training of Records Coordinators to begin

3. Compliance with Records Classification and Retention By-Law 2017-151

MEDIUM

Detailed Observation:

The City's Classification and Retention By-Law 2017-151 is the official policy for records management at the City and provides staff with the authority to manage records in accordance with relevant policies and legislation.

The City utilizes Infolinx, a records management software, to track and manage the complete lifecycle of physical records. During our audit of the four in-scope departments, we found that the sample records tested within Infolinx complied with By-Law 2017-151 requirements (i.e. total retention periods, disposition, and security classification).

However, for the four in-scope departments, mechanisms were not in place to ensure that records in the network shared drives, applications, and databases used to manage business activities are monitored against the By-Law. As such, departments may not be following the By-Law, which can compromise the City's compliance with legislative requirements. The records retention structure and classification requirements of the By-Law should apply to all records, both electronic and physical.

Recommendation:

To augment the City's information and records management strategy and program (as described in Observation #1), a file and document management framework should ensure that official electronic records in the network shared drive, applications, and databases are separated from transitory records and that only official records are retained. The City should also explore opportunities to procure a records management system that can serve as a long-term records management software for both physical and electronic records.

3. Compliance with Records Classification and Retention By-Law 2017-151

MEDIUM

Management Response:

Management supports the Auditor General's recommendation.
Staff will undertake additional steps to ensure compliance with the City's current Records Classification and Retention By-Law. Staff will implement the tools and related processes identified in the Information and Records Management Program to further monitor compliance in both physical and electronic records.

Timeline to Implement:
Additional work related to this recommendation will be determined once the Information and Records Management Program has been developed.

4. Information and Records Management Training

MEDIUM

Detailed Observation:

Although information and records management training material is available on the City intranet, we noted that Management staff within the four in-scope departments were not familiar with the Policy or the By-Law. Some departments noted that legislation and regulations specific to their business activities dictate different records management and retention practices, which they follow, rather than the By-Law.

Staff who are not aware of the Policy and the By-Law are less likely to comply with policies and procedures which compromises the City's overall compliance with legislative requirements.

Recommendation:

Once the City has developed the information and records management program which includes a training aspect (as described in Observation #1 above), information and records management training should be provided to all employees, including periodic refresher training (e.g. annually) and when updates are made to policies and procedures.

Records Coordinators should also receive additional and more comprehensive training as they should be both the information and records management champions of their respective departments and the point of contact for department staff regarding compliance with policies and procedures.

4. Information and Records Management Training

MEDIUM

Management Response

Management supports the Auditor General's recommendation.
Once Records Coordinators are identified by Department Directors, training sessions will be scheduled.
Legislative Services staff will create a basic training package and make it available to all City staff.
Additional training will be determined as part of the Information and Records Management Program.

Timeline to implement:
Q2 2021 - A training package will be made available to all City staff

5. Freedom of Information ("FOI") Request Process

LOW

Detailed Observation:

Observations were noted for the two following areas:

1) Legislative Timelines

Under the MFIPPA, the public has the right of access to information under the control of a municipality. Specifically, when a member of the public files a formal request for record, the City must ensure that:

"…the head of the institution to which the request is made, shall, within thirty days after the request is received, and give written notice to the person who made the request as to whether or not access to the record or a part of it will be given."

During our audit, in two out of 15 sample FOI requests tested, the City did not provide the requestor with a decision letter, outlining the final consideration of the request, within 30 days of receiving the application for access to records.

If the City is not in adherence to the timelines set out in MFIPPA, then it compromises the City's compliance with legislative requirements.

2) FOI Request Tracking & Review Process

FOI requests are handled by the Legislative Services & Communications Department. Data is inputted into Nordat, an electronic FOI request tracking system. The system is not currently configured to provide staff with notification/reminders of key legislative deadlines, which has resulted in staff tracking the status of FOI requests manually in a Microsoft Excel spreadsheet.

Without effective mechanisms in place to track the status of FOI requests, there is a risk that with increasing volumes of requests due to increased public scrutiny and transparency, the City will be challenged to meet legislative requirements.

In addition, with the exception of complex and high-profile FOI requests, there is no requirement for records to be reviewed and approved by the Manager of Privacy & Access before being provided to the requestor. Without secondary review and approval, there is a risk that irrelevant, incomplete or incorrect information is provided to the requestor.

5. Freedom of Information ("FOI") Request Process

LOW

Recommendation:

Understanding that FOI Request volumes have increased year over year, the following considerations have been provided to improve efficiencies within the FOI request process.

Legislative Timelines

For continuous improvement, exploration of tools outside of Nordat, such as Microsoft Outlook calendar notifications or other system software, should be considered, to assist City staff in tracking and notifying when key legislative deadlines are approaching.

FOI Request Tracking & Review Process

For routine type FOI requests, the Legislative Services & Communication Department should ensure that a review is performed, and approval is obtained, of all records gathered before they are released to the requestor. The review should assess the completeness of the records and ensure that records are indexed in an organized manner. This would allow for continuous improvement of the effectiveness and efficiency of the FOI request handling process.

5. Freedom of Information ("FOI") Request Process

LOW

Management Responses:

Management supports the Auditor General's recommendation.

The Nordat system does not have the ability to send out emails or provide notifications about requests and memos that are due by a specific date. However, Legislative Services staff have set up reminder notifications within Outlook as part of the FOI procedure for inputting requests.
Staff will also review the City's routine disclosure practices and revise the City's Routine Disclosure Policy accordingly.

Timeline to implement:
The Outlook reminders have been implemented.

Q3 2021 - The review of routine disclosure practices and associated amendments to the Routine Disclosure Policy will be completed.

Overall Recommendation

The Auditor General recommends that:

1. The Information and Records Management Audit Presentation be received.

Acknowledgement

MNP extends our appreciation to the staff and management of the City for their co-operation and assistance throughout the engagement.

City of Markham

Information and Records Management Audit

November 30, 2020

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MNP

MARKHAM

November 30, 2020

Mayor and Members of Council,

Pursuant to MNP LLP's ("MNP") appointment to provide Auditor General Services, I am pleased to present the Information and Records Management audit report ("report") of the Auditor General for the City of Markham ("City"). To ensure the results of our audit are balanced, we have provided in this report a summary of identified strengths, as well as observations and recommendations for improvement.

The audit work was substantially completed on February 1, 2020. The report was discussed with the City's Management, who have reviewed the report and provided their responses within. This report is provided to you for information and approval of the City's proposed action plans.

Based on the results of our audit, the City has some processes and controls in place for records and information management and is working towards becoming fully compliant with the related policies and By-Law 2017-151 ("By-Law). There are areas of good practices which include having records management software to track physical records and having a robust methodology to determine the readiness of datasets to be publicly available online.

Opportunities for improvement were also identified. These include the development of an information management strategy and program, implementing continuous monitoring and oversight of information and records management, maintaining compliance with the City's Record Classification and Retention By-law, conducting information and records management training, and enhancing the Freedom of Information ("FOI") request process.

The report will be posted on the City's website and made available to the public after tabling to Council.

Sincerely,

Geoff Rodrigues, CPA, CA, CIA, CRMA, ORMP
Auditor General, City of Markham

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EXECUTIVE SUMMARY

The City has made significant progress in advancing its information and records management program over the past two years. The Legislative Services & Communications Department sets the direction for information and records management and City departments are responsible for maintaining records under their custody. The City's Record Classification and Retention By-Law 2017-151 was approved by Council in December 2017 and was updated to adopt international best practice frameworks.

The City has also undertaken initiatives to advance its information and records management program, including;

- Developing a Corporate Records & Information Management Policy to complement By-Law 2017-151;
- Data cleansing activities to remove redundant, outdated and trivial information from the Markham Museum;
- Establishing the Leveraging Technology Steering Committee to provide strategic enterprise leadership for the oversight of key information technology and digital objectives, initiatives, and activities; and,
- Council approval to hire one additional resource to support in developing a long-term information and records management strategy, procedures, and training material.

The Municipal Act, 2001 states that the Council of a Municipality shall retain and preserve its records in a secure and accessible manner and establish retention periods during which the records must be kept by the Municipality. As such, going forward the City must ensure that it is in full compliance with By-Law 2017-151.

As Auditor General for the City, MNP conducted an audit to evaluate the policies, processes, and controls in place over records and information management, assess compliance of departments with the City's information and records management policies and By-Law 2017-151; and provide recommendations for improving the efficiency and effectiveness of records and information management processes, ensuring they align with the City's operating environment. The scope of the audit focused on the following:

- Design effectiveness of the City's information and records management policies, processes, and governance structures;
- Record retention/destruction policies;
- Compliance with the City's records and information management related policies; and,
- FOI request handling and tracking against Municipal Freedom of Information and Protection of Privacy Act ("MFIPPA") requirements.

There were some noted areas of strength, which include:

- A records management software is utilized to track and manage the lifecycle of physical records.
- A formalized data readiness assessment methodology is utilized to support the Open Data Program.

The audit also identified opportunities to strengthen processes and internal controls in the following areas:

- The City does not have a long-term strategy and program to support its information and records management activities and initiatives.
- There is little information and records management monitoring and oversight following the existing governance structure within the Corporate Records and Information Management Policy.
- The City is not fully compliant with the Classification and Retention By-Law 2017-151, as mechanisms are not in place to ensure that electronic records in network shared drives, applications, and databases used to manage business activities are being monitored against By-Law 2017-151.
- City department staff are not familiar with the requirements outlined in the Corporate Records and Information Management Policy and By-Law and have received minimal training.
- The FOI request tracking and review process is inefficient.

Based on the audit, the City does not have sufficient processes and controls in place over information and records management activities.

BACKGROUND

Information management relates to the organization and control over the structure, processing and delivery of information. It involves managing information through its entire lifecycle, including the collection and management of information from one or more sources, the distribution of that information to one or more audiences, and ultimately disposition through archiving or deletion.

Records management is the systemic control of the creation, receipt, use, maintenance, retention, and disposition of documents, data or other recorded information. While often referred or interchangeably called document management, records management and document management are quite different.

Document management is the development and daily management of in-progress documents. While documents are being developed and worked on (i.e. controlled by the respective document author(s)), the document can be managed inside a document management software/system for the day-to-day capture, storage, modification and sharing of electronic files within an organization. At the City, documents are managed inside various systems, depending on the nature of business.

Records management starts once the document is considered final, and it is "declared" as a "document of record". At this time, transitory records, which are of temporary/insignificant value and which are needed to prepare the final version of records, would be destroyed. A copy of the final document ("record") would be placed into a records management software/system. At the City, this would be the Infolinx system for physical records only, as there is no software/system for electronic records. The required metadata[1] would be added to the record at this time, to ensure it is properly classified and managed. This metadata typically indicates the type of record, length of retention period, and any applicable business rules. The record would be made immutable (i.e. read-only) by the records management system/software and the original version of

[1] *Metadata is a set of data that describes and gives information about other data (i.e. content, context and structure of records).*

the document remains in the document management software/system, available for the author(s) to create a new version if needed (which would also be declared a record and follow the same process as above).

In 2008, an external consulting firm performed an assessment of the City's information management system, which resulted in an information management strategy report, citing major findings regarding areas including business process documentation, data integration and sharing, and lack of inventory of information assets. To assist in the implementation of recommendations contained in the 2008 report, the City issued two procurements - one for an external consultant in 2011 and one for a corporate electronic agenda management system in 2013 – however, both procurements were subsequently cancelled due to the City's lack of readiness to implement recommendations and the City's reconsidered technology strategy approach.

More recently in 2017, the Legislative Services & Communications Department undertook an initiative to assess the City's records and information management practices. This included identifying redundant, outdated, and trivial information in electronic drives, updating records management processes and policies, and exploring opportunities to hire more dedicated records management staff. As well, the City refreshed By-Law 2017-151: The City of Markham's Classification and Retention By-Law, which was approved by City Council on December 2, 2017.

By-Law 2017-151 is the City's official guidance for records management, providing staff with the authority to manage records in accordance with relevant policies, legislation and regulations. By-Law 2017-151 is supplemented by the Corporate Records and Information Management Policy ("Policy"). The City has adopted International Organization of Standards ("ISO") 15489, which provides a functionally based classification structure and hierarchical framework for the organization and description of records.

In addition, the City receives over 100 requests annually for information under the MFIPPA. As a result, the City must be able to effectively retrieve records in a timely manner to satisfy external information requests and maintain compliance to the Act.

OBJECTIVE

The objectives of the audit were to:

- Evaluate the policies, processes, and controls in place over records and information management;
- Assess compliance of departments with the City's records and information management policies and applicable by-laws; and,
- Provide recommendations for improving the efficiency and effectiveness of records and information management processes, ensuring they align with the City's operating environment.

SCOPE

The scope of the audit was on records and information management activities, covering the period from September 1, 2018 to August 31, 2019. Specifically, the scope of the audit focused on the following:

- Review of the design effectiveness of the City's records and information management policies, processes, and governance structures against best practice frameworks (i.e. ISO-15489[2], COBIT[3], DAMA[4] , and TOGAF[5]).
- Review of the City's record retention/destruction policies, and verify through a sample, that records are retained, destroyed, or stored as required.
- Assess compliance with the City's Corporate Records and Information Management Policy, and Classification and Retention By-law 2017-151 through sampling records from four sample departments, which included:
    - Legislative Services & Communications;
    - Environmental Services;
    - Building Standards; and,
    - Human Resources.
- Review the City's FOI request handling and tracking against MFIPPA requirements.

RISKS

The following inherent[6] risks were considered during the audit, which given the scope of the audit are typical risks to be considered:

- Records and information management strategies and governance structure are not adequate.
- Aspects of records and information management processes are not sufficiently scalable to the size of the organization.
- Records are not retained or are destroyed according to retention schedules.

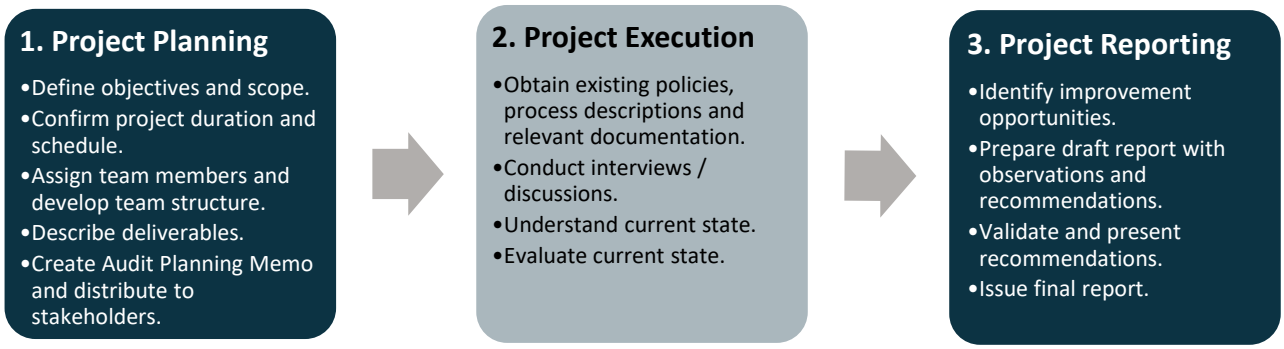
[2] ISO-15489 Information and Documentation - Records Management is an international standard for the management of business records, specifically records management. This standard provides an outline for comprehensive assessment of full and partial records management programs. It was developed by The International Organization for Standardization ("ISO").
[3] Control Objectives for Information and Related Technologies ("COBIT") is a good-practice framework created by the Information Systems Audit and Control Association ("ISACA") for information technology ("IT") management and IT governance.
[4] The Data Management Association ("DAMA") is a non-profit and vendor-independent association of business and technical professionals that is dedicated to the advancement of data resource management ("DRM") and information resource management ("IRM").
[5] The Open Group Architecture Framework ("TOGAF") is a framework for enterprise architecture that provides an approach for designing, planning, implementing, and governing an enterprise information technology architecture.

[6] The risk derived from the environment without the mitigating effects of internal controls; Institute of Internal Auditors.

- Records and information management processes do not comply with relevant by-laws and policies.
- Responses to requests for records under MFIPPA, from external stakeholders, or internal requests may be unreasonably delayed or incomplete due to records management systems, practices or processes.
- Employees may not receive training relating to records and information management or know where to access record schedules.
- Records and information management processes may not ensure the accuracy, integrity, confidentiality, reliability, and accessibility of data (unauthorized use or access, accidental disclosure, modification, or loss of data).

APPROACH

Based on MNP methodology, the high-level work plan for the audit included the following:



AUDIT TEAM

The audit was carried out by the following MNP team:

Geoff Rodrigues, Auditor General	Provided expertise in audit methodology, directed the MNP team in all stages of the audit, and ensured that firm and professional quality assurance standards were maintained.
Veronica Bila, Audit Delivery Partner	Oversaw all aspects of the engagement and reviewed audit results.
Hash Qureshi, Subject Matter Expert	Provided expert knowledge on information and records management during the audit process including planning, execution and reporting.
Michael Melville, Subject Matter Expert	
Chris Wu, Manager	Planned, managed and carried out audit procedures, involving the above resources as needed.
Osman Qureshi, Auditor	Carried out audit procedures.

STRENGTHS

In conducting the audit, MNP noted the following strengths with respect to the City's processes and controls in place over information and records management activities:

Records Management Software for Physical Records	The City utilizes Infolinx, a records management software, to track and manage the complete lifecycle of physical records and is administered by the Legislative Services & Communications Department. Infolinx is configured to ensure that selections (i.e. records series names, accountability, total retention period, disposition, and security classifications) made in the software are mapped to the requirements of the Record Classification and Retention By-Law 2017-151.
Formalized Data Readiness Assessments	The Information Technology Services Department has a formalized process for performing data readiness assessments for the Open Data program that focuses on data availability, data ownership, risk, corporate alignment, publication value, and technical considerations. In addition, data privacy assessments are performed on information sets before they are released to the public. This formalized process creates a strong foundation for data readiness assessments to be eventually applied to all data sets across the City.

SUMMARY OF OBSERVATIONS

To enable the City to set priorities in their action plans, we have reported our observations in one of three categories, "Low", "Medium" or "High" based on our assessment of the priority (i.e. significance, complexity, and resources required) of each observation.

Rating	Rating Description
Low (L)	The observation is not critical but should be addressed in the longer term to improve internal controls or process efficiency (i.e. 6 to 12 months).
Medium (M)	The observation should be addressed in the short to intermediate term to improve internal controls or process efficiency (i.e. 3 to 6 months).
High (H)	The observation should be given immediate attention due to the existence of a potentially significant internal control weakness or operational improvement opportunity (i.e. 0 to 3 months).

The table below provides a summary of our observations and recommendations, based on the rating scale outlined above. Detailed observations and recommendations can be found in **Appendix A**.

REF.	SUMMARY OF OBSERVATIONS AND RECOMMENDATIONS	RATING
1	**Information and Records Management Strategy and Program** The City does not currently have an information and records management strategy and program. Without an information and records management strategy, the City will not have a defined path towards developing an information and records management program that ensures compliance with the By-Law. The City should develop and implement an information and records management strategy and program. The strategy and program must be endorsed and promoted by the Executive Leadership Team ("ELT") in order for it to successfully be adopted across the organization. The City can leverage its existing Policy and records retention schedule to develop a program that covers the governance structure, risk management processes, policies & procedures, training & awareness, roadmap and continuous improvement.	M
2	**Information and Records Management Oversight and Monitoring** There is little oversight of the departments within the scope of this audit on following the existing governance structure within the Corporate Records and Information Management Policy. Without regular monitoring and oversight, departments may not be complying to the Policy and related procedures. The City should reinforce the importance of the Policy by communicating the Policy to all departments and staff. A Records & Information Management ("RIM") Program Manager should be formally assigned within the Legislative Services & Communications Department. A Records Coordinator should be formally assigned within each department, with training provided and regular monitoring activities to assess the compliance with the Policy and related procedural manuals. Information and records management compliance topics should be regular agenda items (i.e. at least annually) in ELT meetings to ensure information and records management compliance is reviewed and discussed.	M
3	**Compliance with Records Classification and Retention By-Law 2017-151** The City utilizes Infolinx, a records management software, to track and manage the complete lifecycle of physical records. During our audit of the four in-scope departments, we found that the sample records tested within Infolinx all complied with the By-Law requirements. However, mechanisms were not in place to ensure that electronic records in the network shared drives, applications, and databases used to manage business activities are being monitored against the By-Law.	M

REF.	SUMMARY OF OBSERVATIONS AND RECOMMENDATIONS	RATING
	The requirements of the By-Law should apply to all records, both electronic and physical. Departments that do not meet the requirements compromise the City's compliance to legislative requirements. To augment the City's information and records management strategy and program (as described in Observation #1), a file and document management framework should ensure that official electronic records in the network shared drive, applications, and databases are separated from transitory records and that only official records are retained. The City should also explore opportunities to procure a records management system that can serve as a long-term records management software for both physical and electronic records.	
4	**Information and Records Management Training** Although information and records management training material is available on the City intranet, it was noted that some staff within the four in-scope departments were not familiar with the Corporate Records & Information Management Policy or the Records Classification and Retention By-Law 2017-151. Staff who are not aware of the Policy and the By-Law are less likely to comply with policies and procedures, which compromises the City's compliance to legislative requirements. Once the City has developed the information and records management program (as described in Observation #1), records management training should be provided to all employees. Records coordinators should receive additional and more comprehensive training as they should be the information and records management champions of their respective departments.	M
5	**Freedom of Information ("FOI") Request Process** The FOI request tracking system is not currently configured to provide staff with notifications/reminders of key legislative deadlines. Consequently, audit testing revealed that a sample of two out of 15 FOI requests did not meet legislative timelines. Without effective mechanisms in place to track the status of FOI requests, there is a risk that with the increasing volume of requests due to new legislation, the City will be challenged to meet legislative timing requirements. In addition, except for complex or high-profile requests, there is no review of FOI request documents for completeness and approval by Management before they are released to the requestor. Without secondary review and approval from Management, there is a risk that irrelevant, incomplete or incorrect information is provided to the requestor. The City should explore tools to automate the tracking of FOI requests in a single repository. As well, a review and approval of all records gathered for FOI requests should be performed before they are released to the requestor.	L

RECOMMENDATIONS

The Auditor General recommends that:

1. The Information and Records Management Audit Report be received; and,
2. That staff be authorized and directed to do all things necessary to give effect to this resolution.

ACKNOWLEDGEMENTS

We would like to express our appreciation for the cooperation and efforts made by City staff whose contributions assisted in ensuring a successful engagement. City staff provided the Auditor General with unrestricted access to all activities, records, systems, and staff necessary to conduct this audit freely and objectively.

MNP

APPENDIX A: DETAILED OBSERVATIONS AND RECOMMENDATIONS

#	Observation	Rating	Recommendation	Management Response
1	**Information and Records Management Strategy and Program** An information and records management strategy is a key artifact for a municipality's governance of records, generally outlining the necessary leadership, accountability and responsibility. It provides a long-term and enterprise-wide approach to managing a municipality's records across all operational environments. More specifically, an information and records management strategy identifies and explains: • the importance of information and records management to the municipality's operations (i.e. 'business enabling' capability to be delivered through records management); • the responsibilities for information and records management; • how the strategy aligns with applicable laws, standards, business plans and strategic requirements of the municipality; and,	**M**	An information and records management strategy and program should be developed and implemented, and endorsed and promoted by the ELT, for successful adoption across the organization. In developing the strategy, the City should begin with identifying the ideal information and records management environment (i.e. records assets, legislative compliance, data management, and privacy and security), documenting the directions taken so far, and identifying resources and technologies available to implement information and records management objectives. In order to be effective, the City's information and records management strategy should be aligned with other City strategies, objectives, risk management programs, and information technology initiatives. To develop and implement an information and records management	Management supports the Auditor General's recommendation to establish an information and records management strategy and program for the City in the future. The City is in the process of implementing several significant IT systems, including; replacement of the program registration system, replacement of the CRM system, new E-Ticketing and scheduling systems, and a new Enterprise Asset Management system. These projects will each require significant staff resources to implement and each will have some form of information management components contained within. As such, management believes it prudent to wait until these systems have been implemented prior to embarking on the creation of an Information and Records Management Program to govern all of Markham's information assets. As such, the City will build the information management model by taking a "bottom up" approach as each system comes on-line. Following implementation of the new systems and related information management

#	Observation	Rating	Recommendation	Management Response
	• how the strategy applies to all records in various formats and locations. The City does not currently have an information and records management strategy, or a dedicated information and records management program. Driven by the strategy, an information and records management program entails the mobilization of resources and organization of processes to systematically control records throughout their lifecycle. It is our understanding that the City has stalled in the development its information and records management program due to the following reasons: • Low data management maturity within the City's electronic and physical information sets (e.g. abundance of duplicate and outdated records, limited metadata to support search & retrieval of unstructured data); and, • Perceived resource capacity constraints in helping to advance the information and records management program. In absence of an overarching strategy, mature information sets and dedicated roles, the City is not well-positioned to develop its information and records management program. For instance, the City will not be able to target and prioritize information		program, the City should consider including the following: • Governance Structure – Outlining leadership, organizational structures, and formal monitoring and reporting requirements. • Risk Management - Understanding and prioritizing key risks of mismanaging different sets of records and evaluating their impacts. • Policies and Procedures – Outlining the roles and responsibilities of City staff, steps for records classification, and secure & compliant processes for retention and destruction of records. • Training & Awareness - Providing the methods and cadence for role-specific records management training. • Roadmap – Implementing the program in a prioritized sequence, considering the dependencies and	components, the City will enhance its current information and records management practices by developing a program that will include: • An information management strategy • A data governance model • Policies and procedures • Targeted priorities and dates to address the gaps identified in this audit report • Identification of budget and resources required This will provide a more sustainable approach to enhance the City's information and records management posture based on the level of risk tolerance deemed appropriate by the City. The Information and Records Management Program will be developed for senior management decision-making once the significant projects noted above have been implemented. <u>Timeline to Implement</u>: **Q4 2022** In the interim, the City will take steps to enhance its current information and records

#	Observation	Rating	Recommendation	Management Response
	and records management improvements across defined milestones and transitional states. As a result, the City is at risk of inefficient utilization of resources, as well as non-compliance to the legislative requirements of the By-Law.		impacts of other municipal IT and data projects/initiatives. • Continuous Improvement – Strategies for ongoing enhancement of processes and capabilities (e.g. goals and performance targets). The City can leverage its existing Policy and records retention schedule (which contains some of the above elements) to develop a program that contains all key elements. For example, the existing Policy defines a clear governance structure (refer to Observation #2 below), which should be included in the City's program.	management practices through policy development and staff training. <u>Timeline to Implement:</u> **Q1 2021** Note: This timing may be delayed by the ongoing COVID-19 Pandemic.
2	**Information and Records Management Oversight and Monitoring** The City's Policy defines the governance structure and responsibilities associated with managing records in a transparent and accountable manner. As per the Policy: The Legislative Services & Communications Department has responsibility for:	**M**	The importance of the Policy should be reinforced by communicating it to all departments and staff. A RIM Program Manager should be formally assigned to the Legislative Services & Communication Department, and regular monitoring activities should take place to assess compliance with the Policy and related procedural manuals.	Management supports the Auditor General's recommendation. Communications will be sent to Directors and Performance Managers outlining City records management requirements. Records Coordinators will be designated in each Department to oversee the records management function and ensure compliance with the Records Classification and Retention By-law.

#	Observation	Rating	Recommendation	Management Response
	"Preparing and issuing management and quality control reports on the status of the Records & Information Management (RIM) Program and ensuring compliance with same throughout the City." City departments are required to have Records Coordinators responsible for: *"Departmental implementation and maintenance of RIM policies and procedures and supporting department staff and participating in quality control compliance audits as required under the RIM Program Manager."* During our audit, we found that the Legislative Services & Communication Department do not have a formally designated RIM Program Manager and do not create management/quality control reports on the status of the RIM program, and consequently compliance with the program is not being reported to the ELT. As well, it was noted that adherence to the Policy is not being monitored by the department Records Coordinators. Some Records Coordinators were not familiar with the contents of the Policy and were not aware that they had been formally designated as a Records Coordinator. Without regular monitoring and oversight, departments may not be complying with the Policy and related procedures.		A Records Coordinator should be formally assigned within each department, with training provided to help them understand their roles and responsibilities. Information and records management compliance reporting should be scheduled agenda items (i.e. at least annually) in ELT meetings to ensure information and records management compliance is reviewed and discussed at least once a year. Furthermore, the Records Coordinators should work with Management to schedule and document all planned information and records management activities at the beginning of each fiscal year. Activities should include: • Assist in preparation of periodic department level records compliance audits (i.e. at least annually); • Periodic file clean-up and reviews of both physical records within the business areas and electronic records in the network shared drive; • Planned record transfers to offsite storage;	Additional work relative to this recommendation will be determined once the Information Management Program has been developed. <u>Timeline to Implement:</u> **Q1 2021 -** Designation of Records Coordinators **Q2 2021 -** Training of Records Coordinators to begin

#	Observation	Rating	Recommendation	Management Response
			• Review of file naming conventions for electronic records; • Review of access to physical storage spaces and work with the IT department to ensure restricted access to the network shared drive; and, • Training and awareness sessions.	
3	**Compliance with the City's Records Classification and Retention By-Law 2017-151** The City's Classification and Retention By-Law 2017-151 is the official policy for records management at the City and provides staff with the authority to manage records in accordance with relevant policies and legislation. The City utilizes Infolinx, a records management software, to track and manage the complete lifecycle of physical records. During our audit of the four in-scope departments, we found that the sample records tested within Infolinx complied with By-Law 2017-151 requirements (i.e. total retention periods, disposition, and security classification). However, for the four in-scope departments, mechanisms were not in place to ensure that records in the network shared drives, applications, and databases used to manage business activities are monitored against the By-Law. As such, departments	**M**	To augment the City's information and records management strategy and program (as described in Observation #1), a file and document management framework should ensure that official electronic records in the network shared drive, applications, and databases are separated from transitory records and that only official records are retained. The City should also explore opportunities to procure a records management system that can serve as a long-term records management software for both physical and electronic records.	Management supports the Auditor General's recommendation. Staff will undertake additional steps to ensure compliance with the City's current Records Classification and Retention By-Law. Staff will implement the tools and related processes identified in the Information and Records Management Program to further monitor compliance in both physical and electronic records. <u>Timeline to Implement:</u> Additional work related to this recommendation will be determined once the Information and Records Management Program has been developed.

#	Observation	Rating	Recommendation	Management Response
	may not be following the By-Law, which can compromise the City's compliance with legislative requirements. The records retention structure and classification requirements of the By-Law should apply to all records, both electronic and physical.			
4	**Information and Records Management Training** Although information and records management training material is available on the City intranet, we noted that Management staff within the four in-scope departments were not familiar with the Policy or the By-Law. Some departments noted that legislation and regulations specific to their business activities dictate different records management and retention practices, which they follow, rather than the By-Law. Staff who are not aware of the Policy and the By-Law are less likely to comply with policies and procedures which compromises the City's overall compliance with legislative requirements.	**M**	Once the City has developed the information and records management program which includes a training aspect (as described in Observation #1 above), information and records management training should be provided to all employees, including periodic refresher training (e.g. annually) and when updates are made to policies and procedures. Records Coordinators should also receive additional and more comprehensive training as they should be both the information and records management champions of their respective departments and the point of contact for department staff regarding compliance with policies and procedures.	Management supports the Auditor General's recommendation. Once Records Coordinators are identified by Department Directors, training sessions will be scheduled. Legislative Services staff will create a basic training package and make it available to all City staff. Additional training will be determined as part of the Information and Records Management Program. <u>Timeline to implement:</u> **Q2 2021 -** A training package will be made available to all City staff.

#	Observation	Rating	Recommendation	Management Response
5	**Freedom of Information (FOI) Request Process** Observations were noted for the two following areas: 1) Legislative Timelines Under the MFIPPA, the public has the right of access to information under the control of a municipality. Specifically, when a member of the public files a formal request for record, the City must ensure that: *"…the head of the institution to which the request is made, shall, within thirty days after the request is received, and give written notice to the person who made the request as to whether or not access to the record or a part of it will be given."* During our audit, in two out of 15 sample FOI requests tested, the City did not provide the requestor with a decision letter, outlining the final consideration of the request, within 30 days of receiving the application for access to records. If the City is not in adherence to the timelines set out in MFIPPA, then it compromises the City's compliance with legislative requirements. 2) FOI Request Tracking & Review Process FOI requests are handled by the Legislative Services & Communications Department. Data is inputted into Nordat, an electronic FOI request tracking system. The system is not currently configured to	L	Understanding that FOI Request volumes have increased year over year, the following considerations have been provided to improve efficiencies within the FOI request process. Legislative Timelines For continuous improvement, exploration of tools outside of Nordat, such as Microsoft Outlook calendar notifications or other system software, should be considered, to assist City staff in tracking and notifying when key legislative deadlines are approaching. FOI Request Tracking & Review Process For routine type FOI requests, the Legislative Services & Communication Department should ensure that a review is performed, and approval is obtained, of all records gathered before they are released to the requestor. The review should assess the completeness of the records and ensure that records are indexed in an organized manner. This would allow for continuous improvement of the effectiveness and efficiency of the FOI request handling process.	Management supports the Auditor General's recommendation. The Nordat system does not have the ability to send out emails or provide notifications about requests and memos that are due by a specific date. However, Legislative Services staff have set up reminder notifications within Outlook as part of the FOI procedure for inputting requests. Staff will also review the City's routine disclosure practices and revise the City's Routine Disclosure Policy accordingly. Timeline to implement: The Outlook reminders have been implemented. **Q3 2021 -** The review of routine disclosure practices and associated amendments to the Routine Disclosure Policy will be completed.

#	Observation	Rating	Recommendation	Management Response
	provide staff with notification/reminders of key legislative deadlines, which has resulted in staff tracking the status of FOI requests manually in a Microsoft Excel spreadsheet. Without effective mechanisms in place to track the status of FOI requests, there is a risk that with increasing volumes of requests due to increased public scrutiny and transparency, the City will be challenged to meet legislative requirements. In addition, with the exception of complex and high-profile FOI requests, there is no requirement for records to be reviewed and approved by the Manager of Privacy & Access before being provided to the requestor. Without secondary review and approval, there is a risk that irrelevant, incomplete or incorrect information is provided to the requestor.			

MNP

Stormwater Fee Update

General Committee
November 30th, 2020

Stormwater Fee

- In 2020, the City implemented a number of property tax and fee relief measures to help residents and businesses, including eliminating the 2020 Stormwater fees for both residential and non-residential properties
- Eliminating the stormwater fee in 2020 resulted in an additional year being added to the program term and a reduction of $9.7M of revenue in 2020
- Reinstatement of the stormwater fee is scheduled to commence in 2021
- The 2021 Stormwater fee is as follows;
  - Residential Stormwater Fee: **$51** per residential property
  - Non-Residential Stormwater Fee: **$28.50 per $100K** of Current Value Assessment (CVA)
    - Example: Commercial Plaza with a CVA of $2,000,000
    - $2,000,000 x ($28.50 / $100,000) = **$570**

2021 Property Tax Fee Relief

- Markham Council has approved a Property Tax Payment Deferral Program on an application basis to assist property owners that have been financially impacted by the COVID-19 pandemic
- Should Council consider extending relief for the 2021 Stormwater fee, staff recommend utilizing a similar application basis to have the Stormwater fee waived for 2021.

Recommendation

1. That the presentation entitled Stormwater Fee Update be received; and,
2. That the stormwater fee be reinstated for 2021; and,
3. That Council approve the implementation of an application based program for the deferral of the 2021 stormwater fee for eligible taxpayers; and further,
4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Report to: General Committee | Meeting Date: November 30, 2020

SUBJECT: New Provincial Blue Box Regulation and Preferred Program Transition Date

PREPARED BY: Claudia Marsales, Senior Manager, Waste & Environmental Management, Ext. 3560

RECOMMENDATION:

1. THAT the presentation entitled "New Provincial Blue Box Regulation and Preferred Program Transition Date" be received;

2. THAT the City of Markham submit the attached document entitled "City of Markham Comments – ERO (Environmental Registry Ontario) Number 019-2579" and Council Resolution to the Minister of the Environment, Conservation and Parks and Ontario's Environmental Registry as the City of Markham's official comments on the draft Blue Box Regulation;

3. THAT the City of Markham requests that the Minister of the Environment, Conservation and Parks include Markham as an Eligible Community on the final Transition Schedule and be assigned the transition date of January 1st, 2023;

4. THAT if an earlier transition date is not provided, the City of Markham requests the right to negotiate directly with the Producers for a date earlier than the one indicated on the final Transition Schedule;

5. THAT the City of Markham requests that the eligible sources, as indicated by the Draft Blue Box Regulation, be expanded to include recycling depots in communities with curbside Blue Box collection, municipal facilities including public-facing community facilities, all public spaces, Blue Boxes located at Canada Post super mailboxes, and small retail businesses within Business Improvement Areas;

6. THAT the City of Markham requests that the obligations for collection after the transition period (2026+) be equal to or exceed the service standards applicable in transitioning communities on August 15, 2019, specifically, increase Blue Box collection from every other week to weekly collection;

7. THAT, if provided with the ability to select the service delivery option, the City of Markham reserves the right to select the service delivery option determined to be the most financially and operationally beneficial for its residents and report back to Council on the preferred service delivery option;

8. THAT Staff be directed to update Council following the release of the final Regulation and Transition Schedule by the Ministry of the Environment, Conservation and Parks;

9. THAT the City Clerk be directed to forward a copy of this resolution and Comment Letter to the Association of Municipalities of Ontario, York Region and Local Municipalities and the Ontario Ministry of the Environment, Conservation and Parks; and

10. THAT Staff be authorized and directed to do all things necessary to give effect to this resolution.

RECOMMENDED BY:

Claudia Marsales Senior Manager, Waste & Environmental Management	Phoebe Fu Director, Environmental Services

ATTACHMENTS:

New Provincial Blue Box Regulations and Preferred Program Transition Date - Presentation to GC on November 30 2020

City of Markham Comments - ERO (Environmental Registry Ontario) Number 019-2579 (Attachment 1)

New Provincial Blue Box Regulation and Preferred Program Transition Date

General Committee
November 30, 2020

Purpose

- **To provide an overview of the new Provincial Draft Blue Box Regulation**
- **Obtain Council's endorsement of comments regarding the Province's draft Blue Box Regulation**
- **Recommend a preferred Blue Box Program transition year for Markham**

Agenda

1. Draft Regulation – Timeline, Overview & Summary
2. Transition - Timing Options & Impact
3. Recommendations

1. Draft Regulation

Timeline, Overview & Summary

1A. Draft Regulation - Timeline

***The Resource Recovery and Circular Economy Act*, 2016 (RRCEA)** **shifts Blue Box recycling programs away from municipalities, making "Producers" of products and packaging fully responsible for the waste they create**

October 19

- **Ministry of Environment, Conservation and Parks released draft Blue Box Regulation**

November 16

- **Presentation to GC to recommend preferred transition year**

December 3

- **Comments on draft regulations to Ministry with Council approved transition date**

1B. Draft Regulation - Overview

The Regulation is outcome based:

- Makes Producers financially responsible for their products and packaging
- Requires Producers to report on Blue Box materials diverted each year and to meet set diversion targets
- Expands and standardizes the scope of Blue Box materials across the province
- Provide Blue Box services to a variety of eligible sources
- Requires province-wide education and promotion

Key Principle is to shift cost of recycling from municipal property taxpayers to Producers so Producers are able control costs through their influences over:

- The type of products and packaging sold into the market place
- The materials used to make products and packaging
- How products and packaging are recycled at end-of-life

The Draft Regulation does not prescribe how the Producers should deliver the Blue Box Program post transition (2026+)

1C. Who are the Players?

Ministry of the Environment, Conservation & Parks

- Create outcome based regulation for Producers to establish a new Blue Box system for Ontario
- Minister said "In the case of the Blue Box program [this] will provide up to $135-million per year, in relief for municipalities and ultimately the taxpayer."

Resource Productivity and Recovery Authority (RPRA)

- Identified as the "Authority"
- Third-party regulator mandated by Ministry to enforce the regulation including registration, reporting, diversion targets, and compliance functions
- Formerly Waste Diversion Ontario (or WDO)

Stewardship Ontario

- Represents product Producers
- Will determine how services will be delivered
- Can retain "PRO"s (Producer Responsibility Organization) to provide collection services
- Can act separately to establish separate recycling programs (i.e. LCBO, Beer Store)

The Draft Regulation allows the Producers to design the Blue Box program to meet the prescribed service obligations and diversion targets

1D. Who are the "Producers"?

If your product is in the Blue Box, you are a "Producer"

The regulation defines Producers as:

- Brand Holder in Canada
- If Brand Holder not in Canada - Importer who supplies in Ontario
- If Importer not in Canada - Retailer who supplies in Ontario (including online shopping)

1E. What's in the Transitioned Blue Box?

Markham's Blue Box	Proposed Ontario Blue Box
a. Plastics #1-#7 • *EXCLUDES* styrofoam, black plastic, single-use plastic straws/cutlery, plastic bags, plastic film, candy/chip wrappers, stand up or zipper lock pouches, single-use cold drink cups and coffee cups b. Paper • *EXCLUDES* coffee cups/lids c. Glass • *INCLUDES* LCBO/Beer Store containers and packaging d. Metal/aluminium e. Beverage containers (i.e. juice boxes) f. Packaging-like product (incl. aluminum foil, wrapping paper, paper bags, cardboard boxes)	a. Plastics #1-#7 • *INCLUDES* styrofoam, black plastic, single-use plastic straws/cutlery, plastic bags, plastic film, candy/chip wrappers, stand up or zipper lock pouches, single-use cold drink cups and coffee cups b. Paper *a.* *INCLUDES* coffee cups and lids c. Glass *a.* *EXCLUDES* LCBO/Beer Store containers and packaging d. Metal/aluminium e. Beverage containers (i.e. juice boxes) f. Packaging-like product (incl. aluminum foil, wrapping paper, paper bags, cardboard boxes)

Transitioned Blue Box recycles more materials
Blue Box must be transitioned to expanded list by 2026

1F. What are the Collection Containers?

- The Regulation defines "Blue Box receptacle" as a container, bin, cart, bag or other receptacle that holds Blue Box material from which Blue Box material is collected

Item	Markham (Current)	During Transition (2023-2026)	Post Transition (2026+)	Comment to Ministry?
Blue Box receptacle	Blue Bins	Collects from any Municipal receptacle	Container, bin, cart, bag	✓
Every Resident has Blue Box	✓	✓	✓	✗
1 replacement a year within one week	✗	✗	✓	✓

During transition, Producers are required to collect materials in the Blue Box receptacle currently used by the municipality (i.e. box, blue bag, cart)

1G. Who will be Serviced? (Eligible Sources)

Item	Markham (Current)	During Transition (2023-2025)	Post Transition (2026+)	Comment to Ministry?
Permanent / seasonal dwellings	✓	✓	✓	✗
Multi-residential buildings	✓	✓	✓	✗
Public and private schools	✓	✓	✓	✗
Long-term care homes and retirement homes	✗	✓	✓	✗
Specific public spaces (certain municipal parks/playgrounds)	✓ Operations Collects	✓ Specific	✓ Specific	✓ All public spaces
Recycling Depots	✓	✗ If have curbside ✓If no curbside		✓ Include depot with curbside

1G. Who will be Serviced? (Eligible Sources)

Item	Markham (Current)	During Transition (2023-2025)	Post Transition (2026+)	Comment to Ministry?
Municipal facilities (e.g. Civic Centre) and public-facing facilities (e.g. libraries)	✓	✓	✗	✓
Super Mailbox Blue Boxes	✓	✗	✗	✓
Small retail/businesses – In BIA	✓	✗	✗	✓
Small retail/businesses – Not in BIA	✗	✗	✗	✗
Assisted Collection (under 100 homes)	✓	✗	✗	✗ (Can be mitigated)

Draft Regulation Comments: To include -
All public spaces, Depots, Municipal and Public-facing Facilities, Super Mailboxes, BIA Small Businesses

1H. What are the Service Levels?

Item	Markham (Current)	During Transition (2023-2026)	Post Transition (2026+)	Comment to Ministry?
Blue Box Content	✓	✓	✓ Expanded list	✓
Collection Frequency	✓ weekly	✓ weekly	✗ Bi-weekly	✓ weekly
Single stream Collection	✓	✓	✓	✗
Collect Depots, Municipal and Public-facing Facilities	✓	✓	✗	✓
Provide promotion and education	✓	✓	✓	✓

Staff further recommends that: Blue Box collection days align with Markham's green bin and garbage collection days, over a four day collection schedule

Draft Regulation Comments:
Weekly collection frequency, alignment of collection days/schedule, service levels during transition be maintained after transition (2026+)

1I. What are the Diversion Targets?

- Draft Regulation requires Producers to achieve diversion targets based on the weight of Blue Box materials they supplied into the market place

Material Category	Proposed Target: 2026-2029	Proposed Target: 2030-onward
Paper	90%	90%
Glass	75%	80%
Metal	67%	75%
Rigid Plastic	55%	60%
Flexible Plastic	30%	40%
Non-Alcoholic Beverage Containers	75%	80%

- Municipalities no longer responsible to meet provincial diversion targets. Staff will calculate Markham's diversion rate using available data.

Draft Regulation Comments:
Producers to provide Diversion rate reporting for municipalities

1L. Draft Regulation - Summary

Item	Comments on Draft Regulation
Blue Box Content	Support expanded Blue Box content
Eligible sources	Add - All public spaces, Depots, Municipal and Public-facing Facilities (i.e. libraries), Super Mailboxes, BIA Small Businesses during and post transition 2026+
Collection Frequency	Add – weekly recycling collection post transition 2026+
Collection days	Request - Blue Box collection days to align with Markham's green bin and garbage collection days, over a four day collection schedule during and post transition 2026+
Overall Service Level	Provide service standards equal or exceed current municipal service level during transition and post transition 2026+

There are number of risks with the Blue Box transition:

- Potential Producer performance deficiencies during first years of transition
- Potential consumer confusion and poor compliance on Blue Box content
- Enforcement mechanisms to hold Producers responsible are unknown (not meeting service level obligations, targets)
- Producers have not officially commented on draft Regulation

2. Transition

Timing, Options & Impact

2A. AMO Resolution

In early 2020 - AMO requested Municipal Councils pass non-binding resolutions indicating:

- Collection service delivery preference (City administer / hand over keys)
- Preferred transition year (2023, 2024 or 2025)

On May 26, 2020 Council passed the following resolutions:

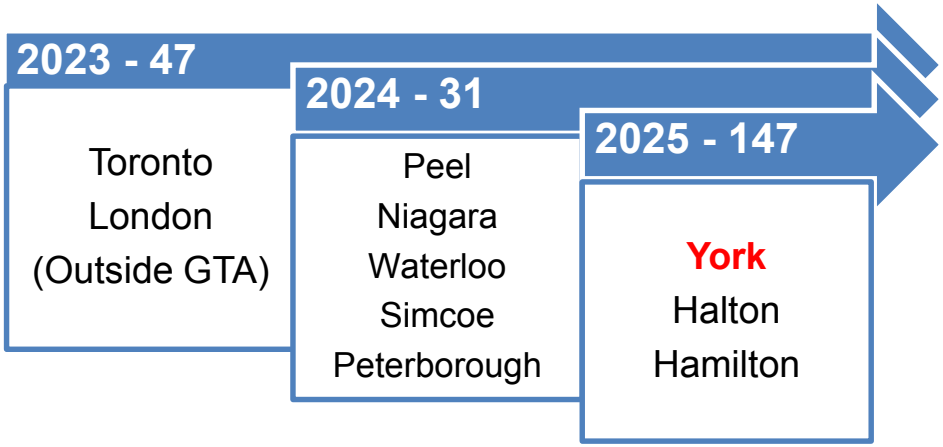
1. **THAT the City of Markham jointly with York Region and the Local Municipalities support 2025 as the preferred Blue Box transition date (Year 3) of the transition process;**

2. **THAT the City of Markham elect to continue to provide Blue Box collection services to residents (post transition) on behalf of the product Producers should both parties arrive at mutually agreeable commercial terms;**

3. **THAT the City of Markham reserve the option to amend Markham's transition date and collection service preference at any time if it is determined to be financially and operationally beneficial to the City;**

2B. Preferred Transition Year

- With input from AMO, the Ministry developed a draft transition schedule which also considered:
  - Municipal contracts expiry date/ability to extend
  - Municipal preference
  - Balancing net program costs and material managed
  - Geographic catchment areas
- The Ministry will issue a final schedule. Producers will be responsible for transitioning communities on or before the dates listed in the final Regulation
- There is currently no process detailed in the Regulation for municipalities to negotiate a different transition date directly with Producers



Markham is not currently listed as an 'Eligible Community' on the Draft Blue Box Transition Schedule

2C. Changes since May 2020 Resolution

- At the time of the May 2020 resolution:
  - Many unknowns related to the requirements of Blue Box regulation
  - City in the process of developing new waste collection contract
  - City staff made recommendations established on regional/local consensus based on current contract terms
- New draft Regulation is comprehensive and exceeded original expectation on Blue Box content, designated collection locations, and diversion targets
- Markham's new collection contract, beginning Sept 1, 2021, allows for early transition:
  - Can transition at any time during contract term
  - Scope of work for Blue Box collection is severable and can be transferred to Producers
  - Separate Blue Box collection vehicles (no co-collection)
  - Known transition costs
  - Services provided to all eligible sources

2C. City to Transition Early

May 2020 Resolution	Current Recommendations
Transition 2025	Transition 2023, or earlier than 2025
City administers Blue Box Program	To be determined: Both options are viable

Staff Recommends that:

- the City be added as an Eligible Community to the final Transition Schedule and be assigned to transition on January 1st, 2023
- If an earlier transition date is not provided, the City requests the right to negotiate directly with the Producers for a date earlier than the one indicated on the final Transition Schedule.
- If provided with the right to select the service delivery option, the City reserves the right to select the service delivery option determined to be the most financially and operationally beneficial for its residents.

2D. Early Transition – Financial Impact

Under the "Hand over the Keys" option, for each year that Markham transitions early, it would save approximately $2 million a year. The City would not have to pay for the collection of recycling, but would no longer be receiving WDO money, and would have to pay Miller the Early Termination

Hand Over Keys	2023	2024	2025
Recycling Cost	$4.67M	$4.81M	$4.95M
WDO Funds (40%)	($1.87M)	($1.92M)	($1.98M)
Opt-Out Penalty	($0.93M)	($0.93M)	(0.93M)
Net Savings	$1.87M	$1.96M	$2.04M

If the City administers the program, on behalf of the Producers, in order to achieve cost neutrality with the Hand over the Keys option, the City would need to receive approximately 80% - 85% recovery of its total Blue Box collection contract costs (would include annual contract administration fee paid to City by Producers to manage the contract on behalf of the Producers)

For each year that Markham transitions early, it will save approximately $2 million a year.

2E. Early Transition - York Region Impact

York Region	Transfer, Processing/Disposal
Local Municipalities	Waste Collection

- *Municipal Act* gives Markham authority for waste collection
- Future transition arrangements for Markham's Blue Box collection services would be between the City and the Producers
- By the City transitioning prior to the Region, the role of processing/disposal currently provided by the Region would be impacted over the transition years
  - the Region acknowledges that the City can make its own transition timing decision for Blue Box collection, however, the Region has indicated that there will be negative financial impacts to the Region from a processing cost and revenue loss perspective

Region prefers that all 9 local municipalities and the Region transition together as an integrated waste system

3. Recommendations

1. THAT the presentation entitled "New Provincial Blue Box Regulation and Preferred Program Transition Date" be received;

2. THAT the City of Markham submit the attached document entitled "City of Markham Comments – ERO (Environmental Registry Ontario) Number 019-2579" and Council Resolution to the Minister of the Environment, Conservation and Parks and Ontario's Environmental Registry as the City of Markham's official comments on the draft Blue Box Regulation;

3. THAT the City of Markham requests that the Minister of the Environment, Conservation and Parks include Markham as an Eligible Community on the final Transition Schedule and be assigned the transition date of January 1st, 2023; and

3. Recommendations

4. THAT if an earlier transition date is not provided, the City of Markham requests the right to negotiate directly with the Producers for a date earlier than the one indicated on the final Transition Schedule; and

5. THAT the City of Markham requests that the eligible sources, as indicated by the Draft Blue Box Regulation, be expanded to include recycling depots in communities with curbside Blue Box collection, municipal facilities including public-facing community facilities, all public spaces, Blue Boxes located at Canada Post super mailboxes, and small retail businesses within Business Improvement Areas; and

6. THAT the City of Markham requests that the obligations for collection after the transition period (2026+) be equal to or exceed the service standards applicable in transitioning communities on August 15, 2019, specifically, increase Blue Box collection from every other week to weekly collection; and

3. Recommendations

7. THAT, if provided with the right to select the service delivery option, the City of Markham reserves the right to select the service delivery option determined to be the most financially and operationally beneficial for its residents and report back to Council on the preferred service delivery option; and

8. THAT Staff be directed to update Council following the release of the final Regulation and Transition Schedule by the Ministry of the Environment, Conservation and Parks; and

9. THAT the City Clerk be directed to forward a copy of this resolution and Comment Letter to the Association of Municipalities of Ontario, York Region and Local Municipalities and the Ontario Ministry of the Environment, Conservation and Parks; and

10. AND THAT Staff be authorized and directed to do all things necessary to give effect to this resolution.

November 16, 2020

Hon. Jeff Yurek, Minister
Ministry of Environment, Conservation and Parks
Minister's Office
College Park, 777 Bay Street, 5th Floor
Toronto, Ontario M7A 2J3

Dear Minister Yurek:

RE: City of Markham Comments – ERO (Environmental Registry Ontario) Number 019-2579

A proposed regulation, and proposed regulatory amendments, to make producers responsible for operating Ontario's Blue Box programs

The City of Markham would like to thank the Ministry of the Environment, Conservation and Parks (the MECP) for the opportunity to comment on the Draft Blue Box Regulation to make Producers responsible for operating Ontario's Blue Box Program and shift the financial and operational responsibilities from Municipalities to Producers.

On November 30th, Markham's General Committee (which is a committee of the whole of Council) passed a resolution on the Draft Blue Box Regulation (attached as Schedule A) containing the following key request:

- **THAT the City of Markham requests that the Minister of the Environment, Conservation and Parks include Markham as an Eligible Community on the final Transition Schedule and be assigned the transition date of January 1st, 2023**

Markham is one of the most culturally diverse and fastest growing municipalities in the Greater Toronto Area with a population of over a 350,000 residents. The City is currently responsible for providing Blue Box collection services to approximately 90,000 curbside households and over 130 multi-residential buildings (approximately 18,000 units). Markham is a recognized leader in residential waste diversion and its award-winning textile recycling program has been emulated by municipalities across Canada. The City has attained significant waste diversion with one of the largest Clear Bag Garbage programs in North America and a comprehensive Green Bin strategy. Markham operates four community recycling depots which are actively utilized by over 180,000 residents each year, complementing the City's robust curbside diversion

system. These aggressive programs have resulted in Markham achieving the highest diversion rate among Canadian municipalities.

Markham supports making product Producers responsible for the costs and operational aspects associated with the recycling of their products. This will provide an incentive to improve product design, invest in local infrastructure, and create new employment opportunities. Markham, as a waste diversion leader, believes that the Draft Blue Box Regulation will have a positive impact on waste diversion in Ontario.
Markham wants to ensure that the transition of its Blue Box Recycling Program is seamless for its residents; that service levels are maintained, that costs of the program are shifted to Producers and offers the following comments on the Draft Blue Box Regulation.

In addition to the Council resolution, recommended changes are indicated below and proposed changes to the Draft Blue Box Regulation are detailed in Table A (Page 12).

1. **Markham requests to be added as an Eligible Community on the final Blue Box Transition Schedule**

   The Blue Box Transition Schedule (attached to the Draft Blue Box Regulation) identifies York Region, not the City of Markham, as an Eligible Community to transition Blue Box collection services to Producer responsibility.

   York Region operates as a two-tier municipal waste management system. As set out in the *Municipal Act, 2001,* York Region has exclusive jurisdictional responsibility for waste management (excluding waste collection), and Markham has exclusive jurisdictional responsibility for waste collection.

   Regarding Blue Box collection, the nine lower-tier Municipalities are responsible for the collection of Blue Box materials as well as collection-specific promotion and education. The upper-tier (York Region) is responsible for the processing and marketing of Blue Box materials.

   As the City of Markham has exclusive jurisdiction over the collection of Blue Box materials, the City is formally requesting to be identified as an Eligible Community on the final Blue Box Transition Schedule, as the future transition arrangements for Markham's Blue Box collection services would be between the City and the Producers.

2. **Markham requests to be assigned the transition date of January 1st, 2023**

   In assigning Eligible Communities and their Transition Year, the Ministry considered municipal preferences for the date of transition as per the canvassing performed by the Association of Municipalities of Ontario. Although Municipalities expressed interest in transitioning in a certain year, ultimately the Province will determine the final transition schedule.

While York Region previously indicated a preferred Transition Year of 2025, Markham Council passed a resolution reserving the option to amend Markham's Transition Date and collection service preference at any time if it is determined to be financially and operationally beneficial to the City. Transitioning earlier, on January 1st, 2023, has significant benefits for both Markham and ultimately the Producers as outlined below:

- In assigning communities their Transition Year, the Ministry considered expiry dates for service contracts to minimize financial penalties. Markham's new competitively awarded contract to collect recyclables is currently in place as are opportunities to use the existing contractor (Miller Waste Systems);
- Markham's new collection contract provides for the separate collection of Blue Box recyclables and the co-collection of waste and green bin materials and is easily severable;
- Markham's collection contract includes the eligible sources as defined by the Draft Blue Box Regulation (permanent dwellings, multi-unit residential buildings, schools) and does not have a "separate" contract for different eligible sources;
- Markham is located in the same geographic catchment as the City of Toronto (sharing a northern border along Steeles Avenue), which is scheduled to transition in 2023;
- Markham has the financial resources and transition expertise (experienced staff, legal resources) to ensure a seamless, successful transition.

As indicated, Markham supports transitioning on January 1st, 2023 and is well positioned to meet this Transition Date. If Markham's Blue Box Recycling Program transitions in 2023, Producers will gain three years of first-hand experience with arguably the most comprehensive municipal collection system in the Province.

Markham also requests that if there is any difficulty in accommodating this request, that Ministry staff contact the City at the contact information provided on Page 11.

3. **Markham requests that the eligible sources, as indicated by the Draft Blue Box Regulation, be expanded to include depots in communities with curbside Blue Box collection, municipal facilities (including public-facing community facilities such as libraries, community centres and arenas), all public spaces, Blue Boxes located at Canada Post super mailboxes, and small retail businesses within Business Improvement Areas**

Markham residents have previously expressed frustration with not being able to recycle while on the go, out in the community.

For decades, Markham has aggressively worked to expand recycling opportunities across the community including recycling at transit stops, multi-residential buildings, primary schools, super mailboxes, places of worship, municipal facilities, historical Business Improvement Areas (BIA) and our many public parks.

In addition, the role of urban recycling depots should not be underestimated. Markham operates four recycling depots imbedded in the community. For years, Markham residents have been utilizing our depots to recycle Blue Box recyclables. Community recycling depots increase diversion by providing easy recycling of oversized cardboard, Styrofoam and plastic film. The current policy intent though the regulation is that, where Municipalities have curbside collection of Blue Box including multi residential service, Producers would not be required to provide any additional depot collection for Blue Box items.

Markham requests that the Ministry expand the list of eligible sources to include: depots in communities with curbside Blue Box collection, municipal facilities (city halls and offices) including public-facing community facilities (libraries, community centres and arenas), all public spaces including all parks/playgrounds and Blue Boxes located at Canada Post super mailboxes, as well as small retail businesses within BIAs.

After transition, Producers should service recycling depots that collect Blue Box materials in conjunction with curbside collection. Depots are an excellent source for clean, marketable materials and allow for cost-effective bulk collection.

Markham believes that the final regulation should include these additional eligible sources, as it is important that recycling opportunities are in place wherever residents live, learn, work and play.

If recycling services from these locations are not incorporated into the regulation, the cost to manage recycling in public space and litter will be borne by residents. Residents should not be required to pay for the end-of-life management of materials that they consume while away from home.

If Producers have incorporated the cost of the end-of-life management of a material into their product pricing, they must be responsible to recover that material, regardless of the location in which it was consumed by the resident.

4. **Markham requests that the eligible sources, as indicated by the Draft Blue Box Regulation, be expanded to include BIA small businesses receiving curbside collection service**

Markham’s historic downtowns currently receive weekly curbside collection services as there is limited space for bulk collection containers. These areas also feature a mixture of residential apartments located above small retail establishments.

Markham is requesting that curbside collection of recycling continue in BIAs at that BIA small businesses are included as an eligible source in the final Blue Box Regulation. This important service increases diversion in these unique business areas.

5. **Markham requests that the obligations for collection after the transition period (2026+) be equal to or exceed the service standards applicable in transitioning communities on August 15, 2019, specifically, increase Blue Box collection from every other week to weekly collection**

Markham has been a diversion leader in Ontario for many years. In 2019, York Region reported that Markham achieved a net diversion rate of 72% (and a municipal curbside diversion rate of 81%) as a part of the Region's annual WDO submission. The City's high diversion rate is supported by recycling service levels that collect Blue Boxes weekly while garbage is collected bi-weekly in clear bags.

Markham has identified that program accessibility directly correlates to participation. Convenient access for residents is the fundamental driving factor of a successful diversion program. Markham's extensive experience and knowledge of this customer base has shown that services must be convenient, or residents will not participate.

Markham maintains the position that strong Blue Box Program participation and diversion requires a convenient collection system, which collects recycling more frequently than garbage. In urban/suburban communities like Markham, where density is increasing and the average home size is decreasing, the useable space to store Blue Box materials is becoming more limited.

Obligating the Producers to collect recycling every other week after transition would inconvenience residents and may negatively affect the Producers diversion efforts. The regulation must ensure Producers match, at a minimum, the current frequency of recycling collection in Markham – weekly for single-family homes and multi-residential buildings, depending on their infrastructure and needs. To avoid confusion for residents, Blue Box collection days should align with Green Bin and garbage collection days and should be provided on the same weekly schedule as the other collection services provided by a municipality. Additionally, Markham has identified that avoiding service delivery on Mondays minimizes the need to shift collection days for residents due to statutory holidays. This scheduling technique further alleviates resident confusion, reduces public promotion and advertisement costs and contributes to better diversion.

Lastly, Markham supports the concept that if Producers can penalize for contamination (assuming Municipalities administer the service on behalf of Producers), then Municipalities should be able to charge fees or penalties to the Producers that are tied to the amount of obligated packaging remaining in the garbage stream or in the Green Bin.

Markham requests that the obligations for collection after the transition period (2026+) equal or exceed the service standards applicable in transitioning communities on August 15, 2019 including:

- Blue Box collection service frequency should be weekly;

- Blue Box collection days should align Green Bin and garbage collection days and be collected on the same schedule as other collection services; and
- Municipalities be permitted to charge fees or penalties to Producers for packaging that “backslides” into the garbage or Green Bins streams

6. Markham requests a competitive environment for collection service providers

As outlined in the Draft Blue Box Regulation, Producers can organize and manage the Blue Box material recovery system comprised of collection and processing, or contract with a Producer Responsibility Organizations (or “PRO”s) to do so on their behalf.

Markham requests the Minister of the Environment, Conservation and Parks requires a system of multiple service providers broken down by municipality or geographic area in the province to ensure a competitive environment for collection service delivery.

Markham believes a competitive environment for service providers is integral to ensuring the successful transition of Blue Box Program responsibility to the Producers while maintaining the strong service levels currently being provided by Municipalities. For many years, Markham has expected and received excellent service delivery by Miller Waste Systems and the City supports a future Blue Box Program where those service expectations continue to be met.

7. Markham requests that the Producers be required to provide annual diversion data to municipalities

Markham contends that successful waste diversion is the result of an engaged community. Municipalities support retaining the ability to accurately measure waste diversion performance and to communicate with their residents on the success of their diversion efforts.

8. Markham supports the accepted Blue Box materials as defined by the Draft Blue Box Regulation

Markham strongly supports the Province’s move to include an expanded list of products and packaging as designated materials under the Draft Blue Box Regulation. The transitioned Blue Box will include a number of items that many municipal programs do not currently collect, such as rigid and flexible plastic packaging products and certain single use items. These new material categories will expand the range of products that Markham residents can recycle and increase diversion from landfill.

In addition, other policy tools and incentives to promote the use of more recycled content in products and packaging should be required, including incentives to reduce and redesign products and packaging.

9. Markham supports the standardization of the Blue Box Program

Over the years, Markham has witnessed increasing consumer confusion concerning Blue Box recycling. Variation in the types of materials accepted in Blue Box Programs across Ontario has fueled this confusion. Markham applauds the standardization of the Blue Box Program as indicated in the Draft Blue Box Regulation, as this should significantly improve our residents' understanding of what can be recycled.

Markham encourages the Ministry to formalize regulations for improving Industrial, Commercial and Institutional (IC&I) recycling programs in Ontario as soon as possible. Markham supports allowing Municipalities to comment on any future draft regulation and requests that materials accepted under the IC&I recycling programs align with the new residential Blue Box Program.

10. The Common Collection System should allow municipalities to use their preferred collection receptacle

Litter comprised of packaging products is of significant concern for Markham residents. Municipal audits have indicated that a major source of community litter is from overflowing or improperly loaded Blue Boxes.

As such, it should be noted that any effective litter reduction strategy should allow residents to use Blue Bags to contain and set out recyclable materials. Allowing residents to purchase and use Blue Bags for their recycling has many benefits for both residents and Producers. Blue Bags are:

- the most effective receptacle to minimize contamination and increase market revenue;
- the least expensive receptacle to provide to residents;
- scalable and provides unlimited capacity for recycling;
- the most convenient receptacle for the high-density built form;
- already being used to line public space recycling containers for ease of collection

When compared to the large Carts deployed by several urban Municipalities, Blue Bags are significantly more cost effective to procure and deliver as well as much easier for residents to store and take to the curb. Carts are also much more difficult to visually audit for contamination, while Blue Bags allow collection service providers to easily identify contaminated set outs, which can be tagged and left behind. If Producers are keen to limit contamination and maximize the recovery of their products, Blue Bags should be considered as the optimal receptacle.

To ensure flexibility for the inclusion of Blue Bags as a receptacle under the Common Collection System, the final Blue Box Regulation should require Producers

to incorporate state-of-the-art bag-breaking technology as a component of their material recovery facilities.
Markham recommends that Producers be encouraged to develop a Blue Box receptacle delivery system utilizing existing municipal infrastructure to ensure effective and accessible Blue Box receptacle distribution system for residents.

11. The Common Collection System should promote curbside collection versus alternate collection systems as the preferred service delivery method

As per the Draft Blue Box Regulations, the Common Collection System must be implemented following the transition period, once Producers have complete control over the Blue Box Program in 2026. The Common Collection System will be the same for all residents across Ontario and will: include a collective list of acceptable materials, dictate service levels (e.g. collection frequency and required receptacle), and identify the eligible sources which will receive collection services.

The Province has proposed that Producers will also have the option to remove their materials from the Common Collection System and use an alternative collection system to recover their products. However, before any materials are removed from the Common Collection System, Producers will have to demonstrate that they can meet their targets through the proposed alternative channel.

Markham appreciates the consideration of alternative collection channels and acknowledges their benefits given the appropriate circumstances. However, the City believes that the primary method of collection for all Blue Box materials should be through the curbside collection system used by the vast majority of Ontario residents.

Markham requests that the Province require Producers to maintain the curbside Blue Box Program as the fundamental, primary method of recycling collection in Ontario. Alternative collection systems that do not negatively affect accessibility and convenience for residents should be allowable under the regulation, but should operate as complimentary systems to curbside collection.

12. Need for continued, comprehensive promotion and education in multiple languages

The vast array of products and packaging in the Ontario marketplace has presented a challenge for residents and has required municipalities to fill the role of public educator. Municipalities have filled this role commendably for many years, and have learned many valuable lessons because of this experience.

We understand that achieving waste diversion targets is entirely dependent on the active and effective participation of all residents. The use of effective and ongoing promotion and education tactics is critical to foster participation, meet diversion

targets, reduce contamination and increase the capture of cleaner and better-quality materials.

Continuous multi-lingual education is an absolute necessity. Although English and French are Canada's official languages, many Ontario residents require additional translation. Markham recommends that the Province use census information to identify the top languages spoken in the Province, by geographic area, and require Producers to translate their promotion and education materials accordingly.

Standardization of the list of accepted Blue Box materials will significantly assist Producers in developing their baseline communications. However, Producers should be mindful of their audiences and incorporate complementary and regionally informed tactics as well.

Markham also supports requiring Producers to work cooperatively with Municipalities to ensure the promotion and education provided by Producers related to the Blue Box Program compliments the promotion and education provided by Municipalities related to other waste collection services.

Markham is requesting that the final Blue Box Regulations require Producers to create and invest in multi-lingual, comprehensive, regionally informed promotion and education activities during the transition phase and post-transition, under the Common Collection System and work cooperatively with Municipalities when disseminating program information to the public.

13. During the transition period, the Producers should be encouraged to maximize funding to all non-transitioned Blue Box Programs

During the transition period, non-transitioned municipalities will continue to receive WDO funding based on the DataCall information. Currently, municipalities receive approximately 40% of their Blue Box Program costs. Markham requests that Producers maximize funding to all non-transitioned Blue Box Programs, up to 100%, during the transition period. These costs can be identified and funded through the existing WDO DataCall process.

If the Province's ultimate goal is to require Producers to be responsible for their products, it should not permit the logistical process of transition to absolve Producers of their financial obligation to fully pay for the recovery of their products.

14. Province should consider additional measures to increase diversion in Ontario

While making Producers responsible for the Blue Box Program in Ontario is significant, this should be complimented by additional measures to foster innovation and improve waste diversion in the Province.

Markham recommends that the Province develop regulations and legislation designed to:

- increase waste diversion from the industrial, commercial and institutional sector (IC&I), including waste generated by construction and demolition industry;
- prioritize reduce and reuse initiatives;
- strategically implement disposal bans for designated materials (Markham has successfully implemented curbside disposal bans on textiles, batteries, electronic waste, hazardous waste and grass clippings);
- to designate additional materials under Extended Producer Responsibility programs, such as mattresses, textiles, cigarette waste and infant car seats

Additionally, Markham supports a regulated process to continually review and assess for performance of the Producer-led Blue Box system.

15. Markham supports the Draft Blue Box Regulation approach to minimize incineration and promote energy from waste process

The Draft Blue Box Regulation identifies outcomes that would not be eligible to count toward the Producers management requirements. Of particular note is the stance taken by the Province towards incineration. If a registered processor sends Blue Box materials to a landfill or an incinerator, the weight of the Blue Box materials cannot be used by a Producer to meet the Producer's management requirement.

Markham supports that the Producer's recovery targets should be based on the Blue Box material that is marketed (i.e. bales of material sold) and exclude energy from waste or the use of materials for fuels as part of the diversion target.

16. Markham supports a regulated Blue Box Program review process for continuous improvement

Markham requests that the Draft Blue Regulation require scheduled, comprehensive reviews of the new Blue Box Program every five years following the complete transition of each Eligible Community. The review process should allow for input from Municipalities and other key stakeholders with the intended goal of continuously improving program performance.

In addition to the comments above, please refer to Table A, Proposed Amendments for ERO (Environmental Registry Ontario) Number 019-2579 **–** A proposed regulation, and proposed regulatory amendments, to make producers responsible for operating Ontario's Blue Box programs (see Page 12).

The Ministry of the Environment, Conservation and Parks staff are to be applauded for advancing the development Extended Producer Responsibility in Ontario. Markham Council recognizes the Province has numerous critical priorities as it deals with the

Covid-19 global pandemic and appreciate their continued dedication to advance new Blue Box Program legislation. While Markham supports these regulations that address the recycling of single-use plastics and litter control, a key challenge continues to be the modification of resident behaviour in reducing the consumption of single-use plastics.

Markham would like to thank the Ministry for considering these comments. If you have any questions or would like to discuss further, please contact Phoebe Fu, Director of Environmental Services at pfu@markham.ca

Sincerely,

_____

Kimberley Kitteringham
Director, Legislative Services & Communications
The City of Markham

Copy to:

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Table A

Proposed Amendments for ERO (Environmental Registry Ontario) Number 019-2579
A proposed regulation, and proposed regulatory amendments, to make producers responsible for operating Ontario's Blue Box programs

Reference (Part #, Section #)	**Draft Blue Box Regulation**	**Recommended Amendments**
Part 1, Section 1	"facility" means, (a) a building that contains more than one dwelling unit but that is not a residence, (b) a long-term care home licensed under the Long-Term Care Homes Act, 2007, (c) a retirement home licensed under the Retirement Homes Act, 2010, or (d) a public school or private school under the Education Act;	Add: (e) municipal facilities such as city halls and offices (f) public-facing facilities such as libraries, community centres and arenas (g) recycling depots
Part 1, Section 1	"public space" means any land in any park, playground, or any outdoor area which is owned by, or made available by, a municipality, and that is located in a business improvement area designated under the Municipal Act, 2001 or by a by-law made under the City of Toronto Act, 2006	Change: "public space" means any land in any park, playground, or any outdoor area which is owned by, or made available by, a municipality
Part 1, Section 1	"residence" means, (a) a single-unit residential dwelling, including a seasonal residential dwelling, in an eligible community, or (b) a building that contains more than one dwelling unit but receives garbage collection at the same frequency as single-unit residential dwellings in an eligible community;	Add: (c) small retail businesses located in a business improvement area (d) outdoor area adjacent to a Canada Post super mailbox
Part 4, Section 19	A producer may provide either depot or curbside collection of Blue Box material to residences assigned to the producer under	Delete section.

Reference (Part #, Section #)	**Draft Blue Box Regulation**	**Recommended Amendments**
	the annual allocation table that are not required to be provided curbside collection under section 18.	Depot collection is to be included as an eligible source in Municipalities that provides curbside collection
Part 4, Section 20	A producer who provides curbside collection shall, (a) collect Blue Box material at least every other week; (b) collect in a single day all Blue Box material set out for curbside collection at an eligible source; and (c) provide Blue Box receptacles for the storage of Blue Box material until it is collected, including, (i) ensuring that each residence has a Blue Box receptacle before the day on which the producer commences collecting from that residence, and (ii) providing at least one replacement Blue Box receptacle each year, to any residence, upon request of a person residing at the residence, provided within one week of the request.	Change: (a) collect Blue Box materials at the frequency they were collected under the eligible community's Blue Box system; Add: (d) allow eligible communities to use bags as a preferred Blue Box receptacle under the common collection system following transition, even if an eligible community did not use bags as a Blue Box receptacle under their former Blue Box system; (e) ensure they are able to collect and process Blue Box material in bags under the common collection system following transition; (f) collect Blue Box materials on same collection days as green bin and garbage collection days (g) collect Blue Box materials on the same weekly schedule as other collection services provided by the municipality
Part 4, Section 21	A producer who provides depot collection in a municipality, local services board or reserve shall,	Change: (a) provide collection for all depots accepting Blue Box materials in that

Reference (Part #, Section #)	**Draft Blue Box Regulation**	**Recommended Amendments**
	(a) provide at least as many depots for the collection of Blue Box material as there are depots for household garbage in that municipality, local services board or reserve; (b) ensure the depots for the collection of Blue Box material have operating hours that are at least as accessible as the hours for depots for household garbage in that municipality, local services board or reserve; (c) collect the Blue Box material from the depot before the Blue Box receptacles at the depot are full; and (d) provide Blue Box receptacles for the storage of Blue Box material until it is collected, including, (i) ensuring that each depot has a Blue Box receptacle before the day on which the producer commences operating the depot, and (ii) providing at least one replacement Blue Box receptacle each year, upon request by an operator of a depot, within one week of the request.	municipality, local services board or reserve where curbside collection is provided; Add: (e) subsidize depot administration and staffing costs at a level that meets or exceeds the current funding levels provided under the *Waste Diversion Act* (Data Call)
Part 7, Section 48	(1) Eligible communities that are local Municipalities and local service boards that are included in the Blue Box Transition Schedule shall register with the Authority, through the Registry, by submitting the following information, on or before April 15, 2021 about the municipality or local services board: 1. Number of residents. 2. A list of residences, including the number and location of each residence, that, i. receive curbside garbage collection, or ii. are serviced by depot garbage collection. 3. A list of depots at which garbage is currently collected, including location. (cont…)	Change: 3. A list of depots at which <u>blue box materials</u> or garbage is currently collected, including location.

Reference (Part #, Section #)	**Draft Blue Box Regulation**	**Recommended Amendments**
Blue Box Transition Schedule		Add: Under “Eligible Community” – Markham, City of Under “Transition Year” – 2023

Report to: Development Services Committee Meeting Date: November 23, 2020

SUBJECT: Development Fee and Building By-law Update

PREPARED BY: John Yeh, Manager, Strategy and Innovation, Ext.7922
Veronica Siu, Senior Financial Analyst, Financial Planning, Financial Services, Ext. 2232

RECOMMENDATION:

1. That the Report titled "Development Fee and Building By-laws Update" dated November 23, 2020 be received;

2. That the proposed amendments be referred to the Development Services Committee Public Meeting to be held on December 1, 2020; and further,

3. 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 explain the proposed increases to the 2021/2022 development and 2021 building fees and seek authorization to refer the proposed amendments to a Development Services Committee Public Meeting to be held on December 1, 2020.

BACKGROUND:
The Development Fee By-law and the Building By-law are reviewed and adjusted annually to recover the anticipated reasonable costs associated with the administration of *Planning Act* applications, the associated technical review and on-sit inspection, and building permits and building code inspection and enforcement under the Building Code Act. The annual adjustments fall into one or more of the following categories:

- overall adjustments driven by a moving average of indirect and direct costs
- adjustments to provide opportunities to balance reserve accounts;
- refinements to existing fees to better reflect actual and anticipated costs of providing the related services; and
- new fees to capture new or previously underfunded services.

A fee model was established in 2005 in order to calculate the annual adjustments necessary to ensure the City's Building, Engineering and Planning and Urban Design Departments remain adequately funded by building permit and development fees, respectively. The model is designed to cover direct and indirect costs. In addition, transfers to a reserve for Building and a combined reserve for Planning and Urban Design and Engineering (Development Reserve) are included, as well as annual capital costs.

OPTIONS/ DISCUSSION:

New Development Activity Forecasting Model for Development Applications
The City's past practice has been for staff to use a development activity forecasting model with built-in financial assumptions based on historic development activity. The problem with this model is that historic performance is no guarantee for future activity. Therefore, over the past year a new forward-looking development activity forecasting model (forecasting model) for subdivision, site plan, official plan amendment, zoning by-law amendment applications has been developed to forecast development fee related revenue for input to the fee model. The development activity forecasting model tracks the development application types noted above from planning and engineering approvals through to the issuance of building permits.

The development activity forecasting model takes submitted pre-consultation applications and projects forward to application submission and then agreement execution allowing for estimation of associated fees at those two milestones. The development forecasting model also accounts for existing applications that have already been submitted and projects them forward to agreement execution based on historical trends. Appendix 'A' illustrates at a high level the planning and development application process and building permit process where fees are estimated in the development activity forecasting model and the building permit forecasting model for input to the fee models for the development fee by-law and building by-law respectively.

2021 Development Fees (Planning & Urban Design and Engineering) have been estimated from the development activity forecasting model for: 1) submitted pre-consultation applications where a fee is expected to be received for an application submission and then agreement execution and 2) already submitted applications where a fee is expected at agreement execution.

Further refinements to the forecasting model continue and will be fully completed in 2021.

Proposed Fee Increases
Over the past five years, Council has approved an average annual increase of 12.8% in Planning & Urban Design and Engineering fees and 5% in Building Permit Fees to address indirect and direct costs and to balance reserve accounts in the event of a major economic downturn to ensure service levels are maintained.

It is recognized that due to COVID-19 the development industry and broader economy is experiencing a challenging period of economic uncertainty. Therefore, staff recommends the following 2021 fee increases:

- 5% for Planning & Urban Design and Engineering fees
- 5% for Building Permit fees

Based on consultation with representatives of the development industry and with continued economic uncertainty for 2022 as a result of COVID-19, an increase is

recommended for 2022 that Planning & Urban Design and Engineering fees be limited to inflation, provided no unexpected circumstances occur (subject to the approval of the Commissioner of Development Services and the City's Treasurer).

The following two tables have been updated based on the projected unit counts and outline the following:

- 2020 year-end projection
- Revenues based on projected residential development applications and agreements executed
- Revenues based on projected residential permits
- Expenses
- Projected year-end reserve balance

1. Development Fees (Planning & Urban Design and Engineering)

Development Reserve Forecast ($ millions)

Planning and Urban Design	**2020 YE Projection**	**2021**
Revenues	14.219	13.498
Less: Expenditures	-9.804	-10.153
Transfer to Reserve (A)	4.415	3.345
2021 Proposed Planning Fee Increase		**5.00%**

Engineering	**2020 YE Projection**	**2021**
Revenues	8.128	8.844
Less: Expenditures	-7.862	-8.835
Transfer to Reserve (B)	0.266	0.009
2021 Proposed Engineering Fee Increase		**5.00%**

Development Fee Reserve		
Development Reserve Beginning Balance	-0.515	3.866
Planning Transfer (A)	4.415	3.345
Engineering Transfer (B)	0.266	0.009
Capital investment and Interest	-0.300	-0.183
Development Reserve Ending Balance	**3.866**	**7.037**

Based on the 2019 results which included a deficit of ($0.630M) in Planning & Urban Design and a surplus of $0.030M in Engineering, the reserve balance at the end of 2019 was a deficit of ($0.515M) which was the opening balance for 2020.

Based on the 2020 Budget, it was anticipated that there would be a transfer to reserves of $0.615M in Planning & Urban Design and $0.125M in Engineering. The current year end forecast is on track to surpass the targeted transfer to reserves for both departments, resulting in the reserves to be in a surplus position at the end of 2020 of $3.866M.

The 2021 Budget, which includes projected development activity and proposed fee increases of 5% in Planning & Urban Design and Engineering, includes a transfer to the reserve of $3.345M for Planning & Urban Design and $0.009M for Engineering resulting in an increase in the reserve surplus of $3.866M to $7.037M. The target is for the balance in the reserve to be equivalent to 1.0 to 1.5 times the annual Planning & Design and Engineering department expenditures budget, ranging from $19.0M to $28.5M.

Proposed Development Fee By-law Changes:

Highlights of proposed Development Fee By-law amendments:

- Fees listed in Schedule A from Appendix 'B' have been increased by 5%
- Minor changes to the development fee by-law to provide a clearer understanding of the provisions
- Planning and development application pre-consultation fee added
- Simplify the ability of staff and applicants to interpret and apply the provisions consistently, to a variety of application types

2. Building Permit Fees

Building Reserve Forecast ($ millions)

Building	**2020 YE Projection**	**2021**
Revenues	6.000	11.257
Less: Expenditures	-9.105	-9.726
Transfer to Reserve (C)	-3.105	1.531
2021 Proposed Building Fee Increase		**5.00%**
Building Reserve		
Building Reserve Beginning Balance	10.361	6.936
Transfer to/(draw from) Reserve (C)	-3.105	1.531
Capital investment and Interest	-0.320	0.034
Building Reserve Ending Balance	**6.936**	**8.501**

Based on the 2019 results which included a deficit of ($2.510M), the reserve balance at the end of 2019 was $10.361M which was the opening balance for 2020.

For the 2020 Budget, it was anticipated that there would be a draw from reserves of ($2.395M) The current year end forecasts a draw from reserves of ($3.105M). This will result in a reserve balance of $6.936M at the end of 2020. The target is for the balance in

the reserve to be equivalent to 1.0 to 1.5 times the annual Building department expenditures budget, ranging from $9.7M to $14.6M.

The 2021 Budget, which includes projected permit activity and a proposed Building Permit fee increase of 5%, includes a transfer to the reserve of $1.531M resulting in an increase of the reserve to $8.501M.

Proposed Building By-law Changes:

Highlights of proposed Building By-law amendments:

- Fees listed in Table 1 of Schedule A from Appendix 'C' have been increased by 5%
- Definitions updated and clarifications made to the provisions of abandoned permits
- Administrative fees associated with the issuance of Order to Comply increased
- Permit pre-consultation fee added
- Updated Schedule B to reflect changes to the requirements for submission content for permit applications.

Consultation with the Development Community

The *Building Code Act* requires the City to hold at least one public meeting with respect to changes in Building permit fees. Notice must be given to the general public and interested parties 21 days prior to the meeting. Staff are recommending that the changes to the Development Fee By-law and Building By-law be referred to a Development Services Public Meeting to be held on December 1, 2020. To meet the timeline requirement, the required notice has been placed on the City's website, in the Markham Economist and Sun and the Thornhill Liberal along with email notice to the development community.

Staff met with representatives of the development industry in October and November 2020 to discuss fee increases. Issues were raised about the structure and components of the Development Fee By-law and its impact on development fees and how development revenue is utilized in reviewing development applications. Staff agreed with representatives of the development industry to continue working with them in early 2021 to address their concerns. Additional issues were raised with respect to recent fee increases and COVID-19 implications.

City staff received a letter from TACC Developments (attached as Appendix 'D'), a developer with significant activity in Markham, dated November 9, 2020 proposing a 5% fee increase for the Planning & Urban Design and Engineering fees and increases for 2022 and 2023 to not exceed inflation. Recently, staff also received email correspondence from Forest Bay Homes/Minotar Holdings and Fieldgate Developments) attached as appendix 'E' and Appendix 'F'), also developers with significant activity in Markham, suggesting a similar approach. Staff has also included BILD representatives in our consultation although a formal position from BILD has not been received as of the writing of this report. Staff concur with a 5% fee increase for Planning & Urban Design and Engineering fees and Building Permit fees for 2021. The suggested Planning &

Urban Design and Engineering fee increase is much lower than recent fee increases but is proposed to respect challenges faced by the industry during the current pandemic. Staff also propose, as noted earlier in this report, that the 2022 Planning & Urban Design and Engineering fees increases be limited to inflation provided no unexpected circumstances occur (subject to the approval of the Commissioner of Development Services and the City's Treasurer). Although requested by TACC developments, staff does not recommend limiting 2023 fee increases to inflation due to potential unknown impacts and circumstances that far in the future.

FINANCIAL CONSIDERATIONS

Staff has worked to ensure proper direct and indirect cost recovery and to incorporate the results into the proposed 2021 operating budget. The fee adjustments recommended in this report for 2021 are 5% for Planning & Urban Design, 5% for Engineering, and 5% for Building, which will assist in offsetting the projected direct and indirect costs, including positive contributions to the Building and Development reserves. Finance and Development Services staff will monitor financial performance against budget and report back to Council throughout the year as part of the Year-to-Date Results of Operations reports.

Summary of Reserve Balances

Markham has experienced stronger development and building activity since 2016 when the Development reserve balance started to move out of deficit and increase with a forecasted surplus by the end of 2020. The reserve balance for Building in the past several years has been relatively healthy. The Building Department has utilized the reserve to invest in new processes and technologies such as ePLAN project and a comprehensive zoning by-law project, and to withstand cyclical downturns without abrupt changes to capacity and service levels. The following table provides a recent history of the balances in the Development (Planning & Urban Design and Engineering combined) and Building reserves:

Reserve Balances Surplus/ Deficit ($ millions)		
Year End	**Development**	**Building**
2015	(10.668)	9.628
2016	(10.741)	10.219
2017	(7.768)	9.355
2018	0.267	12.940
2019	(0.515)	10.361
2020 Forecast	3.866	6.936
2021 Forecast	7.037	8.501

HUMAN RESOURCES CONSIDERATIONS

Not Applicable.

ALIGNMENT WITH STRATEGIC PRIORITIES:
Growth Management and Municipal Services delivery

BUSINESS UNITS CONSULTED AND AFFECTED:
Development Services Commission departments and Financial Services

RECOMMENDED BY:

Chris Bird
Director of Building Standards

Biju Karumanchery
Director of Planning & Urban Design

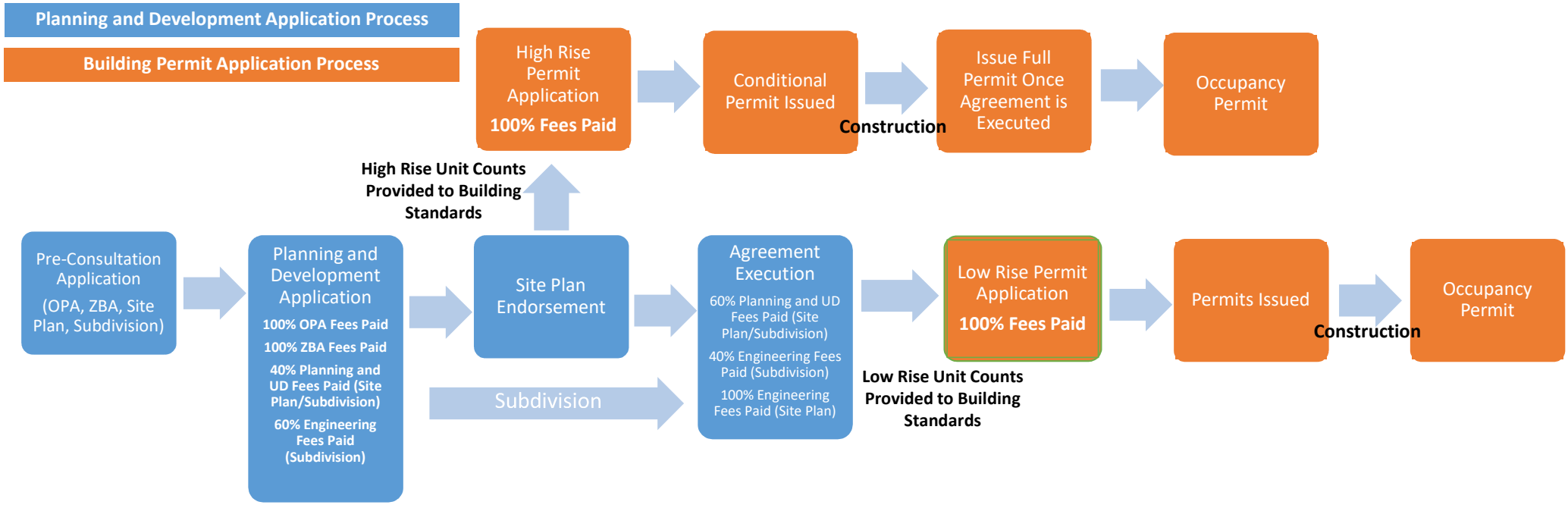
Brian Lee
Director of Engineering

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

Joel Lustig
City Treasurer

ATTACHMENTS:
Appendix 'A' - Development Application Process and Building Permit Process
Appendix 'B' - Draft of amendment to Development Fee By-law 2019-xx
Appendix 'C' - Draft of amendment to Building By-law 2019-xx
Appendix 'D' – TACC Developments letter
Appendix 'E' – Forest Bay Homes/Minotar Holdings email
Appendix 'F' – Fieldgate Developments email

Planning and Development Application Process and Building Permit Process



Appendix 'B'

BY-LAW 2020-

A by-law to amend By-law 211-83, as amended
(A by-law to prescribe a Tariff of Fees
for the Processing of Planning Applications)

THE COUNCIL OF THE CORPORATION OF THE CITY OF MARKHAM HEREBY ENACTS AS FOLLOWS:

1. By-law 211-83, as amended, be and the same is hereby further amended as follows:

   1.1 By deleting Schedule 'A' to By-law 211-83, as amended, and substituting Schedule 'A' attached hereto.

2. All other provisions of By-law 211-83, as amended, not inconsistent with the provisions of this by-law hall continue to apply.

3. This By-law comes into force and takes effect on January 1, 2021.

READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS
DAY OF DECEMBER, 2020.

CITY CLERK

MAYOR

SCHEDULE 'A' TO BY-LAW 2020-

TARIFF OF FEES FOR PROCESSING OF PLANNING APPLICATIONS GENERAL TERMS

1.0. Fee Acceptance

1.1. Fees shall only be accepted in conjunction with the filing of an application containing all submission requirements as determined by the Director of Planning and Urban Design or designate and/or Director of Engineering or designate.

1.2. Applicants shall not be permitted to "pre-pay" application fees upon submission of an incomplete application in order to lock in fees and avoid future fee increases.

2.0. Fee Calculation

2.1. For each development application type, fee shall be calculated, and may include Development Application Fees, Supplementary Fees, and Miscellaneous Fees as listed in this by-law. Unless otherwise stated, fee subsections ending in roman numerals (ie. i), ii), iii), etc) form part of the overall subsection fee, and shall be applied cumulatively with the other fees ending in roman numerals within that subsection.

2.2. Fees shall be calculated at the rate in effect on the date paid. Applications for which fees have been paid in part, prior to the effective date of this by-law, shall be required to pay any additional fees established by this by-law.

3.0. Fee Payable in stages

3.1. Unless otherwise noted, fees are payable at time of application.

3.2. Where the fee payable in respect of an application is payable in stages, the fee owing at each stage shall be the fee, for such stage, in effect on the date the payment is made. No additional fee or increase in fee is payable in respect of stages for which a fee has already been paid.

3.2.1. Where payment in full of all fees applicable to an application has been made, no additional fee, where established by this by-law, shall be payable.

3.2.2. Other City of Markham fees may be applicable.

4.0. Fee Adjustments

4.1. Adjustments are made to fees to reflect changes in the total number of Units/Lots/ Parcels/ GFA/ Land Area/Estimated Cost of Works, Consultants Review Fees, etc.,

4.2. Adjustments to the total fee payable will be required at each payment stage.

5.0. Reimbursement of fees:

5.1. Fees shall be reimbursed upon applicant withdrawing the application, as determined by the Director of Planning & Urban Design or designate and/or Director of Engineering or designate:

5.1.1. Refund percentage is based on all fees received.

5.1.2. HST refund is calculated based on percentage of fee to be refunded.

5.1.3. Refund percentage (%) is based on the application stage as follows:

5.1.3.1.	Prior to circulation of application	75%
5.1.3.2.	From circulation to completion of preliminary report and/or holding of a public meeting, if required	50%
5.1.3.3.	Prior to Committee receiving recommendation report and/or prior to Site Plan Endorsement (*Not applicable to Committee of Adjustment Applications*)	25%
5.1.3.4.	After Site Plan Endorsement and/or after Recommendation Report/ Memorandum received by Committee	No refund

Notes:

a) For all application fees calculated, **add HST** as applicable.
b) All cheques shall be payable to '**City of Markham**'.
c) For assistance contact **- City of Markham, Development Services Commission**,
101 Town Centre Blvd., Markham, Ontario, L3R 9W3.
Telephone: + (905) 475.4861 Fax: + (905) 479.7768 Email: dsc@markham.ca

DEVELOPMENT APPLICATION FEE

Table 1	Application for Pre Consultation	Fee	Rate
1.1	Pre-Consultation	$750	Per Application

1. Fee does not apply where pre-consultation is not required or is waived.

Table 2	Official Plan/Secondary Plan Amendment (1)	Fee	Rate
1.1	Minor Amendment (2)	$29,603	Per Application
1.2	Major Amendment (3)	$78,581	Per Application

2. Unless authorized by the Director of Planning or their Designate, an Official Plan or Secondary Plan Amendment application shall be deemed to be Major
3. Minor Official Plan Amendment means an amendment that:
    a. Proposes a small-scale exception to a specific Official Plan Standard (eg. Minor changes to the number of permitted units; building height; gross floor area; or to add a site-specific use limited in scale);
    b. Proposes a minor change to a specific policy that is limited in scope and typically to one property;
    c. Maintains the intent and purpose of the Official Plan;
    d. Shall have limited impact or policy implications beyond the subject lands; and
    e. Is authorized by the Director of Planning and Urban Design, or their Designates.
4. Major Official Plan Amendment means an amendment that:
    a. Any proposed re-designation or change in land use for a property(ies)
    b. Requires many changes to the policies and schedules of the Official Plan
    c. Is more significant in scale and scope than a minor Official Plan amendment, and which may have a greater impact or policy implications beyond the subject lands. Applications related to more than one property would normally be in the category;
    d. A site-specific application representing a large-scale development/redevelopment or a change in use. An application involving significant changes to the text or policies of the Official Plan would also fall in this category.

Table 3	Zoning By-Law Amendment (1)	Fee	Rate
1.1	Minor Amendment (2)	$27,443	Per Application
1.2	Major Amendment (3)	$55,204	Per Application
1.3	Removal of "H" (Holding) Provision	$9,275	Per Application

1. Unless authorized by the Director of Planning or their Designate, an Zoning By-law Amendment application shall be deemed to be Major
2. An application for minor and small scale zoning amendment having no significant impact on adjoining lands as determined by the Director of Planning and Urban Design. Minor applications must be site specific and include:
    a. Request for additional permitted use within an existing building, or a request to expand an existing building with no significant impact on existing development standards;
    b. Changes in development standards to accommodate a residential severance to create one single detached lot within an existing subdivision;
    c. An application for a temporary use
3. An application that is not deemed to be minor by Director of Planning or their Designate, a Zoning By-law Amendment application shall be deemed to be Major. Major applications include applications more significant in scale and scope than a minor zoning amendment, and which may have greater impact beyond the subject lands. Major applications include:
    a. Applications relating to more than one property;
    b. A site specific application if considered to be redevelop a site;
    c. A change in use within a new development and / or a change in the zone category;
    d. Any application involving significant changes to the development standards or general provisions of the by-law.

Appendix 'B'

Table 4	Plan Of Subdivision	Fee	Rate
1	**Draft Plan of Subdivision**		
1.1	Planning Review		
1.1.1 i)	Base fee	$42,308	Per Application
1.1.1 ii)	Unit Fee (1)	$2,198	Per Unit/Lot
1.1.1 iii)	Land Area (2)	$21,790	Per Hectare
1.2	Urban Design Review		
1.2.1	Community Planning Review		
1.2.1 i)	Unit Fee (1)	$419	Per Unit/Lot
1.2.1 ii)	Land Area (2)	$21,790	Per Hectare
1.2.2	Landscape Review		
1.2.2 i)	Base Fee (9)	$9,593	Per Application
1.2.2 ii)	Calculated Fee (the greater of) (3)	$725	Per Unit/Lot (4)
Or		15.2%	Construction Cost (5) (11)
1.3	Engineering Review		
	Engineering Review		
1.3.1	Calculated Fee (the greater of) (6)	$2,160	Per Unit/Lot/Block (4)
Or		12.7%	Construction Cost (8) (10)
2	Extension of Draft Plan Approval	$9,275	Per Application
3	Revision of Draft Approved Plan and/or Draft Plan Conditions (7)		
3.1	Minor (does not require report to Committee)	$5,742	Per Application
3.2	Major (requires report to Committee)	$18,168	Per Application
4	Request for Subdivision Agreement		
4.1 i)	First Phase of subdivision	$60,857	Per Agreement
4.1 ii)	Subsequent Phases	$42,753	Per Agreement

1 Unit fee applicable to Single Detached, Semi Detached and/or Freehold Townhouse units. To be collected as follows:
40% collected at submission of application
60% collected at execution of agreement

2 Applicable to blocks created for Residential, Mixed-Use, Institutional (including school blocks), Commercial or Industrial uses. (Excludes park blocks, valley lands, hazard lands, environmental buffer blocks, storm water management blocks, open space areas and public roads to be conveyed into public ownership). To be collected as follows:
40% collected at submission of application
60% collected at execution of agreement

3 Payable at the execution of agreement

4 Up to 100 units/lots on a plan of subdivision

5 Estimated cost of construction of landscape works

6 To be collected as follows:
60% collected at submission of engineering drawings
40% collected at execution of a pre-servicing agreement (if applicable) or a subdivision agreement

7 At the request of the owner

8 Estimated cost of internal and external works associated with the Plan of Subdivision, as prepared by the Consulting Engineer. Includes erosion and sediment controls, underground and above-ground works, streetlights, etc. plus a 10% contingency added to the estimate

9 Payable at first submission of Landscape drawings for each phase of the draft plan of subdivision

10 Where a construction agreement is require as a result of this application type, fees for the construction agreement will be calculated in accordance with this section

Table 5	Plan of Condominium	Fee	Rate
1.1	Condominium Fee (1)	$46,310	Per Application
1.2	All other Condominium Types other than those above	$39,704	Per Application
1.3	Extension of Condominium Draft Approval	$9,275	Per Application
1.4	Revision of Condominium Draft Approved Plan (2)	$12,515	Per Application

1 Includes standard, common element (POTL), and vacant land condominium application types
2 Includes Draft Plan Conditions and amalgamation of multiple condominiums where requested by the owner

Table 6.1	Site Plan Applications (Residential/Mixed Use)	Fee	Rate
1	**Residential (15)**		
1.1	**Small Developments** (1)		
1.1 i)	Planning Review fee	$2,808	Per Unit
1.1 ii)	Urban Design Review (2)	$953	Per Unit
1.1 iii)	Engineering Review Fee (2)	$953	Per Unit
1.2	**Large Developments** (3)		
1.2.1	Planning Review		
1.2.1 i)	Base Fee	$12,896	Per Application
1.2.1 ii)	Unit Fee (4) (5) (10)	$2,198	Per Unit
1.2.1 iii)	Calculated GFA Fee (6) (10)	$6	Per M^2
1.2.2	Urban Design Review		
1.2.2 i)	Base Fee	$5,273	Per Application
1.2.2 ii)	Percentage fee (2) (7)	15.2%	Percent (21)
1.2.2 iii)	GFA Fee (2) (11)	$6	Per M^2
1.2.3	Engineering review (8)		
1.2.3 i)	Base Fee	$9,402	Per Application
1.2.3 ii)	Percentage fee (2) (9)	13.9	Percent (21)
1.2.3 iii)	GFA Fee (2) (11)	$6	Per M^2
1.3	**Additions or Alterations**		
1.3.1	**Small Developments (1)**		
1.3.1.1	Less than 50 square metres of GFA	$191	Per Unit
1.3.1.2	50 to 100 square metres of GFA	$953	Per Unit
1.3.1.3	Greater than 100 square metres of GFA		
1.3.1.3 i)	Planning Review fee	$953	Per Unit
1.3.1.3 ii)	Urban Design Review	$852	Per Unit
1.3.1.3 iii)	Engineering Review	$852	Per Unit
1.4	**Residential Driveways or parking area**	$191	Per Application

Table 6.2	Site Plan Applications (ICI) (17)	Fee	Rate
2	**ICI without units accommodating overnight stay**		
2.1	Planning Review		
2.1 i)	Base Fee	$12,896	Per Application
2.1 ii)	Calculated GFA Fee (6) (10) (11)	$6	Per M^2
2.1.2	Urban Design Review		
2.1.1 i)	Base Fee	$5,273	Per Application
2.1.1 ii)	Percentage Fee (7)	15.2%	Percent (21)
2.1.1 iii)	GFA Fee (2) (14)	$6	Per M^2
2.1.3	Engineering Review (8)		
2.1.3 i)	Base Fee	$9,402	Per Application
2.1.3 ii)	Percentage Fee (9)	13.9%	Percent (21)
2.1.3 iii)	GFA Fee (2) (14)	$6	Per M^2
2.2	**ICI with units accommodating overnight or longer stay (12)**		
2.2.1	Planning Review		
2.2.1 i)	Base Fee	$12,896	Per Application
2.2.1 ii)	Unit Fee (10)	$2,198	Per Unit
2.2.1 iii)	Calculated GFA Fee (10) (13)	$6	Per M^2
2.2.2	Urban Design Review		
2.2.1 i)	Base Fee	$5,273	Per Application
2.2.1 ii)	Percentage Fee (7)	15.2%	Percent (8)
2.2.1 iii)	Calculated GFA Fee (2) (14)	$6	Per M^2
2.2.3	Engineering Review (8)		
2.2.3 i)	Base Fee	$9,402	Per Application
2.2.3 ii)	Percentage Fee (2) (9)	13.9%	Percent (8)
2.2.3 iii)	Calculated GFA Fee (2) (14)	$6	Per M^2
2.3	**Parking Lot or Outdoor Patio**		
2.3.1	**New Parking Lot or Outdoor Patio**		
2.3.1 i)	Planning Review Fee	$4,688	Per Application
2.3.1 ii)	Urban Design Review	$953	Per Application
2.3.1 iii)	Engineering Review	$953	Per Application
2.3.2	**Expansion/Alteration of Existing Parking Lot or Outdoor Patio**		
2.3.2 i)	Planning Review Fee	$2,337	Per Application
2.3.2 ii)	Urban Design Review	$953	Per Application
2.3.2 iii)	Engineering Review	$953	Per Application
Table 6.3	**Extensions or Minor Applications**	**Fee**	**Rate**
3.5	Extension of Site Plan Approval/Agreement	$2,226	Per Application
3.6	Minor Applications (20)		
3.6 i)	Planning Review Fee (16)	$4,059	Per Application
3.6 ii)	Urban Design Review	$908	Per Application
Table 6.4	**Heritage Site Plan**	**Fee**	**Rate**
4	Heritage Site Plan		
4.1	Residential	Section 1	
4.2	ICI - Institutional, Commercial, or Industrial		
4.2.1	Less than 50m2	$1,335	Per Application
4.2.2	50m2 or greater	Section 2	
4.3	Façade changes (17) (18) (19)	$953	Per Application

1 Single Detached, Semi-Detached, Townhouse, and/or Apartment development with under 10 lots, blocks, or units total

2 To be collected as follows:
40% collected at submission of application
60% collected at the earlier of the execution of agreement or issuance of a conditional building permit

3 Mixed Development or Single Detached, Semi-Detached, Townhouse, and or Apartment

development with more than 10 lots, blocks, or units total

4 Unit fee applicable to Single Detached, Semi Detached , Townhouse and Apartment units

5 Applicable to buildings with common area(s)

6 Calculated GFA shall mean the total GFA of building(s) minus GFA of Apartment units and overnight or longer stay unit(s)

7 Estimated cost of construction of landscape work

8 Where a construction agreement is required as a result of this application type, fees for the construction agreement will be calculated in accordance with this section

9 Estimated cost of internal and external works associated with the Site Plan, as prepared by the Consulting Engineer. Includes erosion and sediment controls, underground and above ground works, streetlights, etc. plus a 10% contingency added to the estimate

10 To be collected as follows:
40% collected at submission of application
60% collected at execution of agreement

11 Total GFA of the development

12 Including but not limited to Hotels, Senior Homes, etc.

13 Applies to the GFA of the building, exclusive of the area of units identified in Table 5, section 2.2.1 ii)

14 Notwithstanding the definition of GFA, the subject fee shall include the GFA of areas underground dedicated to parking

15 Includes additions or alterations to developments of 11 units or greater

16 Includes Façade changes

17 When changes are funded in part or wholly by a Grant from Council

18 All other application types, including changes to approved drawings that are not subject to special provision 18, are subject to Table 5, Section 2.4

19 All other application types, including changes to approved drawings that are not subject to special provision 18, are subject to Table 5, Section 2.4

20 Engineering review of site plan requires Major Application submission

Table 7	Committee of Adjustment	Fee	Rate
1	**Minor Variance**		
1.1	Development Standards (1)	$6,315	Per Application
1.2	Residential Small Scale (2)	$2,681	Per Application
1.3	Variance with respect to use (3)	$14,548	Per Application
1.4	Technical Variance (4)	$2,198	Per Application
1.5	Multiple Variances (5)		
1.5 i)	Base Fee	$10,545	Per Application
1.5 ii)	Unit Fee (6)	$2,198	Per Unit
1.5.1	Notwithstanding 1.5 above, the total fee for a variance shall not exceed	$55,204	Per Application
1.6	Heritage variance (7)		Per Application
2	**Land Division**		
2.1	Consent for creation of one or more lots		
2.1 i)	Base fee	$14,548	Per Application
2.1 ii)	Unit Fee (8) (10)	$2,198	Per Unit
2.1 iii)	Land Area Fee (9) (10)	$21,790	Per Hectare
2.1.1	Notwithstanding 2.1 above, the total fee for a Land Division shall not exceed	$42,308	Per Application
2.2	Other Consent (11)	$7,623	Per Application
2.3	Change of Condition prior to final consent	$1,918	Per Application
2.4	Re-Application of Provisionally approved Consent without completion of conditions within One year timeframe (12) (13)	$6,098	Per Application
3	**Sign Fee** (14)	$38	Per sign
4	**Development Agreement**		
4.1	Planning	$1,918	per agreement
4.2	Urban Design	$1,918	per agreement
4.3	Engineering	$1,918	per agreement

1 Additions, alterations, or new dwellings 50m2 or greater, or apartment, condominium, mixed use buildings or ICI
2 Additions, Alterations, or new single, semi-detached, or townhouse dwellings, or to accessory buildings, structures or decks less than 50m2
3 Includes residential, ICI, and where use and development standard variances are requested
4 To rectify and existing site condition, at the discretion of the Director of Planning and Urban Design or their designates
5 Multiple lots on a Draft Plan of Subdivision, registered M-Plan, or multiple single, semi-detached, or townhouse dwellings on a site plan
6 Number of actual units or lots (any decimal number rounded off to the next greater number)
7 Applies to heritage buildings, or Heritage Properties where Heritage Staff or Heritage Markham has requested the implementation of a historic condition or feature, at the discretion of the Director of Planning or their Designate
8 Applies only to consents creating new residential lots, excluding apartments, condominiums, and mixed use buildings
9 Applies to all consents except those identified in Table 6, Section 2.1 ii)
10 Payable prior to finalization of consent
11 Includes consent for partial discharge of mortgage, easement, lease of 21 years or more, and validation of title
12 Application must be received within 6 months of the lapse of the original consent application
13 Proposed lot configuration and development must be identical to the lapsed application receiving provisional consent
14 One sign required on each public or private street upon which the subject site has frontage, as determined by the Secretary Treasurer of the Committee of Adjustment

Table 8	Supplementary Fee	Fee	Rate
1	Electronic submission fee (1)(19)	$100	per application
2	Additional Public Meeting Fee (2) (3)	$8,894	per meeting
3	Additional Report to Committee or Council (2) (3)	$8,894	per report
4	**Re-Circulation of Drawings** (3)		
4.1	Minor Circulation (5)	$572	per circulation
4.2	Major Circulation (2) (6) (7)	$7,052	per circulation
5	More than two inspections (3) (8)	$1,817	per inspection
6	**Studies** (4)		
6.1	Planning And Urban Design Studies		
6.1.1	Large Scale Major Studies (9)	$71,847	per study
6.1.2	Update or Amendment to existing Study (10)	$28,777	per study
6.2	Engineering Studies		
6.2.1	New Study (11)	$37,544	per study
6.2.2	Update or Amendment to existing Study	$12,578	per study
7	Hire/Retain a Consultant/Vendor (12)	(13)	
8	Third Party Appeal (14) (16)	(15)	

1 Required for all applications submitted electronically, excluding Heritage applications exempted under Table 7, Section 1.6, and Applications under Table 1.

2 Due to revisions by owner/applicant, or owner/applicant's failure to revise drawings/plans/reports as requested by the City

3 Payable prior to meeting, inspection, or circulations

4 Payable at submission of study

5 Includes Consent to Sever and Minor Variance Applications due to revisions or request for deferral by owner, and/or after 1 year from the original date of application submission due to inactivity

6 Payable at submission

7 Includes 4 or more submissions and re-circulations

8 Due to unaddressed deficiencies identified during earlier inspections

9 Includes review and approval of large scale major studies including but not limited to: Community Design Plans or Precinct Plans associated with a new secondary plan, major official plan amendment/Secondary Plan Amendment, Major Zoning or major site plan application on a large scale complex site

10 Includes review and approval of small scale studies at the discretion of the Director of Planning and Urban Design or their designates

11 Includes review and approval of large scale major studies including but not limited to: Master Transportation Study, Master Environmental Servicing Plan, Noise Study, Geotechnical Study, etc. associated with a new Secondary Planed, major Official Plan Amendment/Secondary Plan Amendment, major Zoning or major Site Plan application on a large scale complex site

12 Fees for the City to retain a consultant/Vendor for the review, implementation or monitoring related to an application, as determined by the Director of Planning and Urban Design and/or the director of Engineering, or their designate

13 Actual cost of Consultant/vendor plus an administrative fee in the amount of 31.7% of the actual cost of the consultant/vendor

14 City's cost to retain outside Legal Council, and other outside experts including but not limited to Planning, Urban Design, or Engineering consultants or experts as determined necessary by the City Solicitor and Commissioner of Development Services, where an approved development application is appealed to the Local Planning Appel Tribunal

15 Actual cost of legal counsel and consultants, plus an administrative fee in the amount of 33% of the actual cost of the consultant/vendor

16 Fees shall be payable in accordance with a Cost Acknowledgement Agreement between the City and the Applicant

17 Major or Minor application as determined by the Director of Planning and Urban Design or the Director of Engineering or their designates, and payable at the execution of the agreement

18 Does not apply to site plan applications for single detached dwellings

19 Digital uploads that are not submitted as applications within 30 days of initial upload will be cancelled and no refund will be provided.

Table 9	Miscellaneous Fees	Fee	Rate
1	Review and Comment on Minister's Zoning Order		
1.1	New Application	$8,576	per application
1.2	Comment on extension of a temporary use	$2,805	per application
2	Deeming By-law	$9,275	per application
3	Exemption from Part Lot Control (1)	$9,275	per M-Plan
4	Telecommunication Tower	$22,361	per application
5	Model Home/Sales trailer agreement (2)	$5,971	per agreement
6	Heritage Permit (3)	$610	per application
7	Townhouse Siting	$673	Per unit
8	Site Alteration Permit		
8.1	Urban Design		
8.1 i)	Base Fee	$6,213	per application
8.1 ii)	Area Fee	$1,283	per hectare
8.2	Engineering		
8.2 i)	Base Fee	$6,213	per application
8.2 ii)	Area Fee	$1,283	per hectare
9	Construction Management Plan and/or Traffic Management Plan Review and/or public Communication Plan/Report (5)	$5,387	per application
10	Shoring and Hoarding Encroachment Plan (2)	$5,628	per application
11	Miscellaneous Submission (6)		
11.1	Percentage Fee (7)	15.2%	Percent
11.2	Hourly Rate for Estimate Hours	$292	per hour
12	GIS Hourly Rate	$127	per hour

1 Applicable to units that have not been captured through Draft Plan of Subdivision Application Fee
2 Payable at the execution of an agreement
3 For unauthorized work
4 Percent of the total cost of the engineering work required within the municipal road allowance
5 Payable at the submission of Plans
6 Not identified under a fee category as determined by the director of Planning and Urban Design or Director of Engineering or their designates
7 Estimated based on the cost of works

NOTES/DEFINITIONS

COMMITTEE OF ADJUSTMENT

Technical Variance: A minor variance related to an existing building or structure, but requires variance approval due to one or more minor siting errors. Determination of whether or not a variance is a Technical Variance is at the discretion of the Director of Planning and Urban Design, or designate.

Development Standards: Any requirement of a zoning by-law other than permitted use (i.e. yard setbacks, building height, lot coverage).

Use: Any requirement of a zoning by-law related to the types of uses permitted on a property.

PLAN OF CONDOMINIUM

Standard Condominium: A plan of condominium that consists of both individually owned units and common elements. Note that all condominiums that existed at the time that the Condominium Act, 1998 came into effect are deemed Standard Condominiums.

Phased Condominium: A form of Standard Condominium (*see above*) that permits individually owned units and common elements to be added to a condominium corporation in phases, over a maximum of ten (10) years.

Common Element Condominium: A plan of condominium that consist only of common elements (e.g. a laneway or a golf course), with no individually owned units. The owners of the common elements are owners of freehold parcels of tied land (POTLs) which are not part of the condominium property.

Vacant Land Condominium: A plan of condominium where individually owned units are effectively vacant lots upon which buildings will be located after the condominium is registered.

Amalgamated Condominium: A plan of condominium where two or more condominium corporations merge into one corporation.

Leasehold Condominium: A plan of condominium where individually owned units and common elements are leased by the landowner to purchasers who will never own the land. The purchasers buy a leasehold interest in the units and common elements for a fixed number of years.

ENGINEERING

Definitions of internal and external works for site plan applications:
Internal works - Include but are not limited to curbs, pavement, retaining walls, grading, water mains, sanitary sewers, storm sewers, manholes, catch basins and their leads, erosion and sediment controls and on site storm water management facilities (e.g., Oil Grit Separators (OGS), storage facilities, chambers, infiltration trenches/chambers, soakaway pits and bioretention systems).

External works - Include but are not limited to sanitary and storm sewer connections, manholes, water service, driveways, sidewalks, boulevard treatment and other road works (Pavement, curbs, catch basins and their leads, hydrants, streetlighting, hydro poles, traffic controls).

Site Alteration: Includes but not limited to, the removal of topsoil from land, placement or dumping of fill on land, the alteration of the grade of land or excavation by any means including the removal of vegetative cover, the compaction of soil or the creation of impervious surfaces, or any combination of these activities that would change the landform and natural vegetative characteristics of the land.

Residential Service Connection: A watermain, sanitary sewer or storm sewer that connects from a residential house/unit to a municipal watermain, sanitary sewer or storm sewer.

Engineering Plans: Technical plans that show sanitary, water and stormwater servicing schemes, grading, utilities location, erosion and sediment controls, shoring and construction details of the proposed development.

Water Supply Analysis Report: Provides detailed design for a water supply distribution system including mitigation measures to ensure adequate water supply flow and pressure for the proposed development.

Construction Management Plan: Technical plan that shows how construction works for a proposed development will be managed. The plan shows surface encroachment (e.g. vehicular lane, sidewalk, signage, utilities, trees and municipal easements), storage/loading areas, dewatering equipment, aerial/crane encroachment, vehicular and material access points, hoarding, traffic management, and possible impacts on properties (noise/vibration mitigation and construction condition surveys).

Traffic Management Plan: Shows how the alterations and disruptions to traffic caused by the construction activities of the proposed development, servicing infrastructure, or road shall be mitigated and managed.

Shoring Encroachment and Hoarding Plan: Technical plan that shows the design and installation of a shoring system consisting of piles and tie-back system, location of the utilities/services and hoarding, and any significant features pertinent to the municipal right-of-way encroachment, to facilitate the construction of underground and aboveground structures that are close to or within the municipal right-of-way. This plan helps ensure construction works do not impede pedestrian and vehicular traffic in any significant manner and do not impact any underground and aboveground utilities or infrastructures.

Public Communication Plan/ Report: Outlines the planned public communication process and actions to inform the travelling public, project stakeholders, emergency response agencies, and directly impacted businesses and local residents about the planned construction activities and changes to traffic operations due to proposed temporary road closure and alterations and disruptions to traffic necessary to safely complete construction of proposed development, municipal services and roads. The Plan/Report may consist of any of the following elements: notices to the impacted residents, businesses and travelling public placed in print media, project road signs including detour routes, changeable message signage, notices to the public placed on Internet web pages, brochures, direct mail outs to impacted businesses and local residents, and public meetings. The Plan is modified throughout the project life cycle to address issues as they arise.

GENERAL

City: The Corporation of the City of Markham

Committee: Committee is a group of individuals appointed by Council, such as the Development Services Committee (DSC), Markham Heritage Committee, Committee of Adjustment or any other sub-committee; with a specific function to review, comment and/or approve the related development applications.

Heritage: Heritage designated building (Part IV designation) or any building located within the boundary of a Heritage Conservation District (Part V designation).

ICI: Institutional, Commercial, Industrial

Townhouse Siting: Review of the design aspects of townhouse blocks and ensures appropriate building placement and elevation treatments for specific townhouse blocks.

Gross Floor Area (GFA) of Building(s): Defined as the total floor area (inside the building envelope, including the external walls, and excluding the roof) above and below grade less area dedicated to underground parking.

Appendix C

BY-LAW 2020-XXX

Being a By-law respecting Construction, Demolition,
Change of Use Permits and Inspections

WHEREAS Section 7 of the *Building Code Act, 1992*, S.O. 1992, c. 23, as amended, authorizes municipal council to pass by-laws respecting construction, demolition and change of use permits, inspections and related matters;

AND WHEREAS the Council of The Corporation of the City of Markham desires to repeal By-law 2019-136 and to enact a new building by-law for the issuance of permits and related matters, including the establishment of a fee schedule;

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

1. SHORT TITLE

1.1. This By-law may be cited as the "Building By-law".

2. DEFINITIONS

2.1. In this By-law:

"*Act*" means the *Building Code Act, 1992*, S.O. 1992, c. 23, as amended;

"*applicant*" means the *owner* of a building or property who applies for a *permit* or any person authorized to apply for a *permit* on the *owner*'s behalf, or any person or corporation empowered by statute to cause the construction or demolition of a building or buildings and anyone acting under the authority of such person or corporation;

"*Building Code*" means the regulation made under Section 34 of the *Act;*

"*certified model*" means a unique building design for a detached or semi-detached unit that has been reviewed by the *chief building official* for compliance with the *Building Code* and is intended for construction pursuant to a *permit* issued under the *Act.* A *certified model* approval is not itself a *permit;*

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

"*chief building official*" means the *chief building official* appointed by by-law by Council for the purposes of enforcement of the *Act*, the *Building Code* and this By-law;

"*complete application*" means an application that meets the requirements set out in the building code for applications where the *chief building official* is required to make a decision within a prescribed time period, and further that meets the requirements set out in Section 4 and Schedule B of this By-law;

"*conditional permit*" means a *permit* issued under Subsection 8(3) of the *Act*;

"*construct*" means construct as defined in Subsection 1(1) of the *Act*;

"*demolish*" means demolish as defined in Subsection 1(1) of the *Act*;

"*electronic submission"* means the filing of a *pre-application review* or an application for a building *permit, certified model* or alternative solution,

including all required forms, documents and drawings, submitted through an online application procedure approved by the *chief building official*.

"*owner*" means, in respect of the property on which the construction is to take place, the registered owner of the land and, except for *conditional permits*, may include a lessee, mortgagee in possession and the person acting as the owner's authorized agent;

"*partial permit*" means a *permit* issued by the *chief building official* to construct part of a building;

"*permit*" means permission or authorization given in writing by the *chief building official* to perform work, to change the use of a building or part thereof, or to occupy a building or part thereof, as regulated by the *Act* and *Building Code;*

"*permit holder*" means the *owner* to whom the *permit* has been issued or where a *permit* has been transferred, the new *owner* to whom the permit has been transferred;

"*pre-application review*" means the review of forms, documents and drawings which precedes the acceptance of a permit application to determine if it qualifies for an *electronic submission* for a permit;

"pre permit consultation" means the high level review of proposed plans to identify any applicable *Building Code* concerns in advance of a building *permit* application. Pre Permit Consultation does not confirm *Building Code* compliance.

"*Registered Code Agency*" means a registered code agency as defined in Subsection 1(1) of the *Act;*

"*revised submission*" means additional information filed with the *chief building official* which depicts one or more changes to the proposed or as-constructed design of a building or part of a building for which a permit has already been issued and for which approval by the *chief building official* is required;

"*sewage system*" means a sewage system as defined in Subsection 1.4.1.of Division A of the *Building Code;*

"*supplementary submission*" means a resubmission of information in relation to building permit documents previously reviewed or issued, that requires additional review to determine *Building Code* compliance;

"*zoning preliminary review"* means a review of plans and other documents to determine, prior to building permit or *Planning Act* applications, whether proposed designs comply with applicable zoning by-laws;

2.2. Terms not defined in this By-law shall have the meaning ascribed to them in the *Act* or the *Building Code*.

3. CLASSES OF *PERMITS*

3.1. Classes of *permits* required for the construction, demolition or change of use of a building shall be set out in Schedule A to this By-law.

4. REQUIREMENTS FOR *PERMIT* APPLICATIONS

General Requirements

4.1. Every *permit* application, *certified model* application and application for an alternative solution must meet the requirements of this Section and Section 6 and shall:

4.1.1. be made by an *applicant;*

4.1.2. be submitted to the *chief building official* on forms prescribed by the Province of Ontario or when no form is prescribed, on a form prescribed by the *chief building official*;

4.1.3. be accompanied by the required fees calculated in accordance with Schedule A;

4.1.4. unless otherwise determined by the *chief building official,* be in the form of an *electronic submission;*

4.1.5. unless otherwise determined by the *chief building official,* shall not be accepted until a *pre-application review* has been completed to the satisfaction of the *chief building official*; and

4.2. To be considered a *complete application*, every *permit* application shall be accompanied by the approval documents issued by the agencies responsible for the applicable laws listed in the building code, where those agencies issue approval documents and the law applies to the construction or demolition being proposed.

4.3. An application for a *permit* may be refused by the *chief building official* where it is not a *complete application*.

4.4. The *chief building official* may, as the chief building official deems appropriate, provide prescribed forms in an electronic format and may allow for the electronic submission of completed *permit* application forms.

4.5. Notwithstanding Subsection 4.4, completed forms generated electronically shall be accepted subject to the endorsement by the *applicant.*

4.6. When filing an application, the *owner* and the *applicant* shall provide an electronic address(s) for the purpose of receiving communications from the *chief building official* regarding the construction, demolition or change of use associated with a permit application or issued *permit*. The owner or authorized agent of the owner shall inform the *chief building official* immediately in writing when the electronic address(s) provided change or become not functional.

Applications for *Permits* to Construct

4.7. Every application for a *permit* to *construct* a building shall:

4.7.1. identify and describe in detail the work to be done and the existing and proposed use and occupancy of the building, or part thereof, for which the building *permit* application is made;

4.7.2. be accompanied by the plans, specifications, documents, forms and other information prescribed in Section 5 and Schedule B of this by-law; and

4.7.3. be accompanied by acceptable proof of corporate identity and property ownership, unless such proof is determined by the *chief building official* to be unnecessary.

Applications for *Permits* to *Demolish*

4.8. Every application for a *permit* to *demolish* a building shall:

4.8.1. identify and describe in detail the work to be done and the existing use and occupancy of the building, or part thereof, for which the application for a *permit* to *demolish* is made, and the proposed use and occupancy of that part of the building, if any, that will remain upon completion of the demolition;

4.8.2. be accompanied by the plans, specifications, documents, forms and other information prescribed in Section 5 and Schedule B of this By-law; and

4.8.3. be accompanied by proof satisfactory to the *chief building official* that arrangements have been made with the proper authorities for

the termination and capping of all the water, sewer, gas, electric, telephone or other utilities and services.

Applications for *Permits* to Construct Part of a Building

4.9. In addition to the requirements of Subsection 4.7 , every application for a *partial permit* shall:

4.9.1. require a *permit* application for the entire project; and

4.9.2. be accompanied by plans, specifications, documents, forms and other information covering that part of the work for which application for a *partial permit* is made, together with such information pertaining to the remainder of the work as may be required by the *chief building official*.

4.10. The *chief building official* may issue a *partial permit* when the *chief building official* determines it is appropriate to expedite substantial construction before a *permit* for the entire building is available and where the relevant provisions of this By-law and the *Act* are met.

4.10.1. When determining whether to issue a *partial permit*, the *chief building official* shall have regard for the likelihood of subsequent approvals being available in a timely fashion such that a project is not interrupted and exposed to potential damage from the elements while awaiting subsequent approvals.

4.11. The *chief building official* shall not, by reason of the issuance of a *partial permit* pursuant to this By-law, be under any obligation to grant any additional *permits*.

Applications for *Conditional Permits*

4.12. An application for a *conditional permit* cannot be filed until plans review of the scope of work is complete.

4.13. In addition to the requirements of Subsection 4.7, where a *conditional permit* is requested, the *applicant* shall:

4.13.1. complete an application on a form prescribed by the *chief building official;* and

4.13.2. submit documents and drawings prescribed in Schedule B of this By-law.

4.14. The *chief building official* may, at his or her discretion, issue a *conditional permit* where unreasonable delays are anticipated in obtaining all necessary approvals and where the relevant provisions of this By-law and the *Act* are met.

Applications for *Permits* for Change of Use

4.15. Every application for a *permit* for a change of use shall;

4.15.1. be accompanied by the plans, specifications, documents, forms and other information prescribed in Section 5 and Schedule B of this By-law;

Application for a *Certified Model*

4.16. An *applicant* may file an application for a *certified model*.

4.17. Every application for a *certified model* shall;

4.17.1. be made on an application form prescribed by the *chief building official;* and

4.17.2. be accompanied by the plans, specifications, documents, forms and other information prescribed in Section 5 of this By-law.

4.18. Plans and specifications forming part of each *certified model* application shall be deemed to form part of the *permit* documents of each *permit* subsequently issued under the *Act.*

Abandoned *Electronic Submissions* and *Permit* Applications

4.19. Where an electronic submission has not been completed within 20 business days of creation, the electronic submission may be deemed by the *chief building official* to have been abandoned.

4.20. Where an application for a *permit* was accepted and the estimated permit fees are unpaid for three months after the *applicant* was advised in writing of the estimated permit fees, the application may be deemed by the *chief building official* to have been abandoned and written notice of the cancellation thereof shall be given to the *applicant*.

4.21. Where an application for a *permit* remains incomplete and inactive for six months after the *applicant* has been advised in writing of all the reasons for refusal, the application may be deemed by the *chief building official* to have been abandoned and written notice of the cancellation thereof shall be given to the *applicant*.

Revisions to *Permits*

4.22. After the issuance of a *permit* under the *Act*, the *applicant* shall give notice to the *chief building official* in writing of any material change to a plan, specification, document or other information upon which a *permit* was issued, together with the details of such change, which change shall not be made without the prior written authorization of the *chief building official*.

4.23. Application for authorization of any substantial change shall constitute a *revised submission* or a *supplementary submission*.

5. PLANS AND SPECIFICATIONS

5.1. As part of the application for a *permit* and in addition to the requirements of Section 4 of this by-law, every *applicant* shall submit to the *chief building official* the following:

5.1.1. sufficient plans, specifications, documents, forms and such other information as may be deemed necessary by the *chief building official* to determine whether the proposed construction, demolition, or change of use conforms to the *Act*, the *Building Code*, and any other applicable law;

5.1.2. Where a site plan is required to satisfy Section 5.1.1, the site plan shall reference a current plan of survey certified by a registered Ontario Land Surveyor and shall include:

5.1.2.1. lot size and dimensions of the property;

5.1.2.2. setbacks from existing and proposed buildings to property boundaries and to each other;

5.1.2.3. existing and finished ground levels or grades; and

5.1.2.4. existing rights of way, easements and municipal services; and

5.1.2.5. a copy of a current plan of survey, unless the *chief building official* waives this requirement.

5.2. As part of an application for a *certified model*, every applicant shall submit to the *chief building official* sufficient plans, specifications, documents, forms and such other information as may be deemed necessary by the *chief building official* to determine whether the proposed construction conforms to the *Building Code.*

5.3. Plans, specifications and other documents submitted by an *applicant* shall:

5.3.1. be fully coordinated among design disciplines and intended for construction, demolition or change of use;

5.3.2. be fully dimensioned and drawn to a suitable scale that clearly depicts the proposed construction, demolition or change of use;

5.3.3. be in the form of an *electronic submission*; and

5.3.4. contain information and text that is clear and legible.

5.4. Unless otherwise deemed necessary by the *chief building official*, every application shall be accompanied by plans, specifications, forms, documents and other information required to facilitate the administration and enforcement of the *Building Code*.

5.5. On completion of the construction of a building, the *chief building official* may require the *applicant* to submit a set of as constructed plans, including a plan of survey showing the location of the building.

5.6. Plans and specifications submitted in accordance with this By-law or otherwise required by the *Act* become the property of the *City* and will be disposed of or retained in accordance with relevant legislation or by-law.

6. AUTHORIZATION OF ALTERNATIVE SOLUTIONS

6.1. Where approval for an alternative solution under the *Building Code* is being sought, the *applicant* shall submit:

6.1.1. an application on a form prescribed by the *chief building official*;

6.1.2. supporting documentation demonstrating that the proposed alternative solution will provide the level of performance required by the *Building Code*; and

6.1.3. payment of the required fee prescribed by Schedule A.

7. FEES AND REFUNDS

7.1. The *chief building official* shall determine the required application fees in accordance with Schedule A to this By-law.

7.2. The *chief building official* shall not issue a *permit* until fees required by this By-law have been paid in full by the *applicant*.

7.3. In addition to the fees paid at the time of building *permit* application, when an *applicant* makes *supplementary submissions* and *revised submissions*, the *applicant* shall pay the prescribed fee which shall be calculated in accordance with Schedule A.

7.4. In the case of withdrawal or abandonment of an application, or refusal or revocation of a *permit*, and upon written request by the *applicant*, the *chief building official* may refund any unearned fees which shall be calculated in accordance with Section 4 of Schedule A.

8. TRANSFER OF *PERMITS*

8.1. Upon change of ownership, *permit* applications and *permits* must be transferred to the new *owner* with the approval of the *chief building official*.

8.2. To transfer a *permit* application or *permit*, the new *owner* shall complete and submit an application form in accordance with the requirements of Section 4 of this by-law and pay the required fee as prescribed by Schedule A.

8.3. Upon the transfer of the *permit* by the *chief building official*, the new *owner* shall be the *permit holder* for the purpose of this By-law, the *Act* and the *Building Code.*

9. NOTICES FOR INSPECTIONS

9.1. Inspection notices required by the building code and this By-law shall be made in writing, by telephone using the City's permit inspection request line or online inspection request procedure which have been prescribed for this purpose.

9.2. Inspection notices are required a minimum of two business days prior to the stages of construction specified therein and shall be given in accordance with the requirements of Subsection 1.3.5 of Division C of the *Building Code*.

9.3. The person to whom the *permit* has been issued shall notify the *chief building official* or a *Registered Code Agency* where one is appointed, of each stage of construction for which a notice is prescribed by the *Building Code*.

9.4. Notwithstanding Section 10 of this By-law, the person to whom the *permit* has been issued shall notify the *chief building official* of the date of completion of the building or demolition work no more than two days after that date.

9.5. In addition to the notices prescribed in Article 1.3.5.1 of Division C of the *Building Code*, the person to whom a *permit* has been issued shall give the *chief building official* notice of the readiness for inspection for the following stages of construction, where applicable:

9.5.1. commencement of construction of the building

9.5.2. commencement of construction of:

9.5.2.1. masonry fireplaces and masonry chimneys,

9.5.2.2. factory-built fireplaces and allied chimneys,

9.5.2.3. stoves, ranges, space heaters and add-on furnaces using solid fuels and allied chimneys

9.5.3. substantial completion of interior finishes

10. REGISTERED CODE AGENCIES

10.1. The *chief building official* is authorized to enter into and sign contracts for service agreements with *Registered Code Agencies* and appoint them to perform specified functions from time to time in order to maintain the time periods for *permits* prescribed in Article 1.3.1.3. of Division C of the *Building Code*.

10.2. A *Registered Code Agency* may be appointed to perform one or more of the specified functions described in Section 15.15 of the *Act*.

11. FENCING CONSTRUCTION SITES

11.1. Where, in the opinion of the *chief building official*, a construction or demolition site presents a hazard to the public, the *chief building official* may require the *permit holder* to erect such fencing to the standards and specifications that the *chief building official* deems to be appropriate in the circumstances.

11.2. When determining if a construction or demolition site presents a hazard to the public and requires the erection of fencing and the type of fencing required, the *chief building official* shall have regard to:

11.2.1. the proximity of the construction site to occupied dwellings;

11.2.2. the proximity of the construction site to lands accessible to the public, including but not limited to streets, parks, and commercial and institutional activities;

11.2.3. the hazards presented by the construction activities and materials;

11.2.4. the feasibility and effectiveness of site fencing; and

11.2.5. the duration of the hazard.

11.3. When the *chief building official* is of the opinion that fencing is required, the *permit holder* shall, prior to the issuance of any construction or demolition permit, erect or cause to be erected fencing to the following minimum standards:

11.3.1. Minimum of 1800 mm in height

11.3.2. Maximum of 2300 mm in height

11.3.3. Full height screening with a minimum opaqueness of 90%, and

11.3.4. Fencing must be located entirely within the subject property lines unless otherwise authorized.

11.4. For the purposes of this Section, construction or demolition site shall include the area of the proposed construction or demolition and any area where materials or equipment are stored or operated.

12. OFFENCES AND PENALTIES

12.1. Any person who contravenes any provision of this by-law is guilty of an offence and is liable upon conviction to a fine as provided for in the *Act*.

13. SEVERABILITY

13.1. Should any section, subsection, clause or provision of this By-law be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this By-law as a whole or any part thereof, other than the part so declared to be invalid.

14. MISCELLANEOUS

14.1. All Schedules shall be and form part of this By-law.

14.2. A reference to the singular or to the masculine shall be deemed to refer to the plural or feminine as the context may require.

15. REPEAL AND TRANSITION

15.1. By-law Number 2019-136 is hereby repealed upon the date that this by-law comes into force.

15.2. Notwithstanding Sections 15.1 and 16.1 of this by-law, for any *complete application* received prior to the effective date of this by-law, the provisions of By-law Number 2019-136 shall remain in force and effect for the purpose of that application.

15.3. Applications that are not *complete applications* as defined in this by-law, shall be subject to the within by-law irrespective of the date the initial application was made.

16. EFFECTIVE DATE

16.1. This by-law shall come into force on the 1st day of January 2021.

READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS
XXth DAY OF MONTH, 2020.

KIMBERLEY KITTERINGHAM CITY CLERK	FRANK SCARPITTI MAYOR

SCHEDULE A

CLASSES OF *PERMITS*, FEES AND REFUNDS

1. FEES

1.1 All fees shall be paid in full at the time of acceptance of the permit application.

1.2 The fee for the *pre-application review* of applications shall be $100. This fee is non-refundable and a credit for this fee will be applied to the total building *permit* fee.

2. CALCULATION OF *PERMIT* FEES

2.1 *Permit* fees shall be calculated on the basis of:

2.1.1 the flat rate where indicated in Column 5 of Table 1 of this Schedule;

2.1.2 the product of the applicable fee multiplier in Column 4 of Table 1 of this Schedule and the related floor area or other measure specified in Column 3; or

2.1.3 where a fee is not listed in Table 1, $30 for each $1,000 or part thereof of the construction value prescribed by the chief building official.

2.2 Except for classes of *permits* subject to flat rates, fees shall be based on the appropriate measure of the floor area of the project.

2.3 Except where otherwise exempt, in addition to the fees calculated according to Subsections 2.1 and 2.2 fees shall also be assessed according to the number of plumbing fixtures and the size of supply piping and drainage piping as applicable.

2.4 Section B of Table 1 of this Schedule applies where the scope of work does not affect any exterior wall or exterior roof assembly in existing construction.

2.5 Fees charged for the review of *certified models* shall be calculated using a fee multiplier equivalent to that applicable to Single or Semi Detached Dwellings determined in accordance with Subsections 2.9 to 2.11 of this Schedule.

2.6 In addition to the fees calculated in accordance with Table 1 paid at the time of building *permit* application, fees for *supplementary submissions* and *revised submissions* shall be calculated at $120/hour spent determining compliance with the Building Code, applicable law and submission standards.

2.7 Where *supplementary submissions* or *revised submissions* include certification of applicable law compliance, which compliance or applicability was incorrectly declared at the time of *permit* application, a fee of $250 for each applicable law certification shall apply. Where an application form other than an applicable law checklist is required to be revised to reflect incorrectly declared information, a fee of $250 applies.

2.8 In addition to the fees calculated in accordance with Table 1, each application for consideration of an alternative solution shall be accompanied by a non-refundable fee of $2,000. Additional fees for outside consultants are due when applicable. Where a *supplementary submission* is made for an alternative solution, a flat fee of $500 will apply and is due at the time of resubmission.

2.9 When calculating fees based on floor areas, floor area is measured to the outer face of exterior walls and to the centreline of party walls or demising walls, except when calculating interior partition work. When measuring floor area for interior partitioning, corridors, lobbies, washrooms, lounges, and other similar facilities are to be included and classified according to the

major occupancy classification for the floor area with which they are associated. Where these areas are constructed in a shell-only building, fees shall be calculated at the applicable partitioned rate in Table 1.

2.10 When measuring floor area, no deductions shall be allowed for floor openings required for such facilities as stairs, elevators, escalators, shafts and ducts. Interconnected floor spaces and atriums above their lowest level may be deducted from measured floor area.

2.11 Where incorporated with an application for a class of dwelling described in Rows A6 or A7 of Table 1, no additional fee is required for decks, fireplaces, unfinished basements, attached garages, heating or plumbing systems.

2.12 Where incorporated with an application for a class of permit described under Section A and B of Table 1, no additional fee shall be levied for the scope of work described in Sections D and G of Table 1 that form part of the work proposed under the application.

2.13 For any permit application for a class of permit described under Section B of Table 1, floor area used for the calculation of fees shall be the lesser of:

2.13.1 the area contained within a single rectangle encompassing all of the proposed work, or

2.13.2 the actual area of the tenant space;

2.14 The occupancy classifications used in this By-law are based on the *Building Code* occupancy classifications. For mixed occupancy classifications, the total payable fee shall be calculated by applying the fee multiplier for each occupancy prescribed in Table 1 to the floor area measured for each individual occupancy and taking the sum of the fees calculated for each occupancy.

2.15 For *permits* for change of use, the fee multiplier for the proposed occupancy will be applied to the entire floor area subject to the change of use.

2.16 Where a change of use *permit* is denied, the fees paid may be credited to a building *permit* which incorporates the construction required to accommodate the change of use.

2.17 Except for temporary buildings on construction sites for offices, fees for temporary buildings, including tents, stages and bleachers, apply to buildings erected for less than 12 weeks.

2.18 The permit fee for the remediation, restoration, or demolition of premises used for the production of illicit substances is $5,000. Administrative fees in accordance with Section 5 of this Schedule are in addition to this fee.

3. MINIMUM FEE

3.1 Except where a flat fee applies, the minimum fee for any permit application for work proposed in Group C residential occupancies in Sections A, B, D, and E of Table 1 shall be $100;

3.2 Except where a flat fee applies, the minimum fee for any permit application for work proposed in Group A, B, D, E and F occupancies in Sections A, B, D, and E of Table 1 shall be $500.

4. CALCULATION OF REFUNDS

4.1 Pursuant to Section 7 of this By-law, refunds shall be calculated as follows:

Refund = [*Permit* Fee Paid] – [Total *Permit* Fees Payable x % *Permit* Fee Earned]

4.2 The proportion of the total *permit* fee payable is earned according to the following schedule:

4.2.1 10% if administrative functions only have been performed;

4.2.2 20% if administrative functions and zoning review have been performed;

4.2.3 50% if administrative functions, zoning review and all or part of the *Building Code* review have been performed; and

4.2.4 60% if all administrative functions and reviews have been completed and the building permit has been issued or is available to be issued.

4.3 No refund is available for:

4.3.1 Flat fees prescribed in Column 5 of Table 1;

4.3.2 minimum fees prescribed in Section 3 of this Schedule;

4.3.3 fees in the amount of $500 or less;

4.3.4 reduced area of work where the scope of work is reduced more than 2 business days after the application is filed;

4.3.5 incorrect work area declaration at the time of application;

4.3.6 where a permit is revoked, except where a permit is issued in error, or the applicant requests revocation no more than six months after the permit is issued;

4.3.7 applications or permits where construction or demolition has commenced;

4.3.8 applications cancelled more than 2 years after the *permit* application date; or

4.3.9 administrative fees listed in Section 5 of this Schedule.

4.4 Pursuant to Section 10 of this by-law, 20% of the applicable permit fee paid shall be refunded where an application was made using a Registered Code Agency appointed under a service agreement with the Chief Building Official, those services are fully paid for by the applicant and have been completed in accordance with the building code, and the Final Certificate as defined by the *Building Code Act* has been submitted to the Chief Building Official.

5. ADMINISTRATIVE FEES

5.1 To offset additional investigative and administrative costs, a non-refundable fee of $400 shall be paid where any Order to Comply is issued pursuant to Section 12 or Section 13 of the *Act* and an additional fee of $1,000 shall be paid where any Stop Work Order is issued pursuant to Section 14 of the *Act*. Payment of these fees does not relieve any person or corporation from complying with the *Act*, the *Building Code* or any applicable law.

5.2 To offset additional costs associated with the investigation, inspection, administration and rectification of unsafe buildings pursuant to Section 15.9 of the *Act*, a non-refundable fee of $500 shall be paid where any Unsafe Order is issued, and an additional non-refundable fee of $1,000 shall be paid where any Order respecting Occupancy is issued. Payment of these fees does not relieve any person or corporation from complying with the *Act*, the *Building Code* or any applicable law.

5.3 Once a permit application has been accepted, the non-refundable fee to transfer the application to a new permit applicant or to change the project address is $250.

5.4 To transfer a *permit* from one *permit holder* to another, a non-refundable fee of $250 shall be payable.

5.5 Except as provided in Section 5.7, for written requests for information concerning a property's compliance with the *Building Code* and applicable law, the non-refundable fee shall be $150.

5.6 For written requests for information to support Provincial license applications unrelated to a current *permit* or *permit* application, the non-refundable fee shall be $500. Where there is a current *permit* or *permit* application, the non-refundable fee shall be $250.

5.7 For the reproduction of documents, the fee shall be $10 plus 110% of the cost of reproduction, plus a fee for *City* staff preparation time at $100/hour.

5.8 Where a requested inspection reveals an infraction which was identified at a previous inspection and not remedied, an additional fee of $150 shall be payable prior to subsequent inspections being scheduled.

5.9 Where an inspector determines that work for which an inspection has been requested is not sufficiently complete to allow proper inspection, an additional fee of $150 shall be payable prior to subsequent inspections being scheduled.

5.10 For phased projects, in addition to the *permit* fee for the complete building, an additional fee of $750 shall be payable for each phase not applied for at the time of the initial *permit* application.

5.11 For *conditional permits*, the conditional permit fee shall be the total *permit* fee for the proposed construction plus a non-refundable additional 10% of that fee.

5.11.1 A minimum additional fee of $3,000 and a maximum additional fee of $6,000 applies to *conditional permits*.

5.11.2 Where the *conditional permit* expiration date is extended at the request of the applicant, a non-refundable fee equal to the original conditional permit fee shall apply to each extension.

5.11.3 In addition to the non-refundable fee, a letter of credit is required for every *conditional permit* or phased *conditional permit*.

5.12 Notwithstanding Subsection 2.6 of this Schedule, for changes of house models, an additional fee of $300 plus the fee in Table 1 corresponding to new home construction for any resulting increase in floor area shall be payable. Where the floor area is reduced, no refund applies.

5.13 Where a permit is issued and construction has not seriously commenced within 12 months, the non-refundable fee to extend the permit will be $200 or the permit fee paid, whichever is less.

5.14 When a *permit* is suspended or is deemed incomplete and an inspection is subsequently requested, an additional fee shall be required to be paid to re-activate the permit prior to any such inspection. For housing permits the re-activation fee is $200 and for non-housing permits the fee is $500.

5.15 Pursuant to Section 10 of this by-law, where an application is made using a Registered Code Agency appointed under a service agreement with the Chief Building Official, and those services are fully paid for by the applicant, the applicable fee shall be reduced by 20% at the time a complete application is filed with a Plan Review Certificate as defined by the *Building Code Act*.

5.16 For review and approval of spatial separation agreements required by Division B of the *Building Code* a fee of $500 per lot applies.

5.17 Fees for Zoning Preliminary Reviews will be as follows:

5.17.1 $250 for low rise residential (including singles, semis (per unit), townhouse (per unit), decks, porches, sheds, and driveways);

5.17.2 $500 for interior alterations (including parking calculation) (per unit);

5.17.3 $500 for multiple-unit residential projects and non-residential projects (per building); and

5.17.4 $250 per proposed lot where the review is in support of a land division application.

5.18 The non-refundable fee shall be $50 for written requests for information concerning a property's zoning designation, permitted uses and development standards.

5.19 Fees for *Pre Permit Consultation* shall be $750 for the first review. Where a *supplementary submission* is made for a Pre Permit Consultation, a fee of $250 will apply and is due at the time of resubmission.

TABLE 1 - Calculation of Permit Fees				
1	2	3	4	5
	Class of Permit, Occupancy Classification and Work Description		$/m²	Flat Fee
	Section A: CONSTRUCTION of new buildings, additions to existing buildings, including Mezzanines or new intermediate floors			
A1	Group A Assembly	Transportation Terminals	$20.19	
A2		Portable classrooms (each) (new or relocated)		$619
A3		Outdoor Pool	$14.10	
A4		All Other Assembly Occupancies	$24.27	
A5	Group B: Institutional		$26.27	
A6	Group C: Residential	Single Detached Dwelling (SDD)	$18.34	
A7		Multiple Unit buildings less than 4 storeys high	$22.78	
A8		Multiple Unit buildings greater than 3 storeys, less than 7 storeys	$22.79	
A9		Multiple Unit buildings greater than 6 storeys high	$16.92	
A10		Repeat of Previously approved *Certified Model*	$15.04	
A11		Hotel / Motel	$24.27	
A12		Unfinished Basement / Foundations	$6.26	
A13		Detached or semi-detached garage/carport		$589
A14		Garage incorporating a dwelling unit (GDU)		$1,417
A15		Repeat of previously approved GDU		$1,065
A16		Accessory utility building (ie. Garden shed, Gazebo) less than 20 m^2		$128
A17		Accessory utility building (ie. Garden shed, Gazebo) 20 m^2 or greater		$589
A18		Deck / Balcony / Covered Porch (each)		$128
A19	Group D: Business and Personal Services	Shell Only (including unfinished basement)	$15.65	
A20		Partitioned / Finished / Mezzanine	$20.19	
A21		Temporary Real Estate Sales Office		$1,298
A22	Group E: Mercantile	Shell Only (including unfinished basement)	$13.15	
A23		Partitioned / Finished / Mezzanine	$17.22	
A24	Group F: Industrial	Shell Only (including unfinished basement)	$10.17	
A25		Partitioned / Finished / Mezzanine	$14.08	
A26		Gas Station / Canopy, Car Wash	$13.00	
A27		Repair garage	$14.08	
A28		Parking Garage (underground, open air)	$6.42	
A29		Farm Building	$5.56	
A30		Rack Storage Systems regulated by the Building Code	$10.17	
A31	All Occupancies	Permanent Tent / Air supported structure	$7.27	
A32		Repair / reclad wall or replace roof structure	$1.87	
A33		Ceiling (new or replacement)	$0.51	
A34		Mechanical Penthouse	$10.17	
A35		Temporary Building (Tent, Stages)		$262
A36		Shoring (/m of length)	$15.65	
A37		Underpinning (/m of length)	$15.65	
A38	Designated Structures	Communication Tower		$375
A39		Crane Runway		$558
A40		Exterior Storage Tank		$375
A41		Pedestrian Bridge (/m of length)	$43.36	
A42		Retaining Wall (/m of length)	$21.68	
A43		Sign regulated by the Building Code		$375
	Section B: ALTERATION or repair to existing construction and CHANGE OF USE(as defined by the Ontario Building Code)			
B1	Group A: Assembly	Restaurant	$10.13	
B2		All other assembly occupancies	$7.00	
B3	Group B: Institutional		$7.00	
B4	Group C: Residential	Accessory Apartment	$13.26	
B5		All other Residential occupancies	$7.00	
B6		Exterior door or door from garage into dwelling		$415
B7		Below grade stair		$415
B8		Elevator (Housing Permits only)		$415
B9	Group D: Business and Personal Service		$7.00	
B10	Group E: Mercantile	Restaurant	$10.13	
B11		All other mercantile occupancies	$7.00	
B12	Group F: Industrial		$6.38	
B13	All Occupancies	Electromagnetic Locking Device ($590 + $120/additional device)	$126	$619
B14		Parking Structure Repair	$1.87	
B15		Balcony Guard Replacement (/m of length)	$2.27	
B16		Window Replacement or Enlargement (each)	$7.82	
	Section C: DEMOLITION			
C1	Group C: Residential Housing	Single / Semi-detached dwelling		$630
C2	Group C: Residential Housing	Accessory building		$210
C3	All Other Occupancies	Complete / Partial / Interior Demolition ($1,040 minimum fee)	$0.19	
	Section D: MECHANICAL and FIRE PROTECTION WORK (Proposed as stand alone work)			
D1	All Occupancies	Heating, ventilation, air conditioning	$1.22	
D2		Fire Alarm System (per storey)	$408	
D3		Replacement Annunciator/Control Panel only (per storey served)	$408	
D4		Sprinkler System	$1.22	
D5		In-rack sprinkler System	$1.22	
D6		Standpipe System (per riser)	$160	
D7		Emergency Power		$783
D8		Emergency Lighting (per storey)	$210	
D9		Fireplace / Woodstove		$128
D10		Heating plant replacement		$205
D11		Special Ventilation Systems (each)		$619
	Section E: PLUMBING			
E1	Residential Service Connections	Service Connection (per lot)		$128
E2	All Occupancies	Each fixture	$19.00	
E3		Each Appliance	$19.00	
E4		Each Rain Water Hopper	$19.00	
E5		Conversion from Septic System to sewer		$249
E6		Testable backflow preventer ($300 +$100/additional device)	$100	$300
E7		Water service (/length in m)	$19.00	
E8		Building storm drain, building storm sewer (/length in m)	$19.00	
E9		Replacement or re-lining of water distribution piping (/length in m)	$19.00	
E10		Each Manhole	$55.00	
E11		Each Catchbasin	$55.00	
E12		Each Area Drain	$55.00	
E13		Each Backwater Valve / Sump Pump / Sewage Ejector	$128	
	Section F: ON-SITE SEWAGE SYSTEMS (Proposed separately or in conjunction with other construction)			
F1		New System		$1,858
F2		Replacement of Leaching Bed		$996
F3		Replacement of Septic Tank or Minor Repair of Part of a System		$619
F4		Evaluation of System (no alterations required)		$249
F5		Review of Clearances Only		$249
	Section G: GREEN ENERGY SYSTEMS (Proposed as stand alone work)			
G1		Solar domestic hot water systems (serving individual dwellings)		$128
G2		Solar domestic hot water systems (serving all other buildings)		$679
G3		Solar photovoltaic systems (serving individual dwellings)		$128
G4		Solar photovoltaic systems (serving all other buildings)		$679
G5		Geothermal Systems		$411
G6		Wind Turbines (per turbine)		$273
G7		Drain water heat recovery unit (serving individual dwellings)		$128

Schedule B

Documents & Drawings Required For A *Complete Application* (Paper or Digital Media).
All digital media must comply with the Submission Standards approved by the Chief Building Official.

Row	Class of *Permit*	Documents and Drawings Required
1	***All Permits***	**Documents** a. Building Permit Application Form * (not required for *electronic submissions*) b. Applicable Law Checklist * c. Permit Applicant Authorization Form *
2	***Permit to Construct* Housing** Detached Houses, Semi-detached Houses, Duplex/Triplex/Fourplex, Townhouse blocks less than 4 storeys, Accessory buildings • New Buildings • Additions • Alterations • Accessory Buildings	**Documents** a. Schedule 1 * b. Schedule 2 * c. Energy Efficiency Design Summary Form * d. Plumbing Data Housing Form * e. Approval documents required by an applicable law f. TARION Letter of Confirmation g. Heat loss / heat gain / duct calculations (per dwelling unit) h. Residential Mechanical Ventilation Summary **Drawings** i. Site Plan j. Municipally Approved Site Grading Plan k. Architectural Drawings (including block floor plans for each floor, block roof plans and block elevations for townhouse blocks) l. Fire Separation / Fire-Resistance Rating Drawings (plan and section, for all multi-unit buildings) m. Structural Drawings n. Roof truss / Pre-engineered floor system shop drawings o. HVAC Drawings p. On-site *Sewage System* Drawings (including On-Site *Sewage System* Statement of Design) q. Temporary shoring design for residential projects where the foundation wall of the new construction is 1.8 m or less from a property line or where otherwise determined by the *chief building official*
3	***Permit to Construct* Non-Housing – New Construction** Non-residential buildings, Residential Apartment Buildings, Mixed-Use Buildings • New Buildings • Additions • Change of Use	**Documents** a. Building and Land Use Declaration Form * b. Schedule 1 * c. Schedule 2 * d. Commitment to General Review * e. Energy Efficiency Form * f. Plumbing Data Form * g. Approval documents required by an applicable law h. Subsurface Investigation Report i. Heat loss / heat gain / duct calculations j. Mechanical equipment and design specifications k. Construction Site Fire Safety Plan (for mid-rise wood construction projects) **Drawings** a. Site Plan b. Municipally Approved Site Servicing Plan indicating all services (domestic water, fire protection, sanitary and storm sewers, laterals servicing buildings) and clearly indicating the area(s) that are municipally and privately owned. c. Architectural Drawings, including: i. Building Code Compliance Matrix ii. Fire Separation / Fire-Resistance Rating Drawings (plan and section, for all multi-unit buildings) d. Structural Drawings e. Electrical Drawings f. Roof truss / Pre-engineered floor system shop drawings g. Mechanical Drawings (HVAC, plumbing, fire protection systems) h. On-site *Sewage System* Drawings (including On-Site *Sewage System* Statement of Design

Row	Class of *Permit*	Documents and Drawings Required
4	***Permit to Construct*** **Non-Housing – Alterations** Non-residential buildings, Residential Apartment Buildings, Mixed-Use Buildings • Alterations • Tenant Improvements	**Documents** a. Building and Land Use Declaration Form * b. Schedule 1 * c. Commitment to General Review * d. Energy Efficiency Form * e. Plumbing Data Form * f. Approval documents required by an applicable law g. Heat loss / heat gain / duct calculations h. Mechanical equipment and design specifications **Drawings** a. Site Plan b. Key Plan c. Architectural Drawings, including: i. Building Code Compliance Matrix ii. Fire Separation / Fire-Resistance Rating Drawings (plan and section, for all multi-unit buildings) d. Structural Drawings e. Electrical Drawings f. Mechanical Drawings (HVAC, plumbing, fire protection)
5	***Permit to Construct*** **Temporary Event Structures** Tents, stages, bleachers	**Documents** a. Temporary Event Structure Authorization Form * b. Commitment to General Review * c. Approval documents required by an applicable law d. Documentation confirming flame spread rating of tent material **Drawings** a. Site Plan b. Shop Drawings
6	***Permit to Demolish***	**Documents** a. Commitment to General Review * b. Approval documents required by an applicable law c. Environmental Building Audit **Drawings** a. Site Plan including existing building to be demolished, construction fencing and gate access locations b. Demolition Plan prepared in accordance with O.Reg. 260/08 c. Temporary shoring design for residential infill projects where the foundation wall of the new dwelling is 1.8 m or less from a property line, or the extent of excavation is within 1.2 m of the property line or where otherwise determined by the *chief building official*
7	***Conditional Permit***	**Documents** a. Conditional Permit Addendum Form * b. Deed c. Construction Schedule

Notes:

1. In addition to the forms listed in this table, the application may be required to submit any other form deemed mandatory by the chief building official.
2. Documents marked with an asterisk (*) are available from the chief building official.
3. The chief building official may waive the requirement for any specified documents or drawings where the scope of work, applicable law or building code does not, in the opinion of the chief building official, necessitate its submission.

TACC DEVELOPMENTS
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taccdevelopments.com

November 9, 2020

The Corporation of the City of Markham
Development Services Commission
Markham Civic Centre
101 Town Centre Boulevard
Markham, Ontario
L3R 9W3

Attention: Mr. Arvin Prasad, Commissioner

Dear Sir:

Re: Planning and Engineering Fees

Further to our Zoom meeting of the Planning and Engineering Fees sub-committee held on November 3, 2020, this is to reiterate my position with respect to the City's proposed 5% fee increase for 2021. Specifically, this is to confirm my proposal, on behalf of TACC Developments to accept the City's proposed fee increase of 5% for 2021on the basis that future increases for 2022 and 2023 do not exceed the rate of inflation for those years.

We note however that the recent BILD Municipal Benchmarking report by Altus Group clearly demonstrates that Markham has the highest Planning and Engineering fees for service in the GTA. This is not surprising given the double digit increases for the last several years. We are also very disappointed that notwithstanding previous commitments, the City did not engage the Development Community until very recently to review the City's fee structure prior to the 2021 increase. We feel that it is critical to investigate why Markham's fees are consistently the highest of all municipalities across the GTA. These types of increases year over year are not sustainable.

Furthermore, the proposed 5% increase for 2021 should come with a commensurate improvement in the level of service for certain areas of the development review process. This is another area that should be discussed and hopefully addressed during a comprehensive review of the fee bylaw jointly by the City and the Development Community.

We look forward to continued dialogue on this most important matter to bring resolve and fairness to the fees for service in the City.

Yours truly

TACC DEVELOPMENTS INC.

Per:

David Stewart, M.E.S., M.C.I.P., R.P.P.
Vice President

Copy to: Paula Tenuta, Building Industry and Land Development Association (BILD)

Yeh, John

From: Clay Leibel <clayl@bellnet.ca>
Sent: Thursday, November 12, 2020 1:16 PM
To: Lustig, Joel; Prasad, Arvin; Karumanchery, Biju; Cane, Trinela; Yeh, John
Cc: Rick Mangotich
Subject: Increase in Fees

CAUTION: This email originated from a source outside the City of Markham. DO NOT CLICK on any links or attachments, or reply unless you recognize the sender and know the content is safe.

Joel

On behalf of Forest Bay Homes/Minotar Holdings this is to confirm our support of the option for the fee increase presented by staff today.

We are very appreciative of the support and communication with staff now and on a go forward basis.

Thanks

Clay Leibel

Yeh, John

From: Rick Mangotich <rickm@fieldgatedevelopments.com>
Sent: Thursday, November 12, 2020 1:23 PM
To: Prasad, Arvin; Karumanchery, Biju; Lee, Brian; Lustig, Joel
Subject: Development Fees

Guys, thanks for the call today. I believe you wanted to have clarity so to confirm, we're on side with the proposal tabled today. I appreciate your efforts to enable us to understand the City's position and look forward to the review of charges in the new year.

Rick Mangotich
FIELDGATE DEVELOPMENTS
(416) 629-2927

Report to: General Committee Meeting Date: December 7, 2020

SUBJECT: Contract Extension for Water Meter Reading & Billing Services

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

RECOMMENDATION:

1. That the report entitled "Contract Extension for Water Meter Reading & Billing Services " be received; and,

2. That the contract for Water Meter Reading & Billing Services with Alectra Utilities be extended for an additional year (January 1, 2021 to December 31, 2021) increasing from $1,508,427.44 to $1,553,680.26 inclusive of HST for 2021, a 3% escalation over the 2020 rate; and,

3. That the 2021 Waterworks Operating budget be increased by $45,252.82 in 2021 ($1,553,680.26 – 1,508,427.44) and funded from account #760-998-5390 Water Billing/ Administration, subject to Council approval of the 2021 operating budget; and,

4. That the tender process be waived in accordance with Purchasing By-Law 2007-8 Part II, Section 11.1 (c) which states "when the extension of an existing contract would prove more cost effective or beneficial"; and Section 11.2 which states “Request for Tenders, Requests for Proposals and Requests for Quotations may not be required for goods and services to be provided by Utility Companies”; and,

5. That the Mayor and Clerk be authorized to execute the contract extension agreement between the City and Alectra Utilities, in a form satisfactory to the City Solicitor; and further,

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

PURPOSE:

The purpose of this report is to seek Council approval for an extension of the Shared Services Agreement between Alectra Utilities and the City of Markham for a period of up to one year, while a new agreement is negotiated.

BACKGROUND:

In April 1996, Markham Council approved a shared services agreement between the City of Markham and the Markham Hydro Electric Commission (“Markham Hydro”), whereby the City's water meter reading & billing services, previously performed by City staff, were taken over by Markham Hydro. Since that time, Markham Hydro, and its successor entities, have performed these duties on behalf of the City. Markham Hydro became part of Power Stream Inc, which then became part of Alectra Utilities in early 2017.

As a result of the merger, both the City and Alectra Utilities have attained financial benefits from the partnership that would not exist otherwise. This shared services arrangement between the City of Markham and Alectra Utilities continues today.

The main aspect of the shared services agreement include the following activities performed by Alectra Utilities:

- Water meter reading
- Billing of water/sewer services
- Customer Account Management (initial customer service point of contact)
- Monthly Reporting

The last shared services agreement executed with Alectra Utilities was for the two year period beginning in 2019 and is set to expire on December 31, 2020. The 2020 cost is $1,508,427.44 inclusive of HST. This contract is paid entirely though the Waterworks Operating Budget (and correspondingly through the Water Rate), and does not impact the tax rate.

OPTIONS/ DISCUSSION:

The City of Markham is part of a recently formed working group, made up of the municipal partners of the City of Hamilton, City of Guelph and the City of Vaughan, which was established to seek consistency in the terms and conditions of a new shared services agreement currently being negotiated with Alectra Utilities.

Currently, Alectra Utilities preforms similar services for the other municipal partners noted above and, as such, the general staff consensus was that it would benefit all parties to work together with the goal of achieving consistency within the new shared services agreement. The new agreement would be reflective of services currently required and offers continued opportunity for the municipal partners to benefit from leveraging Alectra Utilities' functional expertise.

In order to facilitate the negotiation process with the recently formed working group, the City of Markham requires Council approval of an extension to the current Shared Services Agreement between the City and Alectra Utilities that is set to expire on December 31st, 2020, for a period up to one year, while a new agreement is negotiated. Both City Staff'& Alectra Utilities Staff are of the opinion that the negotiation will likely be completed by May 2021 and, as such, Staff will report back to Council with the final terms, details and recommendations related to the new agreement for Councils consideration.

FINANCIAL CONSIDERATIONS

The recoveries and costs associated with the shared services agreement extension were estimated and will be taken into consideration during the 2021 operating budget process. The impact will be limited to contractual term adjustments during the extension period which is tied to a flat fee increase of 3%. This will result in an increase to the Waterworks Operating budget from $1,508,427.44 to $1,553,680.26 inclusive of HST or $45,252.82 over the 2020 Operating budget.

HUMAN RESOURCES CONSIDERATIONS
N/A

BUSINESS UNITS CONSULTED AND AFFECTED:
Environmental Services Department
Legal Services Department

RECOMMENDED BY:

Phoebe Fu

Joel Lustig

Trinela Cane

ATTACHMENTS:
[Insert attachment titles here]

Report to: General Committee Meeting Date: December 7, 2020

SUBJECT: Recycling Depot Staffing Contract Extension
PREPARED BY: Claudia Marsales, Senior Manager, Waste Management & Environmental Management, Ext. 3560
Tony Casale, Senior Construction Buyer, Ext. 3190

RECOMMENDATION:

1. THAT the report entitled "Recycling Depot Staffing Contract Extension" be received;

2. THAT the service Contract for Recycling Depot Staffing be awarded to The Recycle People Corporation, for two years from January 1, 2021 to December 31, 2022 at an estimated cost of $378,145.24 inclusive of HST;
   - Year 1 (2021) $187,510.04
   - Year 2 (2022) $190,635.20
     Total (2 years) $378,145.24

3. THAT the 2021 Waste Management Recycling Depot Staffing Operating budget be increased from $168,134.00 to $187,510.04. The budget shortfall in the amount of $19,376.04 ($187,510.04 - $168,134.00) be funded through reallocation of the existing Waste Management Operating budget, subject to Council approval of the 2021 Operating budget;

4. THAT the City's tendering process be waived in accordance with Purchasing By-Law 2017-8, Part II, Section 11.1,(c), Non Competitive Procurement, "when the extension of an existing Contract would prove more cost-effective or beneficial; and

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

PURPOSE:
To obtain Council approval to extend the contract for Recycling Depot Staffing for two years from January 1, 2021 to December 31, 2022.

BACKGROUND:
In 2017-18, Waste Management Staff conducted an extensive operational and customer service review of Markham's four recycling depots located at Thornhill, Markham Village, Unionville and Milliken, which resulted in recommending a fully outsourced business model to improve cost efficiencies and customer service.

In 2019, Staff awarded the contract for recycling depot staffing to The Recycle People Corporation for twenty (20) months from May 1, 2019 to December 31, 2020. Staff successfully negotiated a decrease of the proposed hourly rate provided by The Recycle People Corporation from $25.44/hour to $21.37/hour. The Recycle People Corporation

were retained as they had previously provided temporary staffing for the recycling depots, demonstrated a strong understanding of the City's requirements and were already familiar with the expected service levels. The Recycle People Corporation also exhibited full comprehension of the City's Health & Safety policies and procedures and continue to hold an exemplary safety record. At the time, Staff also conducted a cost benefit analysis, which supported the recommendation.

DISCUSSION:

The recycling depots are extremely popular and offer services both during the week and on weekends. The scope of work provided by The Recycle People Corporation includes:

- Receiving recyclables, textiles and household goods from City residents;
- Selling and replacing green bins, blue bins, kitchen catchers and recycling bags;
- Reporting of all sales, visitor data, supply requests, equipment issues and any health & safety-related issues;
- Basic site maintenance e.g. shoveling, sweeping, salting, tidying, organizing, etc.;
- Scheduling, managing and payroll of Staff for the operation of the four recycling depots

Staffing the recycling depots is quite challenging, as work is often limited to part time hours (shift lengths during the Fall/Winter are 6-7 hours), facilities lack amenities and attendants are required to work days, evenings and on weekends.

The Recycle People Corporation have been providing excellent service and have demonstrated a thorough understanding of the City's requirements. The services under this contract are specific in nature and any alternative service providers would require additional time and resources to become fully acquainted with the prescribed work, which could potentially result in higher costs to the City.

Staff entered into negotiations with The Recycle People Corporation regarding a potential contract extension. The initial offer from the incumbent was an hourly rate of $25.24 (Incl. of HST), which represented an increase of 15% over the current rate. Staff negotiated a proposed two-year contract extension as follows:

Year	**Hourly Rate (Incl. of HST)**	**Increase to 2020 Budget (%)**
Year 1 (2021)	$24.42	11.5%
Year 2 (2022)	$24.83	13.3%

It is difficult to compare rates with other City contracts, however, contracts which have a predominant labour component (security services and adult school crossing guards), range from $22.95 to $34.09 per hour respectively.

Staff believe the extension of the contract will provide value to the City, competitive rates, and continuity of excellent service for Markham residents. Moreover, a two-year contract extension aligns with the draft blue box program transition plan proposed by the Ministry of the Environment, Conservation and Parks, which will transfer responsibility to producers in 2023.

FINANCIAL CONSIDERATIONS:

Account Name	Account #	Budget Amount	Cost of Award	Budget Remaining / (Shortfall)
Markham Village Recycling Depot	770-470-5399	78,766.00	87,843.12	(9,077.12)
Unionville Recycling Depot	770-471-5399	37,587.00	41,918.59	(4,331.59)
Milliken Mills Recycling Depot	770-472-5399	6,834.00	7,621.56	(787.56)
Thornhill Recycling Depot	770-473-5399	44,947.00	50,126.77	(5,179.77)
Totals:		**$168,134.00**	**$187,510.04**	***$19,376.04**

* The budget shortfall of $19,376.04 will be funded through reallocation of the existing Waste Management Operating budget.

OPERATING BUDGET AND LIFE CYCLE IMPACT

The 2020 Waste Management Recycling Depot Staffing Operating budget of $168,134.00 will increase to $187,510.04 in 2021. The Operating budget shortfall of $19,376.04 ($187,510.04 - $168,134.00) will be funded through reallocation of the existing Waste Management Operating budget. The reallocation will be included as part of the 2021 Operating budget subject to Council approval of the 2021 Operating budget.

HUMAN RESOURCES CONSIDERATIONS

N/A

ALIGNMENT WITH STRATEGIC PRIORITIES:

N/A

BUSINESS UNITS CONSULTED AND AFFECTED:

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

RECOMMENDED BY:

Claudia Marsales
Senior Manager,
Waste Management & Environmental Management

Phoebe Fu
Director, Environmental Services

Animal Care Committee

MINUTES

March 9, 2020
Canada Room
5:30 PM – 7:30 PM

Members Present	**Regrets**
Denielle Duncan, Chair Valerie Burke, Vice-Chair Janet Andrews Dr. Esther Attard Aviva Harari Sherry Klein Vikrum Pain Judy Postello Areez Remtulla June Ziola	Sharon Deutsh Bernice Royce Shirley Lesch

Staff

Christy Lehman, Licensing & Animal Services Coordinator
John Britto, Committee Secretary (PT)

Guests and Members of the Public

Terri Daniels

Item	Discussion	Action
1. Call to Order:	The Animal Care Committee convened at 5:35 p.m. with Denielle Duncan presiding as Chair.	
2. Approval of the February 19, 2020 Animal Care Committee meeting minutes	**Moved by: Janet Andrews** **Seconded by: Areez Remtulla** **That the minutes of the February 19, 2020 Animal Care Committee meeting be approved, as presented.** **CARRIED**	

3. Business arising from the Minutes	Christy Lehman, Licensing & Animal Services Coordinator advised that she was away from work due to illness and was unable to follow up on her Action Items from the February meeting. She further advised that she will report back at the next meeting. Denielle Duncan, Chair advised that the sub-committee tasked with revising the ACC Terms of Reference met a few weeks ago and are continuing with this task via email. Denielle further advised that she emailed the first draft document to the Committee members for their review/comments. This matter will be further considered at the April meeting. Christy Lehman, Licensing & Animal Services Coordinator reminded the Committee that any revisions to the Terms of Reference will need to be first approved by the City Clerk before they are sent to Council for approval. Denielle Duncan, Chair advised that the Committee is aware of this. Janet Andrews advised that revisions to the Terms of Reference mainly involved deleting duplicates, rather than adding new text to the document. Christy Lehman, Licensing & Animal Services Coordinator advised that she and Michael Killingsworth, Deputy City Clerk, By-law Enforcement, Licensing and Regulatory Services should be included in the Terms of Reference as staff liaison. June Ziola agreed to email the final version of the Terms of Reference to the Committee. Areez Remtulla agreed to assist June with this task.	Christy to report back at the April meeting on her Action Items from the February meeting. Clerks (Laura Gold) to include Terms of Reference as an Agenda Item for the April meeting. June to email final ToR to members. Areez to assist June.

4. Animal Services Program Update	a. <u>Cat Adoption & Education Centre</u> The following update was provided by Christy Lehman, Licensing & Animal Services Coordinator: • 22 adoptions to date, total of 828 adoptions since the opening; • The CAEC Cupcake Day was a huge success. • Valerie Burke, Vice Chair advised that people planning on adopting guinea pigs need to be informed that guinea pigs entail a lot of work, and they should be adopted as pairs. • Responding to a question, Christy Lehman, Licensing & Animal Services Coordinator advised that she will confirm whether the guinea pigs have been spayed.	Christy to confirm if guinea pigs are spayed.
5. Events	a) <u>Fund Raising</u> The Committee decided to consider this item after the main meeting was adjourned, as it would be too time-consuming for City staff. b) <u>Events</u> A date has yet to be determined for the Markham Earth Day event in April. Denielle Duncan, Chair advised that Covid-19 is likely to affect various events scheduled to be held in the City, although no events have yet been cancelled. Denielle further advised that a 2-hour cleanup of the Toogood Pond has been organized on the 25th. Areez Remtulla provided an update on the Markham Music Festival scheduled to be held on March 28th and the Unionvillie Festival in June. Areez further advised that he has done an online registration for both events. With respect to tents for the	Areez to provide John and Laura with the 2020 event dates.

	events, Janet Andrews advised that the BIAs and store owners get preference for tents when they request them. Areez advised that he will make a request for a tent. Denielle Duncan, Chair advised that Trinela Cane, Commissioner of Corporate Services confirmed that there were no petting zoos at last year's events. The City is getting away from petting zoos. Responding to a question, Denielle Duncan, Chair advised that the Markham-Milliken Children's Festival Committee has not yet met, so there may not be a need for a deputation. Denielle further advised that she has emailed staff to find out if any other events have petting zoos. If more education and awareness is needed, she and Valerie Burke, Vice Chair will make a deputation.	
6. New Business	a. Denielle Duncan, Chair advised that Sharon Deutsh has resigned from the Committee. Janet Andrews suggested that Laura Gold should be asked if a replacement will be appointed. b. Denielle Duncan, Chair advised that staff are working on organizing tours to Shades of Hope and the CAEC. Christy Lehman, Licensing & Animal Services Coordinator advised that she will coordinate with staff. Christy suggested that Saturday mornings would be the most convenient time for the tours. c. Denielle Duncan, Chair requested Judy to get a financial statement from Laura Gold. d. Denielle Duncan, Chair suggested that a one-page document containing information on wildlife that can be used at	Christy to coordinate with staff in organizing tours to Shades of Hope and CAEC. Judy to request Laura Gold for a financial statement.

	the various events. June Ziola volunteered to help out with this. e. Denielle Duncan, Chair sought a volunteer to work on the Markham Animal Services brochure that the Committee started working on over the past couple of years. Janet Andrews and Vikrum Pain volunteered for this. f. Areez Remtulla volunteered to help with an information brochure on Reptile As A Pet. g. Denielle Duncan, Chair sought volunteers to send information to the City to post on social media platforms. h. Janet Andrews advised that she will work on the Committee's Business Plan.	
7. Date of next meeting	5:30 p.m., Wednesday, April 15, 2020.	
8. Adjournment	The Animal Care Committee adjourned at 6:30 p.m. to continue informal discussions on Fund Raising.	

Electronic Animal Care Committee
MINUTES

October 28, 2020
ZOOM
5:30 PM – 7:30 PM

Members Present	**Regrets**
Valerie Burke, Vice-Chair Janet Andrews Dr. Esther Attard Aviva Harari Sherry Klein Judy Postello Areez Remtulla June Ziola Bernice Royce	Denielle Duncan, Chair Vikrum Pain

Staff

Christy Lehman, Licensing & Animal Services Coordinator
Laura Gold, Council/Committee Coordinator

Item	Discussion	Action
1. Call to Order	The Animal Care Committee convened at 5:30 PM with Valerie Burke in the Chair.	
2. Approval of the Minutes	Moved by Sherry Klein Seconded by Bernice Royce That the Minutes from the March 9, 2020, Animal Care Committee be approved as presented. Carried	
3. Business Arising from the Minutes	The Committee reviewed the action items from the previous meeting. The following items are outstanding;. • Christy to confirm if guinea pigs at the Cat Adoption & Education Centre are spayed;	

Item	Discussion	Action
	• Areez to provide Laura Gold with the 2020 event dates to include on the next meeting agenda; • The Shades of Hope and CAEC.tour will be put on hold until it is safe to hold the tour; • Laura Gold to forward financial statements to Judy Postello. The following update was provided on action items: • The OSPCA was concerned with promoting the Cat Adoption & Education Centre on television, as it was concerned about having their officers on television; • June Zhiola provided Christy Lehman with some suggested edits to the City's Animal Services website, which included removing content regarding the Leash Free Markham Committee, as it has been disbanded; • Revisions to the Terms of Reference to be recommended at tonight's meeting.	**Complete outstanding Action Items – Various People**
4. Terms of Reference	Valerie Burke presented a revised consolidated Animal Care Committee Terms of Reference, which was prepared by a Sub-Committee of Members, which worked on it during the pandemic. The majority of the changes involved eliminating duplication to consolidate the document. Christy Lehman, Licensing & Animal Services Coordinator indicated that she had reviewed the changes to the Terms of Reference and was in support of the revisions. The Committee requested that the mission statement be placed prior to the mandate. Moved by Areez Remtulla Seconded by Aviva Harari That the Committee endorse the revised Animal Care Committee Terms of Reference as amended (see Appendix "A"); and,	

Item	Discussion	Action
	That the Animal Care Committee request that Markham Council endorse the changes to the Animal Care Committee Terms of Reference. Carried	
5. Animal Services Program Update	A. Cat Adoption & Education Centre Christy Lehman advised that the Cat Adoption & Education Centre is temporarily closed due to the pandemic. The City is looking at creating virtual education programs for pet owners. B. Animal Services Update Christy Lehman advised that the City is looking at three options for providing its animal services, as the OSPCA's contract ends this March, and it no longer legally permitted to enforce the City's Animal Control By-Law. The three options the City is considering include: 1) Hiring a private company to both enforce the City's Animal Control By-Law, and to provide animal shelter services; 2) Partner with another municipality to enforce the City's Animal Control By-Law, and to provide animal shelter services; 3) Enforce the City's Animal Control By-Law in-house, and contract out the shelter services. It was noted that Wildlife Services will continue to be managed by Shades of Hope. After some discussion, Committee supported option 3 - having the City's Animal Control By-Law enforced in-house, and contracting out the shelter services. This option was selected, as it was felt that Markham would maintain the most control over its Animal Services under this option. It was also suggested that the Shelter Services be provided by the OSPCA, as they have veterinarians on staff, and they provide quality animal care.	

Item	Discussion	Action
6. Events	A. Fundraising <u>Homemade Jam</u> Janet Andrews advised that Denielle Duncan has continued to raise funds for the City's Animal service by selling homemade jam, but the total funds raised from fundraising are down considerably from last year. <u>Cookbook</u> The Committee discussed creating a cookbook to raise funds for the City's Animal Services. The following was discussed: • Creating a virtual versus a printed cookbook; • Producing and selling the cookbook over several years; • That it is a good item to sell at events; • The cost of printing the cookbook in-house versus externally; • Selling advertising space in the cookbook; • Asking local pet stores to sell the cookbook; • Including recipes for pet treats in the cookbook; • Conducting research on creating a fundraising cookbook. Judy Postello, and June Ziola were asked to put together a proposal for the cookbook that the Committee can consider at its next meeting. The Committee Clerk was requested to add the "cookbook" to the next agenda. B. Discuss events scheduled for the remainder of the year There was no discussion on this item.	**Put together Cookbook proposal for the next meeting –, and other Sub-Committee Members**
7. Next Meeting Date	The next meeting of the Animal Care Committee will be held on November 18, 2020 at 5:30 PM.	
8. Adjournment	The Animal Care Committee adjourned at 6:43 PM	

ACTION ITEMS

Action Item	Meeting Date	Person Responsible	Status
Contact the Volunteer Manager regarding the automated response to the volunteer application, as some volunteers said they did not get the response.	February 19, 2020	Christy Lehman	
Update the Animal Services page on the City's Website	February 19, 2020	Christy Lehman June Heather Ziola	June provided Christy Lehman with suggested update to the City's website.
Confirm if the Guinea pigs are spayed.	March 9, 2020	Christy Lehman	
Coordinate tour of Shade of Hope and CAEC	March 9, 2020	Christy Lehman	On hold due to the pandemic
Put together Cookbook proposal for the next meeting.	October 28, 2020	Judy Postello, June Ziola, and other Sub-Committee Members	
Provide Laura Gold with the 2020 event dates.	October 28, 2020	Areez Remtulla	

APPENDIX A

ANIMAL CARE COMMITTEE

TERMS OF REFERENCE

BACKGROUND

The purpose of the City's animal services program is to provide excellent service to help ensure the wellbeing and protection of domestic pets and wildlife. In 2006, Markham established an Animal Care Committee to support and act as a resource to Council and City staff for the efficient and compassionate care of animals.

MISSION STATEMENT

To promote and ensure excellence and professionalism in animal care through continuing education, public outreach, staff support and the enhancement of Markham's ability to provide quality, cost effective services to our residents and care to the animals in our municipality.

COMMITTEE MANDATE

The Animal Care Committee's mandate is to develop a community-driven model for improving animal welfare in Markham and report its findings back to the General Committee.

The primary focus of the Committee will be on the welfare of domestic pets and wildlife in the City of Markham. Within this category, the Committee will primarily focus on cats, dogs and other pets, including rabbits and rodents. The key goals of the Committee include:

1. Educate residents regarding responsible pet ownership.
2. Provide advice on maximizing adoption services in partnership with the City's animal care provider, the Markham Cat Adoption and Education Centre as well as local rescue organizations.
3. Provide advice and guidance regarding best practices for the habitat and care of sick/injured/orphaned wildlife in partnership with the City's wildlife services provider.
4. Provide advice and guidance regarding best practices to assist residents to live harmoniously with wildlife and prevent and resolve conflicts.
5. Provide input on the City's animal services programs.
6. Support the City's animal services and initiatives.
7. Fundraise whenever possible for the above items.
8. Prepare and implement an annual business plan to achieve the above.

Issues, concerns and opportunities relating to animal care include, but are not limited to, community engagement; animal licensing; public education; pet adoption programs; pet overpopulation and available funding. Team work will be the foundation of a community-driven animal care model.

COMPOSITION*

The Animal Care Committee shall be comprised of the following:

- up to ten (10) members of the public
- one (1) member of Council
- up to four (4) representatives from local animal advocacy groups

The following resources shall be assigned to the Committee:

- the City Clerk (or alternate)
- Senior Animal Services Officer (or alternate)
- a volunteer veterinarian

The Committee may form sub-committees and working groups as may be necessary to address specific issues. Legislative Services does not provide secretariat support to sub-committees and working groups - these bodies shall draw upon members of the Committee as well as other external resources as deemed necessary.

QUALITIES

Candidates will have:

- a keen interest in animal care within the City of Markham;
- regard for the interests of all citizens;
- the ability to maintain and promote an appropriate atmosphere within Committee and sub-committee meetings;
- an understanding of the by-laws related to animals within the City;
- the ability to commit the required time, and
- demonstrated integrity.

DURATION OF APPOINTMENT

Committee members will be appointed at the discretion of Markham Council.

CHAIR AND VICE CHAIR

The Committee will appoint a Chair and Vice Chair amongst its members as part of the first official Committee meeting. These individuals will serve in this capacity for one year.

MEETINGS AND LOCATION

Meetings are generally held once a month in the evening at the Markham Civic Centre. Additional meetings will be at the call of the Chair.

DUTIES AND DELIVERABLES

The Animal Care Committee reports to City of Markham Council through the General Committee.

Typical duties of Committee members include:

- Advising on issues concerning animals within the City of Markham.
- Advising on opportunities that have been identified within the community to improve animal care in Markham.
- Advising, consulting and reporting current findings, best practices, and recommendations on matters concerning the City of Markham and other jurisdictions that are directly related to the mandate of the Committee.
- Supporting, encouraging and being an ongoing resource to the Council, staff, residents, agencies and the business community regarding measures for improving animal care in Markham.
- Becoming familiar with City of Markham's animal services, by-laws, policies, and procedures.
- Participating in workshops and public events related to the proposed animal care related issues.
- Providing feedback received from residents to the Committee regarding issues and options relating to animal care.

Individual members do not make recommendations; they participate in Committee meetings.

REMUNERATION

No remuneration is paid to Committee members.

CONTACTS

Name: Christy Lehman, Licensing & Animal Services Coordinator

Phone: (905) 477-7000; ext. 2131

Fax: (905) 475-4708

E-mail: clehman@markham.ca

Originally Adopted by Council – October 10, 2006

*Amended by Council at its meetings on September 23, 2008 (Composition, and Meetings and Locations) and June 26, 2012.

ANIMAL CARE COMMITTEE
"(PROPOSED", (ADOPTED BY COUNCIL ~~2012~~ 2020)

~~BACKGROUND~~
TERMS OF REFERENCE

BACKGROUND

The **purpose of the** City's animal ~~care and control~~ **services** program **is to provide excellent service to help ensure the wellbeing and protection of domestic pets and wildlife**. ~~has a primary focus on animal control for the purpose of protecting the public.~~ In 2006, ~~**the City of**~~ Markham established an Animal Care Committee to support and act as a resource to ~~Legislative Services~~ **Council and City** staff for the efficient and compassionate care of animals.

MISSION STATEMENT

To promote and ensure excellence and professionalism in animal care through continuing education, **public outreach**, **staff** support and the enhancement of **Markham's** ability to provide quality, cost effective services to our residents and care to the animals in our municipality.

COMMITTEE MANDATE

The Animal Care Committee's mandate is to develop a community-driven model for improving animal welfare in Markham and report its findings back to the General Committee.

The primary focus of the Committee will be on the welfare of ~~animals within the Town~~ **domestic pets and wildlife in the City** of Markham. Within this category, the Committee will primarily focus on~~:~~ cats, dogs and~~, some~~ other pets, including rabbits and rodents. The ~~eight~~ key goals of the Committee include:

~~Prepare and implement an annual business plan~~

1. Educat~~eion of~~ residents regarding responsible pet ownership
2. Provide advice on maximizing adoption services in partnership with the **City**'s animal care provider, **the Markham Cat Adoption and Education Centre as well as** local rescue organizations.
3. Provide advice and guidance regarding best practices for the habitat and care of sick/injured/orphaned wildlife **in partnership with the City's wildlife services provider.**

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4. **Provide advice and guidance regarding best practices to assist residents to live harmoniously with wildlife, and prevent and resolve conflicts.**
5. Provide input on **the City's animal services programs**.
6. **Support the City's animal services and initiatives.**
7. Fundrais**e whenever possible for** the above items.
8. Prepare and implement an annual business plan **to achieve the above.**

~~1.~~
~~2. .Education regarding the importance of sterilization to prevent pet overpopulation and unwanted pets, animal care, and the appropriate veterinary services;~~
~~3. Provide advice and recommendations regarding convenient, affordable spay neuter clinics.~~
~~4. Provide advice on maximizing adoption services in partnership with the Town's animal care provider~~**, and** ~~local rescue organizations.~~
~~5. Provide advice and guidance regarding the best practices for the habitat and care of sick/injured/orphaned wildlife.~~
~~6. Provide input on animal care programs for the Town of Markham; Fundraising for all of the above items.~~
~~7.~~

Issues, concerns and opportunities relating to animal care include, but are not limited to: ~~engaging the~~ community **engagement**; animal licensing~~;~~ ~~and other fees;~~ public education~~;~~ ~~and awareness programs;~~ pet adoption programs; ~~controlling~~ pet overpopulation; and ~~limited~~ available funding.

Team work will be the foundation of a community-driven **a**nimal **c**are model.

~~Team work will be the foundation of a community-driven Animal Care model.~~

~~**MISSION STATEMENT**~~
~~"To promote and ensure excellence and professionalism in animal care through continuing education, effective networking, mutual support and the enhancement of the ability to provide quality, cost effective services to our residents and care to the animals in our municipality."~~

~~*~~**COMPOSITION***
The Animal Care Committee shall be comprised of the following:

- up to ten (10) members of the public
- one (1) member of Council
- up to four (4) representatives from local animal advocacy groups

The following resources shall be assigned to the Committee:

- ~~The~~ the ~~Town~~ **City** Clerk (or alternate)
- Senior Animal ~~Control~~ **Services** Officer (or alternate)

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- ~~A~~ a volunteer~~ary~~ veterinarian

The Committee may form sub-committees and working groups as may be necessary to address specific issues. Legislative Services does not provide secretariat support to sub-committees and working groups – these bodies shall draw upon members of the Committee as well as other external resources as deemed necessary.

~~QUALITIES~~

QUALITIES

~~Interested~~

Candidates will have:

- a keen interest in animal care within the ~~Town~~ City of Markham;
- regard for the interest of all citizens;
- the ability to maintain and promote an appropriate atmosphere within Committee and sub-committee meetings;
- an understanding of the by-laws related to animals within the ~~Town~~City;
- the ability to commit the required time~~,~~ ; and
- demonstrated integrity.

DURATION OF APPOINTMENT

Committee members will be appointed at the discretion of Markham Council.

CHAIR AND VICE CHAIR

The Committee will appoint a Chair and Vice Chair amongst its members as part of the first official Committee meeting. These individuals will serve in this capacity for one year.

MEETINGS AND LOCATION

Meetings are generally held once a month in the evening at the Markham Civic Centre. Additional meetings will be at the call of the Chair.

DUTIES AND DELIVERABLES

The Animal Care Committee ~~will~~ reports to ~~Town~~ City of Markham Council through the General ~~Services~~ Committee.

Typical duties of Committee members include:

- Advising on issues ~~and concerns faced by~~concerning animals within the ~~Town~~ City of Markham;
- Advising on opportunities that have been identified within the community to improve animal care in Markham;
- Advising, consulting and reporting ~~the~~ current findings, best practices, and recommendations on matters from within the ~~Town~~ City of Markham

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and other jurisdictions that are directly related to the mandate of the Committee;

- ~~Providing advice on solutions on how to improve animal care in Markham;~~

- Supporting, encouraging and being an ongoing resource to the ~~Committee~~**Council**, ~~individuals~~**staff, residents**, agencies and the business community ~~by educating and building community awareness about~~**regarding** measures for improving animal care in Markham;

- ~~Becoming familiar with and working towards improving animal care issues and veterinary practices in Markham, and the impacts on community character;~~

- ~~Participating in fund raising events designed to resource improved animal services care, including reasonable veterinary services;~~

- Becoming familiar with the **City of Markham's animal services**, by-laws, ~~and~~ policies~~/~~ **and** procedures ~~related to animals within Markham~~;

- ~~Becoming familiar with public views and concerns regarding animal care in Markham;~~

- Participating in workshops and public events related to the proposed animal care related issues;

- Providing feedback received from residents to the Committee regarding issues and options relating to animal care.

Individual members do not make recommendations; they participate in Committee meetings.

~~**DURATION OF APPOINTMENT**~~

~~Committee members will be appointed at the discretion of Markham Council.~~

~~**CHAIRPERSON**~~

~~The Committee will appoint a chairperson amongst its members as part of the first official Committee meeting. This individual will serve in this capacity for one year.~~

REMUNERATION

No remuneration is paid to Committee members.

CONTACTS

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Name: ~~Christopher Alexander~~**Christy Lehman**, ~~Supervisor,~~ Licensing & Animal Services **Coordinator**
Phone: (905)-477-7000 ext. ~~2128~~**2131**
Fax : (905) ~~305-5980~~**475-4708**
Email: ~~calexander@markham.ca~~**clehman@markham.ca**

~~or~~

~~Name: Bill Wiles, Manager of Enforcement~~
~~Phone: (905) 477-7000, ext. 4851~~
~~Fax: (905) 305-5980~~
~~E-mail: bwiles@markham.ca~~

Originally Adopted by Council – October 10, 2006

*Amended by Council at its meeting on September 23, 2008 (Composition, and Meetings and Locations) **and**
~~*Amended by Council on~~ June 26, 2012.

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Report to: Council Meeting Date: December 9, 2020

SUBJECT: 2021 Water/Wastewater Rate
PREPARED BY: Asif Aziz, Senior Financial Analyst

RECOMMENDATION:

1) That the report entitled "2021 Water/Wastewater Rate" be received; and,

2) That the Minutes from the November 12, 2020 Water/Wastewater Rate Public Consultation meeting be received; and

3) That the wholesale component of the 2021 Markham water and wastewater rate be adjusted by the corresponding water and wastewater rate increase approved by the Region of York; and further,

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

PURPOSE:
The purpose of the report is for Council to approve an increase to the 2021 water/wastewater rate equivalent to the Region's increase to the wholesale rate.

BACKGROUND:
Markham owns and operates the water distribution and wastewater collection systems, and purchases its water supply and wastewater treatment from the Region. The Region purchases water from the City of Toronto and Region of Peel. The Region's current wholesale rate is \$3.0743/m^3 and Markham's current rate is \$4.4680/m^3. Revenues are used to fund Regional purchases (i.e., water and wastewater costs), Waterworks day-to-day operations and capital expenditures.

On November 13th, 2019, Council approved a rate increase, effective April 1, 2020, of \$0.3500/m^3 (from \$4.4680/m^3 to \$4.8180/m^3) or 7.8%. This increase included an increase of 9% on the wholesale rate from the Region.

Subsequently in March 2020, due to the COVID-19 pandemic, in an effort to provide relief to the residents and businesses of Markham, Council waived the scheduled increase of \$0.3500/m^3, or 7.8%, to the 2020 water/waste water rate. In April 2020, Regional Council also waived its scheduled increase of \$0.2767/m^3 or 9% resulting in no increase to the Region's 2020 wholesale rate.

In March 2020, Staff indicated to Council, that waiving the increase to the 2020 rate by both the City and Region would result in an unfavourable variance of \$1.0M to the 2020 Waterworks operating budget for water sales and purchases. It is anticipated the shortfall will be recovered in the future.

In May 2020, Staff reported back to Council, that due to the mandated closure to non-essential businesses, there was an expected reduction to water consumption resulting in an additional $2.6M unfavourable variance, for a total unfavourable variance for water sales and purchases of $3.6M ($1.0M + $2.6M). The forecasted reduction in consumption was based on very limited pandemic data. Therefore, assumptions were made by Staff that included an increase in residential consumption as there would be more people working from home, and a significant reduction in non-residential consumption due to mandated closure of non-essential businesses.

In November 2020, Staff reported back to Council, that the actual water consumption data during the pandemic was not as severe as initially thought and are now projecting a favourable variance for water sales and purchases in the range of $0.7M to $1.3M. Both non-residential and residential consumption have been higher than what was forecasted and presented to Council in May. To date residential consumption has been higher than budget, this increase has more than offset the reduction in non-residential consumption to budget resulting in a net consumption increase to budget during the pandemic period.

The City's portion of the 2020 rate increase which was waived will need to be recovered in the 2021 rate or phased-in in future years, to ensure that there is adequate funding in the Waterworks Reserve to sustain future replacement and rehabilitation requirements of the City's water and wastewater infrastructure for the next 25 years.

In 2015, the Region completed a water rate study to determine the rates required to: build adequate reserves for future asset rehabilitation and replacement; maintain existing assets; cover day-to-day operations; eliminate the need to issue rate-supported debt; and achieve full cost recovery pricing by 2021. The outcome of the water rate study was an increase of 9% per year from 2016 to 2020 and 2.9% for 2021. Due to the pandemic, the Region waived the 9% increase scheduled for 2020 and are now in the process of re-evaluating the rate increase for 2021.

On November 12, 2020 the City held a public meeting and presented the recommendation to increase the City's 2021 water/wastewater rate by the same percentage as the Region's increase once approved. Accordingly, Staff prepared and presented two scenarios:

1. No increase to Region's wholesale rate and the City's water/wastewater rate
    - The deferred 2020 and 2021 increase will need to be recovered in a future year, or phased-in over multiple years
2. Regional increase to the proposed wholesale rate of 2.9%, matched with an increase to the City's water/wastewater rate of 2.9%
    - 2.9% is the increase approved by Regional Council in 2015
    - Incorporates full recovery of 2020 waived rate increase

At the November 12th, 2020 public meeting it was requested that Staff provide a financial forecast for the following scenario (detailed below in the Options/ Discussion section):

- Flow through the Region's wholesale rate to the City at a proposed increase of 2.9%
- Defer the required increases to the non-revenue water, operating expenditures and reserve contribution components in 2021

- Show the impact of deferring these components on future rates if recovered over 5 and 10-years respectively

At the November 20th, 2020 Budget Committee meeting, Staff advised that the Region will now be holding a Special Council meeting on December 10 ,2020 to discuss the 2021 water rate which is after Markham approves its 2021 Budget on December 9, 2020.

At the November 20, 2020 Budget Committee meeting, and consistent with the financial forecast requested at the public meeting, Staff advised that should the Region approve a 2.9% increase, the City's blended rate increase would be 2%, with an unfavourable impact to reserve of $1.2M in 2021 (scenario detailed below in the Options/ Discussion section).

Budget Committee approved keeping the City's expenditure portion of the 2021 water/wastewater rate at 0%, and flowing through only the Region's wholesale rate increase approved by the Region.

OPTIONS/ DISCUSSION:

Water/Wastewater Rate

Markham's water/wastewater rate is comprised of the following four (4) components:

A. Regional wholesale rate
B. Non-revenue water
C. Operational expenditure
D. Reserve contribution

Detail		2021 Changes		2021 Rate no Deferral		Deferred Rate		Proposed 2021 Rate	
	2020 Rate	$/m^3	%	$/m^3	%	$/m^3	%	$/m^3	%
A. Region's Wholesale Rate	**$3.0743**	$0.0892	2.9%	**$3.1635**	**2.9%**			**$3.1635**	**2.9%**
B. Non-Revenue Water	**$0.3800**	$0.0110	2.9%	**$0.3910**	**2.9%**			**$0.3910**	**2.9%**
C. Operating Expenditures	**$0.4450**	$0.0170	3.8%	**$0.4620**	**3.8%**			**$0.4620**	**3.8%**
D. Reserve Contribution	**$0.5687**	$0.0124	2.2%	**$0.5811**	**2.2%**	($0.0404)	-7.1%	**$0.5407**	**-4.9%**
Total: Water/Wastewater Rate	**$4.4680**	**$0.1296**	**2.9%**	**$4.5976**	**2.9%**	**($0.0404)**	**-0.9%**	**$4.5572**	**2.00%**

Summary

A. Region's Increase	**$3.0743**	$0.0892	2.9%	**$3.1635**	**2.9%**			**$3.1635**	**2.9%**
B to D. City's Increase	**$1.3937**	$0.0404	2.9%	**$1.4341**	**2.9%**	($0.0404)	-2.9%	**$1.3937**	**0.0%**
Total: Water/Wastewater Rate	**$4.4680**	**$0.1296**	**2.9%**	**$4.5976**	**2.9%**	**($0.0404)**	**-0.9%**	**$4.5572**	**2.0%**

As noted in the table above, if the Region increases the wholesale rate by 2.9%, the City will increase Component A by 2.9% in 2021. The City will defer the combined increase to components B to D of 2.9% or $0.0404 in 2021. This reduces the overall rate increase from 2.9% to 2.0%.

The impact of not increasing components B to D results in an unfavourable impact to the 2021 reserve balance of $1.2M.

The deferred increases to components B to D of $0.0404, or 0.9% to the overall rate, if phased-in over 5-years results in an additional increase of $0.0098 or 0.2% per year over normal increases. If phased-in over 10-years an additional increase of $0.0058 or 0.1% per year over normal increases is required.

The table below summarizes the impact to the 2021 rate and the additional rate increase required to be phased-in, if it is phased-in over 5 and 10-years respectively:

	Markham's Increases by Component		Rate Deferred in 2021				If Phased In Over 5-Years		If Phased In Over 10-Years	
	A	B to D	Rate with no Deferral	Proposed Rate	Rate Deferred	Reduction to 2021 Reserve ($ M's)	$ / m^3	%	$ / m^3	%
			1	2	3=1-2					
Region's Increase of 2.9% Increase to Components	2.9%	0.0%	$4.5976 2.9%	$4.5572 2.0%	$0.0404 0.9%	$1.2	$0.0098	0.2%	$0.0058	0.1%

FINANCIAL CONSIDERATIONS

If the Region increases the wholesale rate by 2.9%, the City will increase component A by 2.9% in 2021. The City will defer the combined increase to components B to D of 2.9% or $0.0404 in 2021. This reduces the overall rate increase from 2.9% to 2.0% and it has an unfavourable impact to the 2021 reserve balance of $1.2M.

The deferred increases to components B to D will need to be recovered in future years.

HUMAN RESOURCES CONSIDERATIONS

Not applicable

ALIGNMENT WITH STRATEGIC PRIORITIES:

Not applicable

BUSINESS UNITS CONSULTED AND AFFECTED:

Environmental Services have reviewed this report and their comments have been incorporated.

RECOMMENDED BY:

Phoebe Fu
Director, Environmental Services

Joel Lustig
Treasurer

Andy Taylor
Chief Administrative Officer

Trinela Cane
Commissioner, Corporate Services

ATTACHMENTS:

Post-Meeting Minutes – Water and Wastewater Rate Public Consultation Meeting – November 12, 2020

Water and Wastewater| Public Consultation Meeting Minutes

November 12, 2020, 6:30 PM - 7:30 PM

Members	Councillor Amanda Collucci, Chair Councillor Andrew Keyes, Vice-Chair Deputy Mayor Don Hamilton Regional Councillor Jack Heath Councillor Keith Irish	Councillor Alan Ho Councillor Reid McAlpine Councillor Karen Rea Councillor Isa Lee
Regrets	Mayor Frank Scarpitti (ex-officio) Regional Councillor Joe Li	Regional Councillor Jim Jones Councillor Khalid Usman
Roll Call	Andy Taylor, Chief Administrative Officer Trinela Cane, Commissioner, Corporate Services Arvin Prasad, Commissioner Development Services	Joel Lustig, Treasurer Phoebe Fu, Director of Environmental Services Asif Aziz, Senior Financial Analyst Lisa Chen, Senior Manager, Financial Planning & Reporting, Financial Services Laura Gold, Council and Committee Coordinator

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1. CALL TO ORDER

The Water and Wastewater Pubic Consultation Meeting convened at 6:31 PM with Councillor Amanda Collucci in the Chair.

2. DISCLOSURE OF PECUNIARY INTEREST

There were no disclosures of pecuniary interest.

3. WATER AND WASTE WATER RATE PUBLIC CONSULTATION MEETING PRESENTATION

Phoebe Fu, Director of Environmental Services, and Asif Aziz, Senior Financial Analyst provided a presentation on the proposed 2021 Water and Wastewater Rate.

Staff provided the following responses to inquiries from Members of Council:

York Region Water and Wastewater Rate

The City's water and wastewater rate cannot be finalized until York Region's rate is known, as the rate is determined by combining York Region, and Markham's rate. York Region's water and wastewater rate is projected to be 2.9%, based on its 2015 Water Study.

Waterworks Reserve

The goal of the City's Waterworks Reserve study update is ensure that there is sufficient funds in the reserve for the next 25 years based on known inflows and outflows.

Replacement of Water Infrastructure

Every year the City replaces 2-5 km of watermains per year. Currently, most of the work is being done in West Thornhill.

Water Leakage

The City estimates that its ILI (Leakage Index) is around 1.25 per year, which is better than most municipalities. An ILI close to one is considered world class.

Water Theft

It is estimated that water theft remains at approximately 0.3%. Some water hydrants continue to have the reflective rings on them.

Cost of Water

The cost of water has increased as a result to: 1) significant regulatory changes due to drinking water contamination in Walkerton, Ontario in 2000, 2) Asset management / maintain infrastructure state of good repairs requirements, and 3) increased labour and construction costs over the years.

Financial Modeling

Staff agreed to provide Council with a financial forecast reflecting:

1) 2.9% York Region water rate increase flow through to the City of Markham
2) 0% increase for Non-Revenue Water, Operating Expenditures and Reserve Contribution
3) 5 and 10 year recovery for 2020 and 2021 impact starting in 2022

Moved by Councillor Reid McAlpine
Seconded by Councillor Keith Irish

That the Water and Waste Water Rate Presentation be received.

Carried

4. DEPUTATIONS

There were no deputations.

5. ADJOURNMENT

The Water and Wastewater Public Consultation Meeting adjourned at 8:03 PM.

Report to: Council | Meeting Date: December 9, 2020

SUBJECT: 2021 Operating and Capital Budgets
PREPARED BY: Lisa Chen, Senior Manager, Financial Planning and Reporting

RECOMMENDATION:

1) That the report dated December 9, 2020 titled, "2021 Operating and Capital Budgets" be received; and,

2) That Council approve the 2021 Primary Operating Budget for City services of $248,124,592, (excluding the 2020 surplus/deficit), as detailed in Appendix 1; and,

3) That Council approve a $3,600,000 transfer from the Corporate Rate Stabilization to provide a zero percent property tax rate increase in the 2021 Primary Operating Budget; and,

4) That Council approve the remaining 2021 Capital Budget of $94,447,700 for a total of $103,259,200 ($94,564,600 + $ 8,694,600 pre-approved), as per projects detailed in Appendix 2; and,

5) That Council approve the 2021 Planning & Design Operating Budget totalling $13,498,406, as detailed in Appendix 3; and,

6) That Council approve the 2021 Engineering Operating Budget totalling $8,844,438, as detailed in Appendix 4; and,

7) That Council approve the 2021 Building Standards Operating Budget totalling $11,256,840, as detailed in Appendix 5; and,

8) That Council approve the 2021 Waterworks Operating Budget totalling $135,938,867 (excluding the 2020 surplus/deficit), as detailed in Appendix 6; and,

9) That upon finalization of the 2020 audited financial statements, 2021 operating budgets be adjusted to reflect 2020 operating results; and,

10) That a copy of the budgets be made available to the public through the Clerk's Department, the City website and each of the Markham Public Libraries; and,

11) That the restated budget as detailed in Appendix 7, "Additional Financial Disclosure Requirements Pursuant to Ontario Regulation 284/09" be adopted; and further,

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

PURPOSE:

To obtain Council approval of the City of Markham's 2021 Operating and Capital Budgets.

BACKGROUND:

A total of five Budget Committee meetings were held during November 2020 to discuss and review the 2021 Budget.

All Budget Committee meetings were open to the public and were audio and video streamed. A public consultation meeting was held on November 25, 2020. The presentations along with full recordings of the meetings are available on the City's web portal. As a result of the COVID-19 pandemic, physical attendance at the meetings was not possible. Members of the public were able to make written or virtual deputations by contacting Clerks prior to the meeting.

The following topics were presented and discussed at the Budget Committee meetings:

- fiscal scan including economic trends and budgetary pressures;
- review of the 2021 operating and capital budgets;
- review of the 2021 Planning & Design, Engineering, Building and Waterworks operating budgets.

At the public consultation meeting, there were no deputations. One resident did ask two questions, which staff responded to:

1. **How does the pandemic impact the budget?**
   It is forecasted that the pandemic will have a $31M unfavourable impact on the 2020 operating budget. Through the efforts of Council and staff, the City was able to mitigate the impact to $24M, decreasing the shortfall to $6.6 million. The City received $6.5M of funding from the federal and provincial governments which will help the City offset the shortfall. In 2021, the pandemic will continue to impact operations, and measures are in place to mitigate potential challenges and deficits. There are also favourable budgetary impacts that staff are hopeful will mitigate any funding shortfalls. As the situation may change, staff will continue to monitor financial results monthly and report to Council regularly.

2. **Is the City aiming for a zero percent increase?**
   The Budget Committee has approved a zero percent tax rate increase which will be tabled at the December 9, 2020 Council meeting, when the final decision will be made.

OPTIONS/DISCUSSION:

The 2021 Budget totals $520,954,132 and the breakdown is as follows:

	2021 Budget
Operating Budgets	
Primary	$ 248,124,592
Planning & Design	13,498,406
Engineering	8,844,438
Building	11,256,840
Waterworks	135,938,867
Capital Budget	103,259,200
Total Budget	**$ 520,922,343**

Details on the 2021 Primary Operating Budget are in Appendix 1, and discussed on pages 5 and 6.

2021 Capital Budget

The total 2021 Capital Budget includes 183 projects totaling $103,259,200 (Appendix 2).

In September, Council pre-approved 7 capital projects and portions of 6 other capital projects totaling $8,694,600. Pre-approval was requested in order to prevent delays in design or construction, meet operational/program requirements and allow early commencement of the procurement process to optimize competitive pricing.

The approval of $94,564,600 requested in this report is for the remaining 178 projects.

	No. of Projects	**2021 Budget**
September pre-approval Council report	7	$8,694,600
Additional capital projects approved by the Budget Committee	178	94,564,600
Total Budget	**185**	**$ 103,259,200**

Note: Six projects with pre-approved portions are reflected in the "Additional capital projects approved by the Budget Committee" count.

The 2021 Capital Budget includes $21M for flood control and stormwater management, $18.4M in water and wastewater system replacements and upgrades, $12M for road construction, repairs and rehabilitation, $12M for new parks and trails design and construction, $9M to maintain the City's facilities, $5M for fleet replacement and repairs, $4M in park maintenance and tree pruning, and $3M for Library collections and e-resources.

2020 Life Cycle Replacement and Capital Reserve Study Update

The Reserve was formally established in 2004 to address the on-going capital replacement and rehabilitation requirements of the City's assets. The adequacy of the Reserve is reviewed annually through the update of the Life Cycle reserve study ("Reserve Study") using a 25-year rolling planning horizon.

As detailed during the 2021 budget process, the City requires a 2.0% infrastructure investment from 2019-2022 to ensure there are sufficient funds in the life cycle reserve through to 2046 (25 years from the end of the current Council term) based on known inflows and outflows. Consistent with the 2020 Budget, the 2021 Budget includes an incremental 0.5% infrastructure investment.

2021 Planning & Urban Design, Engineering and Building Standards Operating Budgets

At today's Council meeting, Council is requested to approve a 5% increase in Planning & Urban Design fees, Engineering fees and Building fees.

A 5% increase to Planning & Urban Design fees has been included in the Planning & Urban Design operating budget which totals $13,498,406 (Appendix 3), including a budgeted surplus to be transferred to the reserve of $3,215,164.

A 5% increase to Engineering fees has been included in the Engineering operating budget which totals $8,844,438 (Appendix 4), including a budgeted deficit which results in a draw from reserve of $2,710.

A 5% increase to Building fees for Building Permit applications has been built into the Building Standards operating budget which totals $11,256,840 (Appendix 5) , including a budgeted surplus to be transferred to reserve of $1,549,042.

2021 Waterworks Operating Budget

The Region is planning to table and approve the 2021 wholesale rate at a Special Regional Council meeting on December 10, 2020. Markham will keep the City's expenditure portion of the 2021 water and wastewater rate at 0%, and flow through only the Region's wholesale rate increase once approved by the Region. The deferred portion of the increase will need to be recovered in a future year, or phased-in over multiple years.

At a proposed increase of 2.9% to the Region's wholesale rate, which is consistent with the increase the Region was proposing prior to the onset of the COVID-19 pandemic, the City's 2021 Water and Wastewater rate will be $4.5572/m3 effective April 1st, 2020 (an increase of 2.0% over the 2020 rate). This is contained within the 2021 Waterworks operating budget of $135,938,867 (Appendix 6) which includes a contribution to the Waterworks reserve of $15,760,000.

This budgeted contribution to the Waterworks reserve is required to address the ongoing replacement and rehabilitation requirements for Waterworks infrastructure and other Waterworks related capital assets.

2021 Primary Operating Budget

Council approved property tax and fee relief measures earlier this year to help residents and businesses experiencing financial hardship due to COVID-19. These measures were scheduled to end on December 31, 2020. In anticipation that COVID-19 will continue to impact many Markham property taxpayers into 2021, Markham Council has approved a Property Tax Payment Deferral Program to support property owners who have been financially affected by COVID-19. Council also approved a deferral for the 2021 stormwater fee for eligible taxpayers. This assistance is by application only and is meant to aid residential and business property owners who require payment flexibility throughout the 2021 taxation year.

Additionally, the suspension of the Municipal Accommodation Tax (MAT) from April 1, 2020 to December 31, 2020, to provide relief to hoteliers, will continue throughout the 2021 taxation year.

At the first Budget Committee meeting on November 3, 2020, Staff presented a fiscally responsible budget which included a staff supported property tax rate increase of 1.65% based on known information at that time. At the initial meeting, the Committee requested staff to report back on ways to reduce the operating budget shortfall for 2021 given the current economic climate during the pandemic. At the November 17, 2020 staff presented an updated property tax rate increase of 1.80%. Budget Committee approved one-time funding from the Corporate Rate Stabilization to bring the 2021 property tax rate increase down to zero. The updated budget reflects a one-time draw from the Corporate Rate Stabilization Reserve of $3.6M that will need to be recovered in a future year's budget, or phased in over multiple years.

The following exhibit shows the incremental changes from the 2020 approved Operating Budget to the 2021 Operating Budget from $240,962,772 to $248,124,592 (figures exclude Planning & Design, Engineering, Building Services and Waterworks):

Expenditures	**2021 Budget**
2020 Approved Budget - Expenditures	$240,962,772
Salaries and benefits for existing staff	956,243
Salaries and benefits for Animal Services staff	353,300
Municipal service contracts	3,323,020
Infrastructure investment - transfer to Life Cycle Reserve	1,368,761
Growth (waste, winter maintenance, parks and roads)	673,000
Capital induced operating costs	280,000
Insurance premiums	152,000
E3 adjustments	(1,359,000)
Other	1,414,496
2021 Budget - Expenditures	**$248,124,592**

Revenues	**2021 Budget**
2020 Approved Budget - Revenues	$240,962,772
Assessment growth	1,955,000
Lease revenue - 7100 Birchmount	826,300
E3 adjustments	330,000
Other	450,520
2021 Budget - Revenues before Transfer from Reserve	**$244,524,592**
Net Expenditures Before Draw From Reserve	**($3,600,000)**
Transfer from Reserve to reduce Property Tax Rate to 0%	3,600,000
2021 Budget - Revenues including Transfer from Reserve	**$248,124,592**
Net Expenditures/(Revenues)	**$0**

The 2020 operating results projection are not considered in the above as results cannot be finalized until the City's financial statements have been audited and approved by Council. Staff will present the 2020 consolidated financial statements to General Committee in April 2021. Upon finalization of the 2020 audited financial statements, the 2021 operating budgets will be adjusted to reflect the 2020 surplus or deficit.

The 2021 budget aligns with the Council approved strategic priorities which address social, economic and environmental considerations. While the budget includes service level enhancements and value for money for Markham taxpayers, the City of Markham addressed the challenge of delivering a balanced budget with a zero tax rate increase in response to the current economic pressures during the pandemic.

To mitigate the impact of economic and growth pressures, Staff continue to make every effort to find efficiencies to reduce operating costs and explore sustainable revenue sources through our continuous improvement program, **Excellence through Efficiency and Effectiveness (E3)**. Through the E3 program the City has achieved approximately $31,000,000 in operational savings and revenue enhancements since 2009 avoiding the need for an approximate 25.3% property tax rate increase over that period.

During the budget process, Staff identified $1,400,000 in E3s which made a favourable contribution to the tax rate pressure. These efficiencies included adjustments to departmental budgets based on historical results, negotiated savings from new contracts and utility savings from the LED Streetlight conversion project.

Every year, the City receives dividends from the Markham Energy Corporation (MEC) with the majority of the funds being directed to the Life Cycle Reserve and $1,000,000 retained in the annual operating budget.

COVID-19 Considerations

For the 2021 budget, staff have considered the potential impacts from COVID-19. Due to the uncertainty of COVID-19 outcomes, staff will monitor financial impacts by managing to the overall budget, assessing and re-assessing business strategies, and remain flexible as changes take place, similar to 2020.

In some areas we anticipate higher spending, and other areas we anticipate savings. Overall, the COVID-19 strategy will be to adapt business processes, remain fluid and manage to the overall budget. At the current time, financial impacts are expected to be neutral and will be monitored and reported throughout 2021.

Additional Financial Disclosure Requirements (Ontario Regulation 284/09)

According to the *Municipal Act, 2001* municipalities may continue to prepare and present traditionally balanced budgets. However, under the Act, Ontario Regulation 284/09 requires a restatement of the budget be provided to, and adopted by resolution by Council as part of the budget approval process. The restated version must be represented in full accrual accounting method format, as prescribed by the Public Sector Accounting Board.

In addition to the above, the Regulation states that municipalities may exclude from budgets, all or a portion of the estimated cost of certain expenses, but the impact of the exclusion(s) must be included in the budget report to Council. Expenses eligible for exclusion from budget are:

1. Amortization; and
2. Post-employment benefits

As the City currently excludes the above expenses from the traditional balanced budget, the 2021 budget has been restated in accordance with Ontario Regulation 284/09 as attached to Appendix 7.

Summary

In summary the 2021 Budget is fiscally responsible provides a zero percent property tax rate increase while providing for new and important community infrastructure.

HUMAN RESOURCES CONSIDERATIONS

Not Applicable.

ALIGNMENT WITH STRATEGIC PRIORITIES:

Not Applicable.

RECOMMENDED BY:

Joel Lustig
Treasurer

Trinela Cane
Commissioner, Corporate Services

ATTACHMENTS:

Appendix 1 – 2021 Primary Operating Budget (excluding Planning & Design, Engineering, Building Standards and Waterworks)
Appendix 2 – 2021 Capital Budget (including Pre-Approved Capital Projects)
Appendix 3 – 2021 Planning & Design Operating Budget
Appendix 4 – 2021 Building Standards Operating Budget
Appendix 5 – 2021 Engineering Operating Budget
Appendix 6 – 2021 Waterworks Operating Budget
Appendix 7 – Financial Disclosure Requirements Pursuant to the Ontario Regulation 284/09
Appendix 8 – Budget Public Meeting minutes

Appendix 1

CITY OF MARKHAM - 2021 OPERATING BUDGET

(excl. Planning & Design, Engineering, Building Standards and Waterworks)

Description	2020 Budget	2021 Budget	2021 Bud. vs. 2020 Bud. $ Incr./(Decr.)	% Change
Revenues				
TAX LEVIES	$165,464,963	$167,419,963	$1,955,000	1.2%
PAYMENTS-IN-LIEU OF TAXES	1,209,007	1,209,007	0	0.0%
GRANTS AND SUBSIDIES	1,935,197	1,935,197	0	0.0%
LICENCES & PERMITS	2,187,287	2,224,787	37,500	1.7%
PENALTY & INTEREST	4,276,428	4,276,428	0	0.0%
INCOME FROM INVESTMENTS	24,692,620	25,192,620	500,000	2.0%
FINES	3,400,018	3,400,018	0	0.0%
USER FEES & SERVICE CHARGES	21,334,026	21,414,026	80,000	0.4%
RENTALS	10,159,033	10,985,353	826,320	8.1%
SALES	645,202	645,202	0	0.0%
RECOVERIES & CONTRIBUTIONS	1,746,485	1,721,485	(25,000)	-1.4%
OTHER INCOME	3,912,506	4,100,506	188,000	4.8%
Total Revenues	**$240,962,772**	**$244,524,592**	**$3,561,820**	**1.5%**
Expenses				
SALARIES AND BENEFITS	$141,730,420	$143,039,963	$1,309,543	0.9%
PRINTING & OFFICE SUPPLIES	439,874	439,874	0	0.0%
PURCHASES FOR RESALE	399,550	399,550	0	0.0%
OPERATING MATERIALS & SUPPLIES	2,764,497	2,793,297	28,800	1.0%
VEHICLE SUPPLIES	1,823,090	1,868,080	44,990	2.5%
BOTANICAL SUPPLIES	280,439	285,439	5,000	1.8%
CONSTRUCTION MATERIALS	2,245,139	2,296,181	51,042	2.3%
UTILITIES	8,707,810	8,601,906	(105,904)	-1.2%
COMMUNICATIONS	1,463,492	1,423,555	(39,937)	-2.7%
TRAVEL EXPENSES	404,368	380,968	(23,400)	-5.8%
TRAINING	798,084	805,284	7,200	0.9%
CONTRACTS & SERVICE AGREEMENTS	6,151,688	6,443,066	291,378	4.7%
MAINTENANCE & REPAIRS	7,393,881	7,704,837	310,956	4.2%
RENTAL/LEASE	785,472	775,944	(9,528)	-1.2%
INSURANCE	2,712,619	2,864,619	152,000	5.6%
PROFESSIONAL SERVICES	3,040,698	3,066,525	25,827	0.8%
LICENCES, PERMITS, FEES	892,541	947,088	54,547	6.1%
CREDIT CARD SERVICE CHARGES	401,243	401,243	0	0.0%
PROMOTION & ADVERTISING	1,370,299	1,370,299	0	0.0%
KEY COMMUNICATION PROGRAMS	445,375	445,375	0	0.0%
CONTRACTED MUNICIPAL SERVICES	12,006,984	15,194,913	3,187,929	26.6%
OTHER PURCHASED SERVICES	1,462,102	1,462,102	0	0.0%
PROPERTY TAX ADJUSTMENTS	1,301,000	1,301,000	0	0.0%
OTHER EXPENDITURES	2,715,837	2,718,453	2,616	0.1%
TRANSFERS TO RESERVES	39,226,270	41,095,031	1,868,761	4.8%
Total Expenses	**$240,962,772**	**$248,124,592**	**$7,161,820**	**3.0%**
Net Expenditures Before Draw From Reserve		**($3,600,000)**	**(3,600,000)**	
TRANSFER FROM CORPORATE RATE STABILIZATION RESERVE		3,600,000		
Net Expenditures/(Revenues)		**$0**		

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CITY OF MARKHAM
2021 CAPITAL AND OTHER PROGRAMS BUDGET
by Department

#	Project Description	Total	Tax	Life Cycle	DC - Reserve	DC - Developer	Other	Description of Other Funding
Projects Under Consideration								
Development Services								
Culture								
21001	Culture Public Art Master Plan Implementation Phase 2 of 5	204,700					204,700	Public Art Acq. Res. Fund
	TOTAL Culture	**204,700**	**-**	**-**	**-**	**-**	**204,700**	
Museum								
21002	Museum - Various Buildings	86,300		86,300				
21003	Museum Maintenance	36,700		36,700				
	TOTAL Museum	**123,000**	**-**	**123,000**	**-**	**-**	**-**	
Theatre								
21005	Theatre Stage & Building Maintenance	43,800		43,800				
	TOTAL Theatre	**43,800**	**-**	**43,800**	**-**	**-**	**-**	
Arts Centres								
21007	Gallery Lobby Maintenance	26,100		26,100				
21008	Gallery McKay Heating and Cooling System	5,300		5,300				
	TOTAL Arts Centres	**31,400**	**-**	**31,400**	**-**	**-**	**-**	
Planning								
21009	Consultant Studies	72,000			64,800		7,200	Development Fees
21010	Designated Heritage Property Grant Program -2021	30,000					30,000	Designated Heritage Prop Grant
21011	Heritage Façade Improvements/Sign Replacement - 2021	10,000		10,000				
21012	Housing Strategy - Inclusionary Zoning	50,900			45,810		5,090	Development Fees
21013	Langstaff Master Plan and Secondary Plan Review	508,800			457,920		50,880	Development Fees
21014	Markham Centre Community Energy Plan	161,700			145,530		16,170	Development Fees
21015	Parkland Study Update	101,800			91,620		10,180	Development Fees
21016	Planning & Design Staff Salary Recovery	786,300			786,300			
21018	Yonge Corridor Secondary Plan	203,500			183,150		20,350	Development Fees
	TOTAL Planning	**1,925,000**	**-**	**10,000**	**1,775,130**	**-**	**139,870**	
Design								
21019	Berczy Beckett Park (Cherna Ave.) - Design & Construction	405,400			364,860		40,540	Parks Cash-in-Lieu; Note 1
21020	Blodwen Davies Park - Construction	1,681,800			1,513,620		168,180	Parks Cash-in-Lieu
21021	Celebration Park - Construction	7,585,300			6,826,770		758,530	Parks Cash-in-Lieu
21022	Green Lane Park - Design and Construction	501,300			451,170		50,130	Parks Cash-in-Lieu; Note 2
21023	Yonge and Grandview Park - Design and Construction	581,400			523,260		58,140	Parks Cash-in-Lieu; Note 3
	TOTAL Design	**10,755,200**	**-**	**-**	**9,679,680**	**-**	**1,075,520**	

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CITY OF MARKHAM
2021 CAPITAL AND OTHER PROGRAMS BUDGET
by Department

#	Project Description	Total	Tax	Life Cycle	DC - Reserve	DC - Developer	Other	Description of Other Funding
	Engineering							
21024	Copper Creek Drive Reconfiguration (Road Diet)	152,900			152,900			
21025	Cycling & Pedestrian Advisory Committee (CPAC)	25,400			16,510		8,890	Non-DC Growth
21026	Engineering Staff Salary Recovery	713,700			713,700			
21042	Hwy 404 Collector Road (Design)	1,475,000			1,475,000			
21027	Installation of Way Finding Signs at Rouge Valley Trail	182,900			118,885		64,015	Non-DC Growth
21028	LPAT Transportation Peer Review	344,300			344,300			
21030	Markham Cycles & Active Transportation Awareness Program	15,300			9,945		5,355	Non-DC Growth
21031	Markham Cycling Day	10,200			6,630		3,570	Non-DC Growth
21032	New Traffic Signals (Design)	59,100			59,100			
21033	Secondary Plan Transportation Studies for Langstaff Gateway	576,300			576,300			
21034	Secondary Plan Transportation Studies for Yonge Corridor	576,300			576,300			
21035	Servicing & SWM Study for the Highway 404 N. Sec. Plan	344,300			344,300			
21036	Servicing & SWM Study for Yonge Corridor Sec. Plan	514,900			514,900			
21037	Servicing and SWM Study for Langstaff Secondary Plan	514,900			514,900			
21038	Sidewalk Program (Design)	509,400			509,400			
21039	Smart Commute Markham-Richmond Hill	76,300			76,300			
21040	Streetlight Program (Construction)	497,800			497,800			
21041	Various walking & cycling initiatives	45,800			29,770		16,030	Non-DC Growth
21178	Traffic Operational Improvements - Annual	51,800	51,800					
21181	Elgin Mills -Victoria Sq. Blvd to McCowan Road (Design)	1,835,800			1,835,800			
21182	2022 Development Charges Background Study Update	267,400			267,400			
21183	City Wide Water and Wastewater Servicing Update	458,000			458,000			
	TOTAL Engineering	**9,247,800**	**51,800**	**-**	**9,098,140**	**-**	**97,860**	
	TOTAL Development Services	**22,330,900**	**51,800**	**208,200**	**20,552,950**	**-**	**1,517,950**	
	CAO, Legal & HR							
	Human Resources							
21043	Diversity Action Plan Refresh	101,800	101,800					
	TOTAL Human Resources	**101,800**	**101,800**	**-**	**-**	**-**	**-**	
	TOTAL CAO, Legal & HR	**101,800**	**101,800**	**-**	**-**	**-**	**-**	
	Corporate Services							
	ITS							
21044	ITS Life Cycle Asset Replacement	1,739,900		1,391,900			348,000	$104k WW, $244k Dev./Build. Fee
21186	Portal Platform	407,000		407,000				
	TOTAL ITS	**1,739,900**	**-**	**1,391,900**	**-**	**-**	**348,000**	
	Finance							
21045	Development Charges Background Study	122,100			109,890		12,210	Non-DC Growth
21046	Internal Project Management	943,700			943,700			
	TOTAL Finance	**1,065,800**	**-**	**-**	**1,053,590**	**-**	**12,210**	

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CITY OF MARKHAM
2021 CAPITAL AND OTHER PROGRAMS BUDGET
by Department

#	Project Description	Total	Tax	Life Cycle	DC - Reserve	DC - Developer	Other	Description of Other Funding
Asset Management								
21047	Building Condition Audit - FTE	149,800		149,800				
21048	Civic Centre Repair and/or Replacement Projects	366,900		366,900				
21050	Cornell C.C. Parking Garage - Construction	1,996,800	1,095,096		782,704		119,000	Carryforward from Project 20117
21051	Corporate Security Operations & System Upgrades	584,400		584,400				
21052	Fire Facilities Repair and/or Replacement Projects	38,000		38,000				
21053	Library Facilities Repair and/or Replacement Projects	44,900		44,900				
21054	Municipal Building Backflow Prevention - Annual Testing	20,400		20,400				
21055	Operations Facilities Repair and/or Replacement Projects	538,100		538,100				
21056	Operations Fuel Sites Monitoring	72,200	72,200					
21057	Other Facilities Repair and/or Replacement Projects	51,000		51,000				
21058	Parking Lot Light Replacement	89,800		89,800				
21059	Roofing Maintenance and Repair	122,400		122,400				
21060	Roofing Replacement Projects	757,400		757,400				
21061	Satellite Community Centre Repair and/or Replacement	15,300		15,300				
21062	Tennis Clubhouse Repair and/or Replacement Projects	6,700		3,350			3,350	Tennis Club
	TOTAL Asset Management	**4,854,100**	**1,167,296**	**2,781,750**	**782,704**	**-**	**122,350**	
	TOTAL Corporate Services	**8,066,800**	**1,167,296**	**4,580,650**	**1,836,294**	**-**	**482,560**	
Community & Fire Services								
Fire & Emergency Services								
21064	Air Cylinders 45+ Minutes Replacement	101,700		101,700				
21065	Arizona Vortex Tripod Replacement	7,400		7,400				
21066	Bunker Gear Life Cycle Replacement	89,200		89,200				
21067	Firefighting Tools & Equipment Replacement	101,700		101,700				
21068	Hazardous Materials Photo Ion Detector Replacement	5,400		5,400				
21069	Replacement of Equipment due to Staff Retirements	99,600		99,600				
21070	Rescue Equipment - Thermal Image Cameras	19,000		19,000				
	TOTAL Fire & Emergency Services	**424,000**	**-**	**424,000**	**-**	**-**	**-**	
Recreation Services								
21072	Angus Glen C.C. Arena Seating Replacement	221,800					221,800	Gas Tax
21073	Angus Glen C.C. Sand Filter Component Replacement	45,600		45,600				
21074	Angus Glen C.C. Snow Pit Heating Coil Replacement	57,000		57,000				
21075	Angus Glen Tennis Centre Court Re-Painting	40,700		40,700				
21076	Armadale C.C. Gym Interior Door	13,200		13,200				
21077	Camp Chimo High Ropes and Harness Replacement	8,100		8,100				
21078	Centennial C.C. Mechanical Replacement	121,500					121,500	Gas Tax
21079	Cornell C.C. Heat Exchanger Replacement	12,200					12,200	Gas Tax
21080	Heintzman House Washroom Refurbishment	37,000					37,000	Gas Tax
21081	Markham Village C.C. Dehumidification Unit Replacement	84,800					84,800	Gas Tax
21082	Markham Village C.C. Security System Replacement	32,100		32,100				
21083	Mt. Joy C.C. Arena Compressor Replacement	167,900					167,900	Gas Tax
21084	Mt. Joy C.C. Gas Monitor Replacement	5,200		5,200				
21085	Old Unionville Library Doors and Frames Replacement	44,800					44,800	Gas Tax
21086	Recreation AED Program Replacement	6,000		6,000				

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#	Project Description	Total	Tax	Life Cycle	DC - Reserve	DC - Developer	Other	Description of Other Funding
21087	Recreation Aquatics Equipment Replacement	19,000		19,000				
21088	Recreation Exterior Walkways Replacement	163,800					163,800	Gas Tax
21089	Recreation Fitness Equipment Replacement	161,800		161,800				
21090	Recreation Floor Cleaning Machine Replacements	18,300		18,300				
21091	Recreation Lifeguard Chair Replacement	34,800		34,800				
21092	Recreation Pool Grouting Replacement	11,000		11,000				
21093	Recreation Program Equipment Replacement	53,600		53,600				
21094	Recreation Tables and Chairs Replacement	34,000		34,000				
21095	Rouge River C.C. Mechanical Replacement	297,900					297,900	Gas Tax
21096	Thornhill C.C. Ice Equipment Replacement	6,300		6,300				
21097	Thornhill C.C. Retaining Wall Installation	330,700	198,420				132,280	Disaster Mit. Adaptation Fund
21098	Thornhill C.C. Rubber Floor Replacement	158,800		158,800				
21179	Milliken Mills C.C. Main Pool VFD Installation	16,600					16,600	MECO
21180	Recreation Waste Heat Recovery Systems	47,000					47,000	MECO
	TOTAL Recreation Services	**2,251,500**	**198,420**	**705,500**	**-**	**-**	**1,347,580**	
	Markham Public Library							
21099	Library Collections	2,625,700		2,625,700				
21100	Library Furniture, Equipment & Shelving Replacement	146,700		146,700				
	TOTAL Markham Public Library	**2,772,400**	**-**	**2,772,400**	**-**	**-**	**-**	
	Operations - Roads							
21101	Asphalt Resurfacing	3,657,900		-			3,657,900	Gas Tax; Note 4
21102	Boulevard Repairs	58,400					58,400	Gas Tax
21103	Bridge Structure Preventative Maintenance - Roads	25,800		25,800				
21104	City Owned Entrance Feature Rehabilitation/Replacement	10,200		10,200				
21105	City Owned Fence Replacement Program	63,900		63,900				
21106	Citywide Ditching Program	91,400		91,400				
21107	Don Mills Storm Channel	35,400		35,400				
21108	Emergency Repairs	143,300		143,300				
21109	Guiderail- Install/Repair/Upgrade	90,900					90,900	Gas Tax
21110	Incremental Growth Related Winter Maintenance Vehicles	459,000			459,000			
21111	Localized Repairs - Curb & Sidewalk	876,400					876,400	Gas Tax
21112	Localized Repairs - Parking Lots	119,200		119,200				
21114	Retaining Wall Repair Program	80,200		80,200				
21115	Storm Water Retention Pond Maintenance Program	51,900		51,900				
	TOTAL Operations - Roads	**5,763,900**	**-**	**621,300**	**459,000**	**-**	**4,683,600**	
	Operations - Parks							
21116	Backstop and Outfield Fence Replacement	144,000					144,000	Gas Tax
21117	Beaupre Park Waterplay Replacement	190,700					190,700	Gas Tax
21118	Bleachers (Metal) Replacements	22,900		22,900				
21120	Boulevard/Park Trees Replacement	359,400		359,400				
21121	Bridge Structure Preventative Maintenance in Parks	25,800		25,800				
21122	Cemetery Fence Repair/Replacement	40,700		40,700				
21123	City Park Furniture / Amenities	175,000		175,000				
21124	Court Resurfacing/Reconstruction/Maintenance	176,900		94,600			82,300	Tennis Clubs

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#	Project Description	Total	Tax	Life Cycle	DC - Reserve	DC - Developer	Other	Description of Other Funding
21125	Fence (Tennis Courts)	135,800					135,800	Gas Tax
21126	Floodlights, Poles & Cross Arms Replacement	820,700					820,700	Gas Tax
21127	Goal Posts Replacement- Ashton Meadows Park	20,700					20,700	Gas Tax
21128	Markham Trees for Tomorrow	121,500					121,500	Landscape Recovery
21129	Pathways Resurfacing	142,700					142,700	Gas Tax
21130	Playstructure Replacement	366,800					366,800	Gas Tax
21131	Replace Aging Recycling Containers (Yr 4 of 10)	16,900		16,900				
21132	Relamping & Fixtures Refurbishment	40,100		40,100				
21133	Shade Structure Rehabilitation and/or Replacement	111,700		111,700				
21134	Sportsfield Maintenance & Reconstruction	140,300		140,300				
21135	Stairway Repairs	229,200		229,200				
	TOTAL Operations - Parks	**3,281,800**	**-**	**1,256,600**	**-**	**-**	**2,025,200**	
	Operations - Fleet							
21136	Corporate Fleet Growth - Non-Fleet	10,200			10,200			
21137	Corporate Fleet Refurbishing	37,000		37,000				
21138	Corporate Fleet Replacement - Fire	2,723,900		2,723,900				
21139	Corporate Fleet Replacement - Ice Resurfacing Machine	102,100		102,100				
21140	Corporate Fleet Replacement - Non-Fire	1,334,800		1,334,800				Note 6
21141	Corporate Fleet Replacement - Waterworks	216,200					216,200	Waterworks
21142	New Fleet - Parks	45,800			45,800			
21185	New Fleet - By-law Enforcement	142,500					142,500	Ramp Up $124.8k Donations $17.7k
	TOTAL Operations - Fleet	**4,470,000**	**-**	**4,197,800**	**56,000**	**-**	**216,200**	
	Operations - Utility Inspection & Survey							
21143	Survey Monument Replacement	28,200		28,200				
	TOTAL Operations - Utility Inspection & Survey	**28,200**	**-**	**28,200**	**-**	**-**	**-**	
	Operations - Business & Technical Services							
21144	Growth Related Park Improvements	478,300			430,470		47,830	Non-DC Growth
	TOTAL Operations - Business & Technical Services	**478,300**	**-**	**-**	**430,470**	**-**	**47,830**	
	Environmental Services - Infrastructure							
21145	Bridges and Culverts - Condition Inspection	81,000		81,000				
21146	MNRF Monitoring for Capital Projects at Water Crossings	27,600		27,600				
21147	Small Culverts Replacement (8 Structures) - Construction	215,700		215,700				
21148	Storm & Sanitary Pumping Stations - Equipment Inspection	116,000		40,700			75,300	Waterworks Reserve
21149	Storm and Sanitary Sewer CCTV Inspection	652,800		215,100			437,700	Waterworks Reserve
21150	Stormwater Sewer Pipes Emergency Repairs	56,100		56,100				
21151	Streetlights - Miscellaneous Requests	101,800	101,800					
21152	Structures Program-Full-time Staff	148,100		148,100				
21153	Toogood Pond Dam - Rehabilitation Works	437,400		437,400				
21154	Toogood Pond Dam - Structural Inspection	9,800		9,800				
	TOTAL Environmental Services - Infrastructure	**1,846,300**	**101,800**	**1,231,500**	**-**	**-**	**513,000**	
	Environmental Services - Stormwater							

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#	Project Description	Total	Tax	Life Cycle	DC - Reserve	DC - Developer	Other	Description of Other Funding
21155	Don Mills Channel - Flood Proofing Site Investigation	124,900					124,900	Stormwater Fee
21156	Don Mills Channel Flood Control Program -Pond Design/CA	1,160,000					1,160,000	SW Fee $696k, DMFA Grant $464k
21157	Erosion Restoration Program	898,800		314,500	584,300			
21158	Oil Grit Separators (OGS) - Inspection and Cleaning	219,800					219,800	Gas Tax
21159	Swan Lake Chemical Treatment	259,500		259,500				
21160	SWM Pond Cleaning Design & CA - ID#47 & #119	152,600					152,600	Gas Tax
21161	SWM Ponds - Condition Inspection	26,500		26,500				
21162	Water Quality Improvements	41,100		41,100				
21163	Water Quality Monitoring	28,100		28,100				
21164	West Thornhill Flood Control Implementation - Ph 3B Cons.	4,029,600					4,029,600	Stormwater reserve
21165	West Thornhill Flood Control Implementation - Ph 4A Cons.	15,655,900					15,655,900	$2M Gas tax;$13.7M SW reserve
	TOTAL Environmental Services - Stormwater	**22,596,800**	**-**	**669,700**	**584,300**	**-**	**21,342,800**	
	Environmental Services - Waste							
21166	Incremental Growth Related Waste Management Vehicles	102,000			102,000			
	TOTAL Environmental Services - Waste	**102,000**	**-**	**-**	**102,000**	**-**	**-**	
	Environmental Services - Waterworks							
21167	Cathodic Protection of Ductile Iron Watermains	493,100					493,100	Waterworks Reserve
21168	CI Watermain Rehabilitation / CIPP Lining - Construction & CA	6,623,300					6,623,300	Waterworks Reserve
21169	CI Watermain Replacement - Design	447,700					447,700	Waterworks Reserve
21170	CI Watermain Replacement-West Thornhill Ph 3B	4,036,300					4,036,300	Waterworks Reserve
21171	Curb Box Inspection and Replacement Program	714,900					714,900	Waterworks Reserve
21172	Royal Orchard Sanitary Upgrades (West Thornhill - Ph. 4A)	3,471,000				3,471,000		
21173	Sanitary Sewers - Rehabilitation	1,405,000					1,405,000	Waterworks Reserve
21174	Wastewater Flow Monitoring	122,200					122,200	Waterworks Reserve
21175	Water Meters - Replacement Program	1,013,200					1,013,200	Waterworks Reserve
21176	Watermain Leak Detection Program	37,500					37,500	Waterworks Reserve
	TOTAL Environmental Services - Waterworks	**18,364,200**	**-**	**-**	**-**	**3,471,000**	**14,893,200**	
	TOTAL Community & Fire Services	**62,521,900**	**300,220**	**11,907,000**	**1,631,770**	**3,471,000**	**45,211,910**	
	Corporate Wide							
21177	Corporate Capital Contingency	1,543,200	5,200	94,450	1,229,858		213,692	Various Other Internal; Note 7
	TOTAL Corporate Wide	**1,543,200**	**5,200**	**94,450**	**1,229,858**	**-**	**213,692**	
	TOTAL Projects Under Consideration	**94,564,600**	**1,626,316**	**16,790,300**	**25,250,872**	**3,471,000**	**47,426,112**	

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by Department

#	Project Description	Total	Tax	Life Cycle	DC - Reserve	DC - Developer	Other	Description of Other Funding
Pre-Approved Projects								
Development Services								
Theatre								
21004	Theatre Fire Alarm 2 Stage Conversion	25,400		25,400				
	TOTAL Theatre	**25,400**		**25,400**	**-**		**-**	
Design								
21019	Berczy Beckett Park (Cherna Ave.) - Design & Construction	59,800			53,820		5,980	Parks Cash-in-Lieu; Note 1
21022	Green Lane Park - Design and Construction	48,000			43,200		4,800	Parks Cash-in-Lieu; Note 2
21023	Yonge and Grandview Park - Design and Construction	56,500			50,850		5,650	Parks Cash-in-Lieu; Note 3
	TOTAL Design	**164,300**		**-**	**147,870**		**16,430**	
Engineering								
21029	Markham Centre Trail Phase 1B Construction	816,000			530,400		285,600	Section 37
	TOTAL Engineering	**816,000**		**-**	**530,400**		**285,600**	
	TOTAL Development Services	**1,005,700**	**-**	**25,400**	**678,270**		**302,030**	
Corporate Services								
Asset Management								
21049	Civic Centre Vestibule Repairs and/or Replacements	290,700		290,700				
21063	Theatre-HVAC Replacement	2,000,000		91,200			1,908,800	Gas Tax
	TOTAL Asset Management	**2,290,700**		**381,900**	**-**		**1,908,800**	
	TOTAL Corporate Services	**2,290,700**		**381,900**	**-**		**1,908,800**	
Community & Fire Services								
Fire & Emergency Services								
21071	SCBA Decontamination Machine	63,300	63,300					
	TOTAL Recreation Services	**63,300**	**63,300**	**-**			**-**	
Operations - Roads								
21101	Asphalt Resurfacing	3,157,900		100,000			3,057,900	Gas Tax; Note 4
21113	Parking Lots- Rehabilitation	678,900					678,900	Gas Tax; Note 5
	TOTAL Operations - Roads	**3,836,800**	**-**	**100,000**	**-**	**-**	**3,736,800**	
Operations - Parks								
21119	Block Pruning Initiative - Year 2 of 3	1,017,600	1,017,600					
	TOTAL Operations - Parks	**1,017,600**	**1,017,600**	**-**				

Appendix 2
CITY OF MARKHAM
2021 CAPITAL AND OTHER PROGRAMS BUDGET
by Department

#	Project Description	Total	Tax	Life Cycle	DC - Reserve	DC - Developer	Other	Description of Other Funding
	Operations - Fleet							
21140	Corporate Fleet Replacement - Non-Fire	285,900		285,900				Note 6
	TOTAL Operations - Fleet	**285,900**		**285,900**				
	TOTAL Community & Fire Services	**5,203,600**	**1,080,900**	**385,900**	**-**	**-**	**3,736,800**	
	Corporate Wide							
	Corporate Wide							
21177	Corporate Capital Contingency	194,600		12,200			182,400	Gas Tax; Note 7
	TOTAL Corporate Wide	**194,600**	**-**	**12,200**	**-**		**182,400**	
	TOTAL Corporate Wide	**194,600**	**-**	**12,200**	**-**	**-**	**182,400**	
	TOTAL Pre-Approved	**8,694,600**	**1,080,900**	**805,400**	**678,270**	**-**	**6,130,030**	
	TOTAL Projects Under Consideration	**103,259,200**	**2,707,216**	**17,595,700**	**25,929,142**	**3,471,000**	**53,556,142**	

Notes:

1) The overall project budget is $465,200. The pre-approval request of $59,800 is for consulting work only.
2) The overall project budget is $549,300. The pre-approval request of $48,000 is for consulting work only.
3) The overall project budget is $637,900. The pre-approval request of $56,500 is for consulting work only.
4) The overall project budget is $6,815,800. The pre-approval request of $3,157,900 is to commence procurement of contracts earlier to potentially attain better pricing. Funding split of Life Cycle vs. Gas Tax funding has been updated since Council approval of the Capital Pre-Approval Report from $224,340; $2,933,560 to $100,000; $3,057,900
5) Funding source has been updated since Council approval of the Capital Pre-Approval Report from fully Life Cycle funded to fully Gas Tax funded
6) The overall project budget is $1,620,700. The pre-approval request of $285,900 is to commence procurement of articulating loader earlier to potentially attain better pricing.
7) The overall project budget is $1,737,800. The pre-approval request of $194,600 represents the contingency amounts required for all project pre-approval requests.

Appendix 3

CITY OF MARKHAM - 2021 OPERATING BUDGET
Planning & Design

Description	2020 Budget	2021 Budget	2021 Bud. vs. 2020 Bud. $ Incr./(Decr.)	% Change
Revenues				
USER FEES & SERVICE CHARGES	$10,568,647	$13,498,406	$2,929,759	27.7%
Total Revenues	**$10,568,647**	**$13,498,406**	**$2,929,759**	**27.7%**
Expenses				
SALARIES AND BENEFITS	$6,029,866	$6,092,503	$62,637	1.0%
PRINTING & OFFICE SUPPLIES	$32,446	$32,446	0	0.0%
OPERATING MATERIALS & SUPPLIES	$5,032	$5,032	0	0.0%
COMMUNICATIONS	$10,980	$10,980	0	0.0%
TRAVEL EXPENSES	$32,757	$32,757	0	0.0%
TRAINING	$13,725	$13,725	0	0.0%
CONTRACTS & SERVICE AGREEMENTS	$3,744,736	$4,011,347	266,611	7.1%
RENTAL/LEASE	$500	$500	0	0.0%
PROFESSIONAL SERVICES	$16,637	$16,637	0	0.0%
LICENCES, PERMITS, FEES	$37,515	$37,515	0	0.0%
CREDIT CARD SERVICE CHARGES	$20,000	$20,000	0	0.0%
PROMOTION & ADVERTISING	$6,000	$6,000	0	0.0%
OTHER EXPENSES	$3,800	$3,800	0	0.0%
Total Expenses	**$9,953,994**	**$10,283,242**	**$329,248**	**3.3%**
Net Revenues Before Contributions to Reserve	**$614,653**	**$3,215,164**	**$2,600,511**	**423.1%**
CONTRIBUTIONS TO RESERVE	(614,653)	(3,215,164)		
Net Expenditures/(Revenues)	**$0**	**$0**	**$0**	**0.0%**

Appendix 4

CITY OF MARKHAM - 2021 OPERATING BUDGET
Engineering

Description	2020 Budget	2021 Budget	2021 Bud. vs. 2020 Bud. $ Incr./(Decr.)	% Change
Revenues				
USER FEES & SERVICE CHARGES	$8,603,101	$8,651,438	$48,337	0.6%
RECOVERIES & CONTRIBUTIONS	$184,372	$193,000	8,628	4.7%
Total Revenues	**$8,787,473**	**$8,844,438**	**$56,965**	**0.6%**
Expenses				
SALARIES AND BENEFITS	$5,704,960	$5,767,630	$62,670	1.1%
PRINTING & OFFICE SUPPLIES	$21,500	$21,500	0	0.0%
OPERATING MATERIALS & SUPPLIES	$11,800	$11,800	0	0.0%
COMMUNICATIONS	$22,100	$22,100	0	0.0%
TRAVEL EXPENSES	$15,000	$15,000	0	0.0%
TRAINING	$16,000	$16,000	0	0.0%
CONTRACTS & SERVICE AGREEMENTS	$2,795,678	$2,912,876	117,198	4.2%
MAINTENANCE & REPAIR	$500	$500	0	0.0%
RENTAL/LEASE	$5,000	$5,000	0	0.0%
PROFESSIONAL SERVICES	$18,600	$18,600	0	0.0%
LICENCES, PERMITS, FEES	$32,222	$32,222	0	0.0%
CREDIT CARD SERVICE CHARGES	$15,000	$15,000	0	0.0%
PROMOTION & ADVERTISING	$2,000	$2,000	0	0.0%
OTHER EXPENSES	$1,500	$1,500	0	0.0%
Total Expenses	**$8,661,860**	**$8,841,728**	**$179,868**	**2.1%**
Net Revenues Before Contributions to Reserve	**$125,613**	**$2,710**	**($122,903)**	**-97.8%**
CONTRIBUTIONS TO RESERVE	(125,613)	(2,710)		
Net Expenditures/(Revenues)	**$0**	**$0**	**$0**	**0.0%**

Appendix 5

CITY OF MARKHAM - 2021 OPERATING BUDGET
Building Standards

Description	2020 Budget	2021 Budget	2021 Bud. vs. 2020 Bud. $ Incr./(Decr.)	% Change
Revenues				
LICENCES & PERMITS	$7,070,456	$11,186,820	$4,116,364	58.2%
USER FEES & SERVICE CHARGES	$70,020	$70,020	0	0.0%
Total Revenues	**$7,140,476**	**$11,256,840**	**$4,116,364**	**57.6%**
Expenses				
SALARIES AND BENEFITS	$6,284,644	$6,365,499	$80,855	1.3%
PRINTING & OFFICE SUPPLIES	$51,000	$51,000	0	0.0%
OPERATING MATERIALS & SUPPLIES	$20,000	$20,000	0	0.0%
COMMUNICATIONS	$30,550	$30,550	0	0.0%
TRAVEL EXPENSES	$6,000	$6,000	0	0.0%
TRAINING	$34,000	$34,000	0	0.0%
CONTRACTS & SERVICE AGREEMENTS	$3,008,361	$3,100,419	92,058	3.1%
PROFESSIONAL SERVICES	$8,500	$8,500	0	0.0%
LICENCES, PERMITS, FEES	$27,500	$27,500	0	0.0%
CREDIT CARD SERVICE CHARGES	$57,840	$57,840	0	0.0%
PROMOTION & ADVERTISING	$6,490	$6,490	0	0.0%
Total Expenses	**$9,534,885**	**$9,707,798**	**$172,913**	**1.8%**
Surplus/(Deficit) Before Transfer to/(Draw From) Reserve	**($2,394,409)**	**$1,549,042**	**$3,943,451**	**-164.7%**
(TRANSFER TO)/DRAW FROM RESERVE	2,394,409	(1,549,042)		
Net Expenditures/(Revenues)	**$0**	**$0**	**$0**	**0.0%**

Appendix 6

CITY OF MARKHAM - 2021 OPERATING BUDGET
Waterworks

Description	2020 Budget	2021 Budget	2021 Bud. vs. 2020 Bud. $ Incr./(Decr.)	% Change
Revenues				
BILLINGS	$139,165,269	$134,434,162	($4,731,107)	-3.4%
USER FEES & SERVICE CHARGES	$624,400	624,400	0	0.0%
SALES	$566,650	566,650	0	0.0%
RECOVERIES & CONTRIBUTIONS	$299,655	299,655	0	0.0%
OTHER REVENUE	$14,000	14,000	0	0.0%
Total Revenues	**$140,669,974**	**$135,938,867**	**($4,731,107)**	**-3.4%**
Expenses				
SALARIES AND BENEFITS	$8,019,917	$8,108,065	$88,148	1.1%
PRINTING & OFFICE SUPPLIES	33,800	33,800	0	0.0%
OPERATING MATERIALS & SUPPLIES	122,105	139,736	17,631	14.4%
CONSTRUCTION MATERIALS	594,097	550,779	(43,318)	-7.3%
UTILITIES	55,804	55,804	0	0.0%
COMMUNICATIONS	74,148	67,148	(7,000)	-9.4%
TRAVEL EXPENSES	46,500	46,500	0	0.0%
TRAINING	60,483	69,500	9,017	14.9%
CONTRACTS & SERVICE AGREEMENTS	3,272,435	3,240,944	(31,491)	-1.0%
MAINTENANCE & REPAIRS	486,640	475,132	(11,508)	-2.4%
RENTAL/LEASE	5,600	7,000	1,400	25.0%
PROFESSIONAL SERVICES	116,500	121,000	4,500	3.9%
LICENCES, PERMITS, FEES	50,000	66,000	16,000	32.0%
CREDIT CARD SERVICE CHARGES	1,250	1,250	0	0.0%
CONTRACTED MUNICIPAL SERVICES	109,352,071	104,407,603	(4,944,468)	-4.5%
OTHER PURCHASED SERVICES	2,754,636	2,783,606	28,970	1.1%
WRITE-OFFS	5,000	5,000	0	0.0%
Total Expenses	**$125,050,986**	**$120,178,867**	**($4,872,119)**	**-3.9%**
Net Revenues Before Contributions to Reserve	**$15,618,988**	**$15,760,000**	**$141,012**	**0.9%**
CONTRIBUTIONS TO RESERVE	($15,618,988)	($15,760,000)		
Net Expenditures/(Revenues)	**$0**	**$0**	**$0**	**0.0%**

2021 CONSOLIDATED BUDGET

Additional Financial Disclosure Requirements Pursuant to Ontario Regulation 284/09
Re-stated in Accordance with the Full Accrual Method of Accounting

REVENUES			
- Operating (excl. Planning & Design, Engineering, Building Standards and Waterworks)		$248,124,592	
- Planning & Design		$13,498,406	
- Engineering		$8,844,438	
- Building Standards		$11,256,840	
- Waterworks		$135,938,867	
Total Revenues from Operations			**$417,663,143**
Non-Tangible Capital		$18,398,570	
Tangible Capital Assets		$84,860,630	
Total Capital - Tangible & Non-Tangible		**$103,259,200**	
Less: Transfer from Reserve / Reserve Funds	***(1)***	**($56,475,961)**	
Net Revenues to fund Capital	***(2)***		**$46,783,239**
TOTAL REVENUES			**$464,446,382**
EXPENSES			
- Operating (excl. Planning & Design, Engineering, Building Standards and Waterworks)		$248,124,592	
- Planning & Design		$13,498,406	
- Engineering		$8,844,438	
- Building Standards		$11,256,840	
- Waterworks		$135,938,867	
Total Operating Expenses		**$417,663,143**	
Less: Transfer to Reserve / Reserve Funds	***(3)***	***($54,812,077)***	
Add: TCA Amortization Expenses	***(4)***	***$80,117,033***	
Add: Post-employment Benefit Expenses	***(5)***	***$341,004***	
Net Operating Expenses			**$443,309,103**
Non-Tangible Capital	***(6)***	$18,398,570	
Tangible Capital Assets		$84,860,630	
Total Capital Expenses		**$103,259,200**	
Less: Tangible Capital Assets Capitalized		***($84,860,630)***	
Net Capital Expenses - Not Capitalized	***(6)***		**$18,398,570**
TOTAL EXPENSES			**$461,707,673**
ADJUSTED BUDGET: 2021 FULL ACCRUAL ACCOUNTING BUDGET DEFICIT		**(7)**	**$2,738,709**

NOTES:

(1) Represents transfers from reserves and/or reserve funds to fund expenditures. These are not considered revenues under the full accrual method of accounting.

(2) Represents new revenues to fund the 2021 capital budget

(3) Represents contributions to reserves and/or reserve funds. These are not considered expenditures under the full accrual method of accounting, but become part of the actual year end surplus (retained earnings).

(4) TCA Amortization Expenses are calculated based on actual amortization expenses from "in-service" assets as of 2020 and amortization expenses for assets projected to be "in-service" in 2021 using the 1/2 year rule.

(5) Post-employment Benefit Expenses based on estimates provided by Nexus.

(6) Non-Tangible Capital are included in the 2021 capital budget, and they will be restated as operating expenses.

(7) Projected deficit is based on the restated 2021 budget.

Budget Public Consultation Meeting Minutes

Meeting No. 1
November 25, 2020, 7:00 PM - 9:00 PM
Live streamed

Members	Councillor Amanda Collucci, Chair Councillor Andrew Keyes, Vice-Chair Mayor Frank Scarpitti (ex-officio) Deputy Mayor Don Hamilton Regional Councillor Jack Heath	Regional Councillor Jim Jones Councillor Keith Irish Councillor Reid McAlpine Councillor Isa Lee Lisa Chen, Senior Manager, Financial Planning & Reporting, Financial Services
Regrets	Regional Councillor Joe Li Councillor Alan Ho	Councillor Karen Rea Councillor Khalid Usman
Roll Call	Andy Taylor, Chief Administrative Officer Trinela Cane, Commissioner, Corporate Services Arvin Prasad, Commissioner Development Services Claudia Storto, City Solicitor and Director of Human Resources Joel Lustig, Treasurer Bryan Frois, Chief of Staff	Brian Lee, Director, Engineering Biju Karumanchery, Director of Planning and Urban Design Morgan Jones, Director, Operations Laura Gold, Council and Committee Coordinator Christina Kakaflikas, Director of Economic Growth, Culture &

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1. CALL TO ORDER

The Budget Public Consultation Meeting convened at 7:05 PM with

2. DISCLOSURE OF PECUNIARY INTEREST

3. BUDGET PUBLIC CONSULTATION MEETING PRESENTATION

The Mayor provided his sincere appreciation to Councillor Amanda Collucci, Budget Chief, Councillor Andrew Keyes, Vice-Chair of Budget Committee, and other Members

of the Budget Committee for their thoughtful considerations during the review of the 2021 Budget.

The Mayor also provided his sincere appreciation to Andy Taylor, Chief Administrative Officer, Trinela Cane, Commissioner of Corporate Services, Joel Lustig, Treasurer, Lisa Chen, Senior Manager, Financial Planning & Reporting, and to the rest of the Finance Team for their hard work and dedication in the preparation of the 2021 Budget.

Councillor Amanda Collucci, Budget Chief provided her sincere appreciation to Andy Taylor, Chief Administrative Officer, Trinela Cane, Commissioner of Corporate Services, Joel Lustig, Treasurer, Lisa Chen, Senior Manager, Financial Planning & Reporting, and to the rest of the Finance Team for their hard work and dedication in the preparation of the 2021 Budget.

Councillor Amanda Collucci, Budget Chief also provided her sincere appreciation to Members of Budget Committee, Mayor Frank Scarpitti, Regional Councillor Jim Jones. Regional Councillor Jack Heath, and Councillor Isa Lee for their thoughtful considerations during the review of the 2021 Budget.

Moved by Councillor Andrew Keyes
Seconded by Mayor Frank Scarpitti

1) That the Budget Public Consultation presentation be received;

2) That the 2021 Budget report be tabled at the December 9th, 2020 Council meeting; and,

3) That the minutes from the November 25th, 2020 "Public Budget Consultation Meeting" be tabled at the December 9th, 2020 Council meeting; and further,

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

Carried

4. DEPUTATIONS

A Member of the Public asked how the pandemic impacted the Budget?

Joel Lustig Treasurer advised that the City was able to mitigate a 2020 Budget shortfall by measures taken by staff, and with funding received from other levels of government.

The pandemic will continue to have an impact on the 2021 Budget. Measures have been put in place to help mitigate the pressure, and staff will continue to monitor the Budget in 2021 and implement new measures if required.

The Budget Committee has approved a 0% tax rate increase for 2021 recognizing the challenges the pandemic has had on its residents, and businesses.

5. ADJOURNMENT

The Budget Public Consultation meeting adjourned at 7:40 PM.

Operations Department
Community and Fire Services Commission

MEMORANDUM

To:	Mayor and Council
From:	Morgan Jones – Director, Operations Mary Creighton – Director, Recreational Services David Plant – Senior Manager, Operations Parks, Horticulture & Forestry Division
Date:	December 9, 2020
Subject:	**Seasonal Park Amenities**

The purpose of this Memorandum to Mayor and Council is to provide information requested at the General Committee meeting of November 30, 2020 in which Mayor Scarpitti, Councilor Keith Irish and Councillor Alan Ho requested staff investigate the extension of seasonal parks services through the winter months.

BACKGROUND

In response to the lack of indoor facilities being open during the pandemic the City of Toronto recently announced that it would be opening its parks washrooms and additional seasonal amenities such as tennis courts for use during the winter months. The City of Markham has operated seasonal amenities such as washrooms, splash pads, decorative fountains and tennis courts in a similar operating protocol as the City of Toronto.

RECOMMENDATIONS

While the City of Toronto has announced COVID-19 related extended use of some of their parks amenities into the winter months Markham staff are not able to comment on the materiality or build form of their assets or their assumption of risk in deciding to open and maintain. From the City of Markham's operating lens staff make the following recommendations.

1. Parks washrooms are not equipped with suitable heating for winter service and as such should remain closed.
2. Port-O-Lets have no hand washing per COVID19 precautions and do not include sanitizing and as such should not be deployed.
3. Approximately 60% of City tennis court locations are constructed with acrylic surfacing over fiberglass cloth which can be easily damaged in cold weather. City courts which are hot rolled asphalt present less risk for damage and could be considered for winter use. The risk of slip and fall on smooth surfacing on all courts is high however staff recommend

leaving 9 asphalt courts open this winter season inclusive of nets. Staff will not provide any winter maintenance to the courts other than monitoring net conditions.

4. Parks pathways total over 192km Citywide and are not included in current service level allocations for personnel or associated resources. The pathway and trail network varies in materiality from asphalt to limestone and presents great challenges to service along with estimated damages for repairs and should remain signed and closed. NOTE: The Operations Department is piloting a pathway maintenance program in each of the 8 wards this winter season. One groomed trail is included in this pilot and is located in Milne Conservation Park
5. The volunteer community ice rink program is moving forward in approved (winter water service installed) locations with approved signage and adherence to Provincial guidelines.
6. The City does not own or permit any flat running tracks and as such clearing these facilities of snow for winter use would fall to the appropriate public or separate school board. Staff will contact the local school boards asking them to consider opening running tracks.
7. Recreation is offering new outdoor programming during the winter months in outdoor park locations to encourage physical activity.

Markham Civic Centre Outdoor Rink

The Markham Civic Centre Outdoor Rink will open on Monday, December 21st. Pre-booking of time slots will be required to ensure adherence to public health capacity requirements. In addition, this year Recreation services will be offering skating lessons for children, teens and families at the rink.

Outdoor Park Programming

Camp Chimo will host several different outdoor activities including campfires, snowshoeing, archery, and nature walks.

Geocaching programs are also available at select locations throughout the City.

All programs are pre-booked and follow all health department requirements.

ASSET SUITABILITY

Markham designs and constructs City park amenities for seasonal use (May until October annually) both from a safety and total cost of ownership perspective. Water services which are energized in May and decommissioned in October due not require a heat source to prevent pipes, fixtures and valves from freezing. Facilities such as public courts are closed with the removal of posts and nets to preserve the quality playing surfaces for their intended use with the likelihood of off season damage being historically low. Year round operation of amenities requires more than

simply opening them but rather providing a standard of care which will ensure user satisfaction and safety. Our seasonal amenities provide more challenges than opportunities in this area.

BUDGET IMPACTS

Operations maintenance activities year round (and the associated budgets) are driven by Council approved service levels. Personnel and resource allocation are aligned with approved service level delivery of the current maintainable assets. Budget allocations reflect current seasonal scheduling of parks amenities. Changes or enhancements in service level delivery or changes in seasonal maintenance responsibilities would require additional resource allocation in operating budgets and could impact capital costs involved with repairing damages realized during off season use. While costs for contracted services are easily identified the costs and impacts of services such as snow and ice management are weather based and may be subject to cost including overtime in order to adhere to service delivery timelines.

RISK EXPOSURE

The standard of care in Ontario is governed by the *Occupiers' Liability Act, RSO 1990* which requires the City, in this case, to see that a person will be reasonably safe in using the premises. Section 3(1) states that: "An occupier of premises owes a duty to take such care as in all the circumstances of the case is reasonable to see that persons entering on the premises, and the property brought on the premises by those persons are reasonably safe while on the premises." The City has both a legislative and common law obligation to ensure public safety in its facilities. A failure to meet those obligations will attract legal liability for resultant bodily injury and property damage to the public. In addition to broad based liability the City also has to adhere to current Provincial legislation as it relates to COVID19 and the protocols for public safety.

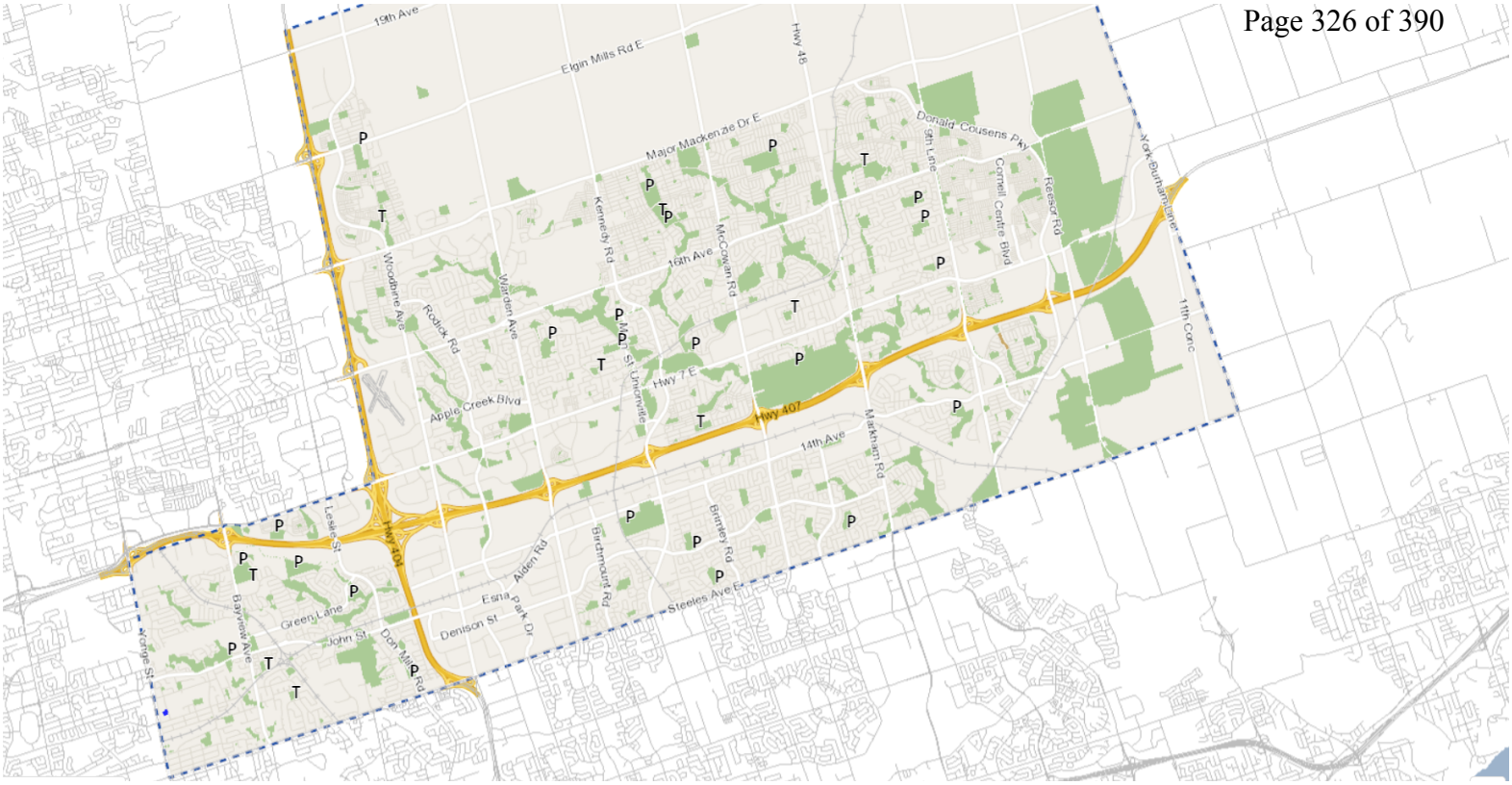
PARK AMENITY DETAILS

Park Amenity	**# of Locations**	**Cost to Open**	**Risk Exposure**	**Recommendation**
Parks Washrooms	Of 10 locations only 1 meets criteria with limitations	$1,070.59/month for the 1 location.	High if water service freezes	Not recommended. Toogood Pond only location that could be considered. Has not been operated in winter months
Port-O-Lets	41 typically deployed, none deployed in 2020	$173.98/month per unit	High	Do not deploy – no handwashing or sanitizing

Tennis Courts	16 public court locations city-wide	Surfacing repair costs unknown, net damage unknown	Medium	Nine locations Citywide constructed of hot asphalt to be left open with repair costs tracked for spring of 2021. Courts open but no snow clearing of courts or pathways.
Pathway/Trails	192km Citywide	$854,222.00* to maintain one winter season	High – increased exposure to slip and falls on previously unmaintained locations	Keep closed and monitor pilot locations
Parking Lots	23 locations Citywide	Offset by current parking lot closures, Civic Centre, Cornell CC and portions of reduced lots	Medium	All parks are closed for winter and associated lots are historically closed. Staff recommend opening 23 parking lots this winter. Lots will be monitored for use.

*Unit costs from June 13, 2016 Council report titled Winter Maintenance Windrow and Pathway Winter Maintenance Review

Park Name	Parking Lot		Tennis Courts
Ada Mackenzie Park	Y		
Aldergrove Park	Y		
Alma Walker Park	Y		
Austin Drive Rugby	Y		
Bayview Glen Park			Y
Bayview Reservoir	Y		Y
Berczy Park North	Y		
Berczy Park South	Y		Y
Carlton Park	Y		
Crosby Park	Y		
Denison Park	Y		
Elson Park	Y		
Frisby Park			Y
Franklin Carmichael Park	Y		
Huntington Park	Y		
Johnsview Park			Y
Laura and Alf Weaver Park			Y
Milliken Mills Park	Y		
Milne Dam Park	Y		
Mintleaf Park	Y		
Pomona Mills Park	Y		
Reesor Park	Y		
Robinson Park			Y
Simonston Park	Y		
South Unionville Park			Y
Tomlinson Park	Y		
Toogood Park			Y
Toogood Pond	Y		
Victoria Square Park	Y		
Wismer Park	Y		
TOTAL	**23**		**9**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Hwy 48
Major Mackenzie Dr E
Donald Cousens Pky
5th Lane
Cornell Centre Blvd
Freeson Rd
York Durham Line
Woodbine Ave
Kennedy Rd
McCowan Rd
16th Ave
Warden Ave
Rodick Rd
11th Conc
Main St Unionville
Hwy 7 E
Apple Creek Blvd
Hwy 407
14th Ave
Markham Rd
Leslie St
Hwy 404
Birchmount Rd
Bayview Ave
Alden Rd
Birmley Rd
Esna Park Dr
Green Lane
Steeles Ave E
Denison St
John St
Don Mills Rd
Yonge St

By-law 2020-xx

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 from:

from:
Residential Four*387 – (R4) Zone
Open Space One (OS1) Zone
under By-law 177-96
to:
Residential Two*387 – (R2) Zone under By-law 177-96

1.2 By adding the following subsection to Section 7 – EXCEPTIONS

Exception 7.387	**Angus Glen Village Ltd.** **4071 and 4289 Major Mackenzie Drive East**	**Parent Zone R2**
File ZA 18 154612		Amending By-law 2020-XX
Notwithstanding any other provisions of By-law 177-96, the following provisions shall apply to the land shown on Schedule "A" attached to this By-law 2020-XX. All other provisions, unless specifically modified/amended by this section, continue to apply to the lands subject to this section.		
7.387.1 Only Permitted Uses		
The following specific Zone Standards shall apply:		
a)	*Townhouse Dwellings*	
b)	*Accessory Dwellings*	
c)	*Home Occupations*	
d)	*Home Child Care*	
7.387.2 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*387 – Residential Two Zone shall be deemed to be one *lot* for the purposes of this By-law.	
b)	The standards of Table B2 (Part 1 of 3) "All Lots Except Wide-Shallow Lots" shall apply to all lots.	
c)	For the purposes of this By-law, the *lot line* abutting Major Mackenzie Drive East shall be deemed to be the *front lot line.*	
d)	Minimum *setbacks:* i) *Front yard* – 2.0 metres ii) All other *yards* – 1.2 metres	
e)	Maximum number of *townhouse dwelling units* – 173	
f)	One (1) accessory dwelling unit is permitted accessory to a *townhouse dwelling.*	
g)	Minimum width of any *townhouse dwelling* unit – 4.5 metres	
h)	Maximum *garage width and driveway width* – 6.0 metres per unit	
i)	Maximum *building height* – 14.0 metres	
j)	Notwithstanding Section 6.6.2 a), *porches* are permitted to encroach into the required *front yard*, provided no part of the *porch* is located closer than 0.6 metres from the *front lot line.*	
k)	Notwithstanding Section 6.6.2 a), *stairs* are permitted to encroach into *the front yard*, provided no part of the *stairs* is located closer than 0.3 metres from any *lot line.*	
l)	*Decks* and *balconies* are permitted to be located above the *first storey*, and may project a maximum 3 metres from any wall.	
m)	Notwithstanding l) above, *decks* and *balconies* are not permitted to project into the required *front yard.*	

Read a first, second and third time and passed on December 9, 2020.

Kimberley Kitteringham City Clerk	Frank Scarpitti Mayor

EXPLANATORY NOTE

BY-LAW 2020-_____

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

4071, 4289 Major Mackenzie Drive East
CON 5 PT LT 20 65R1229 PT 2 and
CON 5 PT LOT 20 RP 65R30308 PT PART 1
(Proposed Townhouse Development)

Lands Affected
The proposed by-law amendment applies to 7.5 hectares (18.53 acres) of land located on the south side of Major Mackenzie Drive East, between Angus Glen Boulevard and Prospectors Drive, and municipally known as 4071 and 4289 Major Mackenzie Drive East.

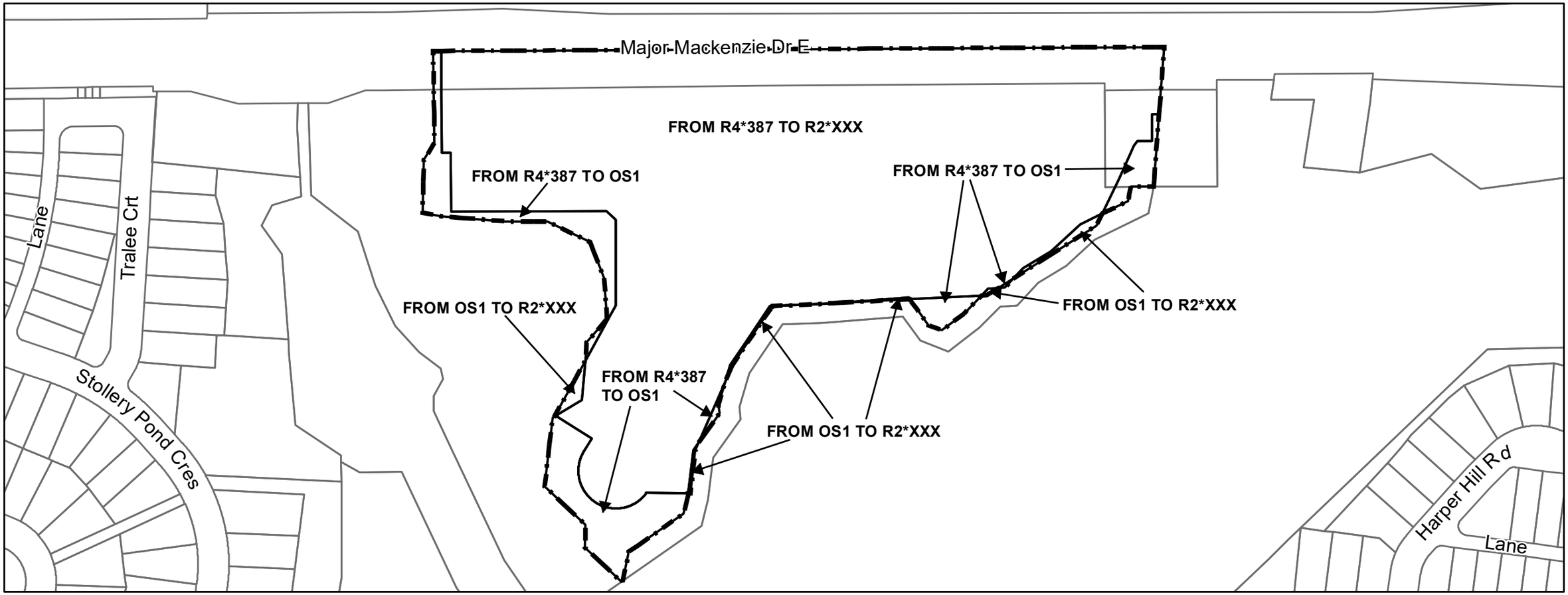
Existing Zoning
By-law 177-96, as amended, currently zones the subject lands as Residential Four*387 – (R4) Zone and Open Space One – (OS1) under By-law Zone.

Purpose and Effect
The purpose and effect of this By-law is to amend the current development standards under By-law 177-96, and rezone the subject property as follows:

from:
Residential Four*387 – (R4) Zone
Open Space One – (OS1) Zone
under By-law 177-96
to:
Residential Two*387 – (R2) Zone under By-law 177-96

In order to permit the development of one hundred and seventy three (173) townhouse units on the subject lands.

Note Regarding Further Planning Applications on this Property
The *Planning Act* provides that no person shall apply for a minor variance from the provisions of this by-law before the second anniversary of the day on which the by-law was amended, unless the Council has declared by resolution that such an application is permitted.



SCHEDULE "A" TO BY-LAW 2020-

AMENDING BY-LAW 177-96 DATED DECEMBER , 2020

N

BOUNDARY OF AREA COVERED BY THIS SCHEDULE

BOUNDARY OF ZONE DESIGNATION(S)

R4	RESIDENTIAL FOUR	R2	RESIDENTIAL TWO
OS1	OPEN SPACE ONE	*(No)	EXCEPTION NUMBER

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

MARKHAM DEVELOPMENT SERVICES COMMISSION

40 20 0 40 Meters

Drawn By: RT Checked By: RC DATE: 12/05/2020

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

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By-law 2020-xx

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

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

1. That Section 50(5) of the Planning Act, R.S.O. 1990, P.13 shall not apply to the lands within the part of a registered plan of subdivision designated as follows:

   Blocks 122 to 128 (inclusive), Registered Plan 65M-4544; City of Markham, Regional Municipality of York

2. This By-law shall expire two years from the date of its passage by Council

Read a first, second, and third time and passed on ----------.

Kimberley Kitteringham City Clerk	Frank Scarpitti Mayor

[Delete page if not required]

EXPLANATORY NOTE

BY-LAW NO: 2020xxxxxxxxxx

Part Lot Control Exemption By-law
Cornell Rouge Development Corporation
Blocks 122 to 128 (inclusive), Registered Plan 65M-4544

The proposed by-law applies to Blocks 122 to 128 (inclusive), Registered Plan 65M-4544. These lands are located on the south side of Whites Hill Avenue and west side of Donald Cousens Parkway in the Cornell community.

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

The effect of this by-law is to permit the conveyance of 41 Townhouse dwelling units.

By-law 2020-xx

A By-law to amend Zoning By-law 2053, as amended

THE COUNCIL OF THE CORPORATION OF THE CITY OF MARKHAM HEREBY ENACTS AS FOLLOWS:

1. Zoning By-law 2053, as amended, is hereby further amended as follows:

1.1. In addition to the uses listed in Section 8 of By-law 2053, as amended, permitted uses shall also include:

Exception 7.120	**254632 Ontario Inc. (CarHub) 120 Doncaster Avenue**	**Parent Zone M**
File PLAN 20 115420		Amending By-law 2020-XX
Notwithstanding any other provisions of By-law 2053, the following provisions shall apply to the land shown on Schedule "A" attached to this By-law 2020-XX. All other provisions, unless specifically modified/amended by this section, continue to apply to the lands subject to this section.		
8(iii) Additional Permitted Uses		
The following specific Zone Standards shall apply:		
a)	*Motor Vehicle Sales Establishment* including motor vehicle parts and accessories	
b)	Outdoor Storage and display of Motor Vehicles *accessory* to a *Motor Vehicle Sales Establishment*	

2. All other provisions of By-law 2053, as amended, consistent with the provisions of this By-law shall continue to apply.

Read a first, second, and third time and passed on December 9, 2020.

Kimberley Kitteringham
City Clerk

Frank Scarpitti
Mayor

EXPLANATORY NOTE

BY-LAW NO: 2020-XX
A By-law to amend By-law 2053, as amended.

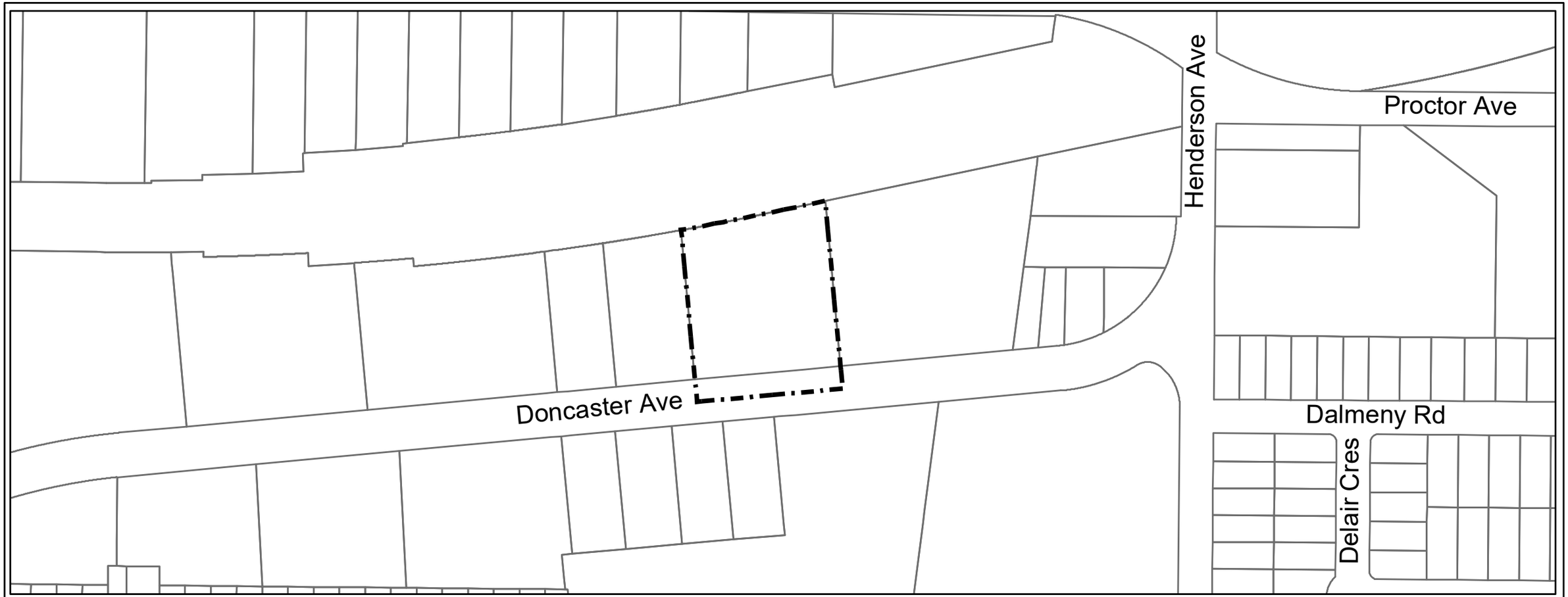
2546432 Ontario Inc. (CarHub)
120 Doncaster Avenue
PLAN 20 1154290

Lands Affected
The proposed by-law amendment applies to 0.8 hectares (2.0 acres) of land located on the north side of Doncaster Avenue, east of Yonge Street, and municipally known as 120 Doncaster Avenue.

Existing Zoning
The subject property is zoned “Industrial” (M) under Zoning By-law 2053, as amended.

Purpose and Effect
The purpose and effect of this By-law is to permit the sales of motor vehicle and motor vehicle parts, as well as the outdoor storage of motor vehicles on the subject property. This By-law amendment will facilitate the operation of motor vehicle sales establishment on the subject property that also includes, motor vehicle parts sales, motor vehicle service and repair, as well as a motor vehicle outdoor storage yard.

Note Regarding Further Planning Applications on this Property
The *Planning Act* provides that no person shall apply for a minor variance from the provisions of this by-law before the second anniversary of the day on which the by-law was amended, unless the Council has declared by resolution that such an application is permitted.



SCHEDULE "A" TO BY-LAW 2020-

AMENDING BY-LAW 2053 DATED DECEMBER , 2020

BOUNDARY OF AREA COVERED BY THIS SCHEDULE

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

MARKHAM DEVELOPMENT SERVICES COMMISSION

40 20 0 40 Meters

Drawn By:RT Checked By: RC DATE: 24/11/2020

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

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BY-LAW 2020-

A by-law to amend By-law 211-83, as amended
(A by-law to prescribe a Tariff of Fees
for the Processing of Planning Applications)

THE COUNCIL OF THE CORPORATION OF THE CITY OF MARKHAM HEREBY ENACTS AS FOLLOWS:

1. By-law 211-83, as amended, be and the same is hereby further amended as follows:

   1.1 By deleting Schedule 'A' to By-law 211-83, as amended, and substituting Schedule 'A' attached hereto.

2. All other provisions of By-law 211-83, as amended, not inconsistent with the provisions of this by-law shall continue to apply.

3. This By-law comes into force and takes effect on January 1, 2021.

READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS
DAY OF DECEMBER, 2020.

CITY CLERK

MAYOR

SCHEDULE 'A' TO BY-LAW 2020-

TARIFF OF FEES FOR PROCESSING OF PLANNING APPLICATIONS GENERAL TERMS

1.0. Fee Acceptance

1.1. Fees shall only be accepted in conjunction with the filing of an application containing all submission requirements as determined by the Director of Planning and Urban Design or designate and/or Director of Engineering or designate.

1.2. Applicants shall not be permitted to "pre-pay" application fees upon submission of an incomplete application in order to lock in fees and avoid future fee increases.

2.0. Fee Calculation

2.1. For each development application type, fee shall be calculated, and may include Development Application Fees, Supplementary Fees, and Miscellaneous Fees as listed in this by-law. Unless otherwise stated, fee subsections ending in roman numerals (ie. i), ii), iii), etc) form part of the overall subsection fee, and shall be applied cumulatively with the other fees ending in roman numerals within that subsection.

2.2. Fees shall be calculated at the rate in effect on the date paid. Applications for which fees have been paid in part, prior to the effective date of this by-law, shall be required to pay any additional fees established by this by-law.

3.0. Fee Payable in stages

3.1. Unless otherwise noted, fees are payable at time of application.

3.2. Where the fee payable in respect of an application is payable in stages, the fee owing at each stage shall be the fee, for such stage, in effect on the date the payment is made. No additional fee or increase in fee is payable in respect of stages for which a fee has already been paid.

3.2.1. Where payment in full of all fees applicable to an application has been made, no additional fee, where established by this by-law, shall be payable.

3.2.2. Other City of Markham fees may be applicable.

4.0. Fee Adjustments

4.1. Adjustments are made to fees to reflect changes in the total number of Units/Lots/ Parcels/ GFA/ Land Area/Estimated Cost of Works, Consultants Review Fees, etc.,

4.2. Adjustments to the total fee payable will be required at each payment stage.

5.0. Reimbursement of fees:

5.1. Fees shall be reimbursed upon applicant withdrawing the application, as determined by the Director of Planning & Urban Design or designate and/or Director of Engineering or designate:

5.1.1. Refund percentage is based on all fees received.

5.1.2. HST refund is calculated based on percentage of fee to be refunded.

5.1.3. Refund percentage (%) is based on the application stage as follows:

5.1.3.1.	Prior to circulation of application	75%
5.1.3.2.	From circulation to completion of preliminary report and/or holding of a public meeting, if required	50%
5.1.3.3.	Prior to Committee receiving recommendation report and/or prior to Site Plan Endorsement (*Not applicable to Committee of Adjustment Applications*)	25%
5.1.3.4.	After Site Plan Endorsement and/or after Recommendation Report/ Memorandum received by Committee	No refund

Notes:

a) For all application fees calculated, **add HST** as applicable.

b) All cheques shall be payable to '**City of Markham**'.

c) For assistance contact - **City of Markham, Development Services Commission**,
101 Town Centre Blvd., Markham, Ontario, L3R 9W3.
Telephone: + (905) 475.4861 Fax: + (905) 479.7768 Email: dsc@markham.ca

DEVELOPMENT APPLICATION FEE

Table 1	Application for Pre Consultation	Fee	Rate
1.1	Pre-Consultation	$750	Per Application

1. Fee does not apply where pre-consultation is not required or is waived.

Table 2	Official Plan/Secondary Plan Amendment (1)	Fee	Rate
1.1	Minor Amendment (2)	$29,603	Per Application
1.2	Major Amendment (3)	$78,581	Per Application

2. Unless authorized by the Director of Planning or their Designate, an Official Plan or Secondary Plan Amendment application shall be deemed to be Major
3. Minor Official Plan Amendment means an amendment that:
   a. Proposes a small-scale exception to a specific Official Plan Standard (eg. Minor changes to the number of permitted units; building height; gross floor area; or to add a site-specific use limited in scale);
   b. Proposes a minor change to a specific policy that is limited in scope and typically to one property;
   c. Maintains the intent and purpose of the Official Plan;
   d. Shall have limited impact or policy implications beyond the subject lands; and
   e. Is authorized by the Director of Planning and Urban Design, or their Designates.
4. Major Official Plan Amendment means an amendment that:
   a. Any proposed re-designation or change in land use for a property(ies)
   b. Requires many changes to the policies and schedules of the Official Plan
   c. Is more significant in scale and scope than a minor Official Plan amendment, and which may have a greater impact or policy implications beyond the subject lands. Applications related to more than one property would normally be in the category;
   d. A site-specific application representing a large-scale development/redevelopment or a change in use. An application involving significant changes to the text or policies of the Official Plan would also fall in this category.

Table 3	Zoning By-Law Amendment (1)	Fee	Rate
1.1	Minor Amendment (2)	$27,443	Per Application
1.2	Major Amendment (3)	$55,204	Per Application
1.3	Removal of "H" (Holding) Provision	$9,275	Per Application

1. Unless authorized by the Director of Planning or their Designate, an Zoning By-law Amendment application shall be deemed to be Major
2. An application for minor and small scale zoning amendment having no significant impact on adjoining lands as determined by the Director of Planning and Urban Design. Minor applications must be site specific and include:
   a. Request for additional permitted use within an existing building, or a request to expand an existing building with no significant impact on existing development standards;
   b. Changes in development standards to accommodate a residential severance to create one single detached lot within an existing subdivision;
   c. An application for a temporary use
3. An application that is not deemed to be minor by Director of Planning or their Designate, a Zoning By-law Amendment application shall be deemed to be Major. Major applications include applications more significant in scale and scope than a minor zoning amendment, and which may have greater impact beyond the subject lands. Major applications include:
   a. Applications relating to more than one property;
   b. A site specific application if considered to be redevelop a site;
   c. A change in use within a new development and / or a change in the zone category;
   d. Any application involving significant changes to the development standards or general provisions of the by-law.

Table 4	Plan Of Subdivision	Fee	Rate
1	**Draft Plan of Subdivision**		
1.1	Planning Review		
1.1.1 i)	Base fee	$42,308	Per Application
1.1.1 ii)	Unit Fee (1)	$2,198	Per Unit/Lot
1.1.1 iii)	Land Area (2)	$21,790	Per Hectare
1.2	Urban Design Review		
1.2.1	Community Planning Review		
1.2.1 i)	Unit Fee (1)	$419	Per Unit/Lot
1.2.1 ii)	Land Area (2)	$21,790	Per Hectare
1.2.2	Landscape Review		
1.2.2 i)	Base Fee (9)	$9,593	Per Application
1.2.2 ii)	Calculated Fee (the greater of) (3)	$725	Per Unit/Lot (4)
Or		15.2%	Construction Cost (5) (11)
1.3	Engineering Review		
	Engineering Review		
1.3.1	Calculated Fee (the greater of) (6)	$2,160	Per Unit/Lot/Block (4)
Or		12.7%	Construction Cost (8) (10)
2	Extension of Draft Plan Approval	$9,275	Per Application
3	Revision of Draft Approved Plan and/or Draft Plan Conditions (7)		
3.1	Minor (does not require report to Committee)	$5,742	Per Application
3.2	Major (requires report to Committee)	$18,168	Per Application
4	Request for Subdivision Agreement		
4.1 i)	First Phase of subdivision	$60,857	Per Agreement
4.1 ii)	Subsequent Phases	$42,753	Per Agreement

1 Unit fee applicable to Single Detached, Semi Detached and/or Freehold Townhouse units. To be collected as follows:
40% collected at submission of application
60% collected at execution of agreement

2 Applicable to blocks created for Residential, Mixed-Use, Institutional (including school blocks), Commercial or Industrial uses. (Excludes park blocks, valley lands, hazard lands, environmental buffer blocks, storm water management blocks, open space areas and public roads to be conveyed into public ownership). To be collected as follows:
40% collected at submission of application
60% collected at execution of agreement

3 Payable at the execution of agreement

4 Up to 100 units/lots on a plan of subdivision

5 Estimated cost of construction of landscape works

6 To be collected as follows:
60% collected at submission of engineering drawings
40% collected at execution of a pre-servicing agreement (if applicable) or a subdivision agreement

7 At the request of the owner

8 Estimated cost of internal and external works associated with the Plan of Subdivision, as prepared by the Consulting Engineer. Includes erosion and sediment controls, underground and above-ground works, streetlights, etc. plus a 10% contingency added to the estimate

9 Payable at first submission of Landscape drawings for each phase of the draft plan of subdivision

10 Where a construction agreement is require as a result of this application type, fees for the construction agreement will be calculated in accordance with this section

Table 5	Plan of Condominium	Fee	Rate
1.1	Condominium Fee (1)	$46,310	Per Application
1.2	All other Condominium Types other than those above	$39,704	Per Application
1.3	Extension of Condominium Draft Approval	$9,275	Per Application
1.4	Revision of Condominium Draft Approved Plan (2)	$12,515	Per Application

1 Includes standard, common element (POTL), and vacant land condominium application types
2 Includes Draft Plan Conditions and amalgamation of multiple condominiums where requested by the owner

Table 6.1	Site Plan Applications (Residential/Mixed Use)	Fee	Rate
1	**Residential (15)**		
1.1	**Small Developments** (1)		
1.1 i)	Planning Review fee	$2,808	Per Unit
1.1 ii)	Urban Design Review (2)	$953	Per Unit
1.1 iii)	Engineering Review Fee (2)	$953	Per Unit
1.2	**Large Developments** (3)		
1.2.1	Planning Review		
1.2.1 i)	Base Fee	$12,896	Per Application
1.2.1 ii)	Unit Fee (4) (5) (10)	$2,198	Per Unit
1.2.1 iii)	Calculated GFA Fee (6) (10)	$6	Per M^2
1.2.2	Urban Design Review		
1.2.2 i)	Base Fee	$5,273	Per Application
1.2.2 ii)	Percentage fee (2) (7)	15.2%	Percent (21)
1.2.2 iii)	GFA Fee (2) (11)	$6	Per M^2
1.2.3	Engineering review (8)		
1.2.3 i)	Base Fee	$9,402	Per Application
1.2.3 ii)	Percentage fee (2) (9)	13.9	Percent (21)
1.2.3 iii)	GFA Fee (2) (11)	$6	Per M^2
1.3	**Additions or Alterations**		
1.3.1	**Small Developments (1)**		
1.3.1.1	Less than 50 square metres of GFA	$191	Per Unit
1.3.1.2	50 to 100 square metres of GFA	$953	Per Unit
1.3.1.3	Greater than 100 square metres of GFA		
1.3.1.3 i)	Planning Review fee	$953	Per Unit
1.3.1.3 ii)	Urban Design Review	$852	Per Unit
1.3.1.3 iii)	Engineering Review	$852	Per Unit
1.4	**Residential Driveways or parking area**	$191	Per Application

Table 6.2	Site Plan Applications (ICI) (17)	Fee	Rate
2	**ICI without units accommodating overnight stay**		
2.1	Planning Review		
2.1 i)	Base Fee	$12,896	Per Application
2.1 ii)	Calculated GFA Fee (6) (10) (11)	$6	Per M^2
2.1.2	Urban Design Review		
2.1.1 i)	Base Fee	$5,273	Per Application
2.1.1 ii)	Percentage Fee (7)	15.2%	Percent (21)
2.1.1 iii)	GFA Fee (2) (14)	$6	Per M^2
2.1.3	Engineering Review (8)		
2.1.3 i)	Base Fee	$9,402	Per Application
2.1.3 ii)	Percentage Fee (9)	13.9%	Percent (21)
2.1.3 iii)	GFA Fee (2) (14)	$6	Per M^2
2.2	**ICI with units accommodating overnight or longer stay (12)**		
2.2.1	Planning Review		
2.2.1 i)	Base Fee	$12,896	Per Application
2.2.1 ii)	Unit Fee (10)	$2,198	Per Unit
2.2.1 iii)	Calculated GFA Fee (10) (13)	$6	Per M^2
2.2.2	Urban Design Review		
2.2.1 i)	Base Fee	$5,273	Per Application
2.2.1 ii)	Percentage Fee (7)	15.2%	Percent (8)
2.2.1 iii)	Calculated GFA Fee (2) (14)	$6	Per M^2
2.2.3	Engineering Review (8)		
2.2.3 i)	Base Fee	$9,402	Per Application
2.2.3 ii)	Percentage Fee (2) (9)	13.9%	Percent (8)
2.2.3 iii)	Calculated GFA Fee (2) (14)	$6	Per M^2
2.3	**Parking Lot or Outdoor Patio**		
2.3.1	**New Parking Lot or Outdoor Patio**		
2.3.1 i)	Planning Review Fee	$4,688	Per Application
2.3.1 ii)	Urban Design Review	$953	Per Application
2.3.1 iii)	Engineering Review	$953	Per Application
2.3.2	**Expansion/Alteration of Existing Parking Lot or Outdoor Patio**		
2.3.2 i)	Planning Review Fee	$2,337	Per Application
2.3.2 ii)	Urban Design Review	$953	Per Application
2.3.2 iii)	Engineering Review	$953	Per Application
Table 6.3	**Extensions or Minor Applications**	**Fee**	**Rate**
3.5	Extension of Site Plan Approval/Agreement	$2,226	Per Application
3.6	Minor Applications (20)		
3.6 i)	Planning Review Fee (16)	$4,059	Per Application
3.6 ii)	Urban Design Review	$908	Per Application
Table 6.4	**Heritage Site Plan**	**Fee**	**Rate**
4	Heritage Site Plan		
4.1	Residential	Section 1	
4.2	ICI - Institutional, Commercial, or Industrial		
4.2.1	Less than 50m2	$1,335	Per Application
4.2.2	50m2 or greater	Section 2	
4.3	Façade changes (17) (18) (19)	$953	Per Application

1 Single Detached, Semi-Detached, Townhouse, and/or Apartment development with under 10 lots, blocks, or units total

2 To be collected as follows:
40% collected at submission of application
60% collected at the earlier of the execution of agreement or issuance of a conditional building permit

3 Mixed Development or Single Detached, Semi-Detached, Townhouse, and or Apartment development with more than 10 lots, blocks, or units total

4 Unit fee applicable to Single Detached, Semi Detached , Townhouse and Apartment units
5 Applicable to buildings with common area(s)
6 Calculated GFA shall mean the total GFA of building(s) minus GFA of Apartment units and overnight or longer stay unit(s)
7 Estimated cost of construction of landscape work
8 Where a construction agreement is required as a result of this application type, fees for the construction agreement will be calculated in accordance with this section
9 Estimated cost of internal and external works associated with the Site Plan, as prepared by the Consulting Engineer. Includes erosion and sediment controls, underground and above ground works, streetlights, etc. plus a 10% contingency added to the estimate
10 To be collected as follows:
40% collected at submission of application
60% collected at execution of agreement
11 Total GFA of the development
12 Including but not limited to Hotels, Senior Homes, etc.
13 Applies to the GFA of the building, exclusive of the area of units identified in Table 5, section 2.2.1 ii)
14 Notwithstanding the definition of GFA, the subject fee shall include the GFA of areas underground dedicated to parking
15 Includes additions or alterations to developments of 11 units or greater
16 Includes Façade changes
17 When changes are funded in part or wholly by a Grant from Council
18 All other application types, including changes to approved drawings that are not subject to special provision 18, are subject to Table 5, Section 2.4
19 All other application types, including changes to approved drawings that are not subject to special provision 18, are subject to Table 5, Section 2.4
20 Engineering review of site plan requires Major Application submission

Table 7	Committee of Adjustment	Fee	Rate
1	**Minor Variance**		
1.1	Development Standards (1)	$6,315	Per Application
1.2	Residential Small Scale (2)	$2,681	Per Application
1.3	Variance with respect to use (3)	$14,548	Per Application
1.4	Technical Variance (4)	$2,198	Per Application
1.5	Multiple Variances (5)		
1.5 i)	Base Fee	$10,545	Per Application
1.5 ii)	Unit Fee (6)	$2,198	Per Unit
1.5.1	Notwithstanding 1.5 above, the total fee for a variance shall not exceed	$55,204	Per Application
1.6	Heritage variance (7)		Per Application
2	**Land Division**		
2.1	Consent for creation of one or more lots		
2.1 i)	Base fee	$14,548	Per Application
2.1 ii)	Unit Fee (8) (10)	$2,198	Per Unit
2.1 iii)	Land Area Fee (9) (10)	$21,790	Per Hectare
2.1.1	Notwithstanding 2.1 above, the total fee for a Land Division shall not exceed	$42,308	Per Application
2.2	Other Consent (11)	$7,623	Per Application
2.3	Change of Condition prior to final consent	$1,918	Per Application
2.4	Re-Application of Provisionally approved Consent without completion of conditions within One year timeframe (12) (13)	$6,098	Per Application
3	**Sign Fee** (14)	$38	Per sign
4	**Development Agreement**		
4.1	Planning	$1,918	per agreement
4.2	Urban Design	$1,918	per agreement
4.3	Engineering	$1,918	per agreement

1 Additions, alterations, or new dwellings 50m2 or greater, or apartment, condominium, mixed use buildings or ICI
2 Additions, Alterations, or new single, semi-detached, or townhouse dwellings, or to accessory buildings, structures or decks less than 50m2
3 Includes residential, ICI, and where use and development standard variances are requested
4 To rectify and existing site condition, at the discretion of the Director of Planning and Urban Design or their designates
5 Multiple lots on a Draft Plan of Subdivision, registered M-Plan, or multiple single, semi-detached, or townhouse dwellings on a site plan
6 Number of actual units or lots (any decimal number rounded off to the next greater number)
7 Applies to heritage buildings, or Heritage Properties where Heritage Staff or Heritage Markham has requested the implementation of a historic condition or feature, at the discretion of the Director of Planning or their Designate
8 Applies only to consents creating new residential lots, excluding apartments, condominiums, and mixed use buildings
9 Applies to all consents except those identified in Table 6, Section 2.1 ii)
10 Payable prior to finalization of consent
11 Includes consent for partial discharge of mortgage, easement, lease of 21 years or more, and validation of title
12 Application must be received within 6 months of the lapse of the original consent application
13 Proposed lot configuration and development must be identical to the lapsed application receiving provisional consent
14 One sign required on each public or private street upon which the subject site has frontage, as determined by the Secretary Treasurer of the Committee of Adjustment

Table 8	Supplementary Fee	Fee	Rate
1	Electronic submission fee (1)(19)	$100	per application
2	Additional Public Meeting Fee (2) (3)	$8,894	per meeting
3	Additional Report to Committee or Council (2) (3)	$8,894	per report
4	**Re-Circulation of Drawings** (3)		
4.1	Minor Circulation (5)	$572	per circulation
4.2	Major Circulation (2) (6) (7)	$7,052	per circulation
5	More than two inspections (3) (8)	$1,817	per inspection
6	**Studies** (4)		
6.1	Planning And Urban Design Studies		
6.1.1	Large Scale Major Studies (9)	$71,847	per study
6.1.2	Update or Amendment to existing Study (10)	$28,777	per study
6.2	Engineering Studies		
6.2.1	New Study (11)	$37,544	per study
6.2.2	Update or Amendment to existing Study	$12,578	per study
7	Hire/Retain a Consultant/Vendor (12)	(13)	
8	Third Party Appeal (14) (16)	(15)	

1 Required for all applications submitted electronically, excluding Heritage applications exempted under Table 7, Section 1.6, and Applications under Table 1.
2 Due to revisions by owner/applicant, or owner/applicant's failure to revise drawings/plans/reports as requested by the City
3 Payable prior to meeting, inspection, or circulations
4 Payable at submission of study
5 Includes Consent to Sever and Minor Variance Applications due to revisions or request for deferral by owner, and/or after 1 year from the original date of application submission due to inactivity
6 Payable at submission
7 Includes 4 or more submissions and re-circulations
8 Due to unaddressed deficiencies identified during earlier inspections
9 Includes review and approval of large scale major studies including but not limited to: Community Design Plans or Precinct Plans associated with a new secondary plan, major official plan amendment/Secondary Plan Amendment, Major Zoning or major site plan application on a large scale complex site
10 Includes review and approval of small scale studies at the discretion of the Director of Planning and Urban Design or their designates
11 Includes review and approval of large scale major studies including but not limited to: Master Transportation Study, Master Environmental Servicing Plan, Noise Study, Geotechnical Study, etc. associated with a new Secondary Planed, major Official Plan Amendment/Secondary Plan Amendment, major Zoning or major Site Plan application on a large scale complex site
12 Fees for the City to retain a consultant/Vendor for the review, implementation or monitoring related to an application, as determined by the Director of Planning and Urban Design and/or the director of Engineering, or their designate
13 Actual cost of Consultant/vendor plus an administrative fee in the amount of 31.7% of the actual cost of the consultant/vendor
14 City's cost to retain outside Legal Council, and other outside experts including but not limited to Planning, Urban Design, or Engineering consultants or experts as determined necessary by the City Solicitor and Commissioner of Development Services, where an approved development application is appealed to the Local Planning Appel Tribunal
15 Actual cost of legal counsel and consultants, plus an administrative fee in the amount of 33% of the actual cost of the consultant/vendor
16 Fees shall be payable in accordance with a Cost Acknowledgement Agreement between the City and the Applicant
17 Major or Minor application as determined by the Director of Planning and Urban Design or the Director of Engineering or their designates, and payable at the execution of the agreement
18 Does not apply to site plan applications for single detached dwellings
19 Digital uploads that are not submitted as applications within 30 days of initial upload will be cancelled and no refund will be provided.

Table 9	Miscellaneous Fees	Fee	Rate
1	Review and Comment on Minister's Zoning Order		
1.1	New Application	$8,576	per application
1.2	Comment on extension of a temporary use	$2,805	per application
2	Deeming By-law	$9,275	per application
3	Exemption from Part Lot Control (1)	$9,275	per M-Plan
4	Telecommunication Tower	$22,361	per application
5	Model Home/Sales trailer agreement (2)	$5,971	per agreement
6	Heritage Permit (3)	$610	per application
7	Townhouse Siting	$673	Per unit
8	Site Alteration Permit		
8.1	Urban Design		
8.1 i)	Base Fee	$6,213	per application
8.1 ii)	Area Fee	$1,283	per hectare
8.2	Engineering		
8.2 i)	Base Fee	$6,213	per application
8.2 ii)	Area Fee	$1,283	per hectare
9	Construction Management Plan and/or Traffic Management Plan Review and/or public Communication Plan/Report (5)	$5,387	per application
10	Shoring and Hoarding Encroachment Plan (2)	$5,628	per application
11	Miscellaneous Submission (6)		
11.1	Percentage Fee (7)	15.2%	Percent
11.2	Hourly Rate for Estimate Hours	$292	per hour
12	GIS Hourly Rate	$127	per hour

1 Applicable to units that have not been captured through Draft Plan of Subdivision Application Fee
2 Payable at the execution of an agreement
3 For unauthorized work
4 Percent of the total cost of the engineering work required within the municipal road allowance
5 Payable at the submission of Plans
6 Not identified under a fee category as determined by the director of Planning and Urban Design or Director of Engineering or their designates
7 Estimated based on the cost of works

NOTES/DEFINITIONS

COMMITTEE OF ADJUSTMENT

Technical Variance: A minor variance related to an existing building or structure, but requires variance approval due to one or more minor siting errors. Determination of whether or not a variance is a Technical Variance is at the discretion of the Director of Planning and Urban Design, or designate.

Development Standards: Any requirement of a zoning by-law other than permitted use (i.e. yard setbacks, building height, lot coverage).

Use: Any requirement of a zoning by-law related to the types of uses permitted on a property.

PLAN OF CONDOMINIUM

Standard Condominium: A plan of condominium that consists of both individually owned units and common elements. Note that all condominiums that existed at the time that the Condominium Act, 1998 came into effect are deemed Standard Condominiums.

Phased Condominium: A form of Standard Condominium (*see above*) that permits individually owned units and common elements to be added to a condominium corporation in phases, over a maximum of ten (10) years.

Common Element Condominium: A plan of condominium that consist only of common elements (e.g. a laneway or a golf course), with no individually owned units. The owners of the common elements are owners of freehold parcels of tied land (POTLs) which are not part of the condominium property.

Vacant Land Condominium: A plan of condominium where individually owned units are effectively vacant lots upon which buildings will be located after the condominium is registered.

Amalgamated Condominium: A plan of condominium where two or more condominium corporations merge into one corporation.

Leasehold Condominium: A plan of condominium where individually owned units and common elements are leased by the landowner to purchasers who will never own the land. The purchasers buy a leasehold interest in the units and common elements for a fixed number of years.

ENGINEERING

Definitions of internal and external works for site plan applications:
Internal works - Include but are not limited to curbs, pavement, retaining walls, grading, water mains, sanitary sewers, storm sewers, manholes, catch basins and their leads, erosion and sediment controls and on site storm water management facilities (e.g., Oil Grit Separators (OGS), storage facilities, chambers, infiltration trenches/chambers, soakaway pits and bioretention systems).

External works - Include but are not limited to sanitary and storm sewer connections, manholes, water service, driveways, sidewalks, boulevard treatment and other road works (Pavement, curbs, catch basins and their leads, hydrants, streetlighting, hydro poles, traffic controls).

Site Alteration: Includes but not limited to, the removal of topsoil from land, placement or dumping of fill on land, the alteration of the grade of land or excavation by any means including the removal of vegetative cover, the compaction of soil or the creation of impervious surfaces, or any combination of these activities that would change the landform and natural vegetative characteristics of the land.

Residential Service Connection: A watermain, sanitary sewer or storm sewer that connects from a residential house/unit to a municipal watermain, sanitary sewer or storm sewer.

Engineering Plans: Technical plans that show sanitary, water and stormwater servicing schemes, grading, utilities location, erosion and sediment controls, shoring and construction details of the proposed development.

Water Supply Analysis Report: Provides detailed design for a water supply distribution system including mitigation measures to ensure adequate water supply flow and pressure for the proposed development.

Construction Management Plan: Technical plan that shows how construction works for a proposed development will be managed. The plan shows surface encroachment (e.g. vehicular lane, sidewalk, signage, utilities, trees and municipal easements), storage/loading areas, dewatering equipment, aerial/crane encroachment, vehicular and material access points, hoarding, traffic management, and possible impacts on properties (noise/vibration mitigation and construction condition surveys).

Traffic Management Plan: Shows how the alterations and disruptions to traffic caused by the construction activities of the proposed development, servicing infrastructure, or road shall be mitigated and managed.

Shoring Encroachment and Hoarding Plan: Technical plan that shows the design and installation of a shoring system consisting of piles and tie-back system, location of the utilities/services and hoarding, and any significant features pertinent to the municipal right-of-way encroachment, to facilitate the construction of underground and aboveground structures that are close to or within the municipal right-of-way. This plan helps ensure construction works do not impede pedestrian and vehicular traffic in any significant manner and do not impact any underground and aboveground utilities or infrastructures.

Public Communication Plan/ Report: Outlines the planned public communication process and actions to inform the travelling public, project stakeholders, emergency response agencies, and directly impacted businesses and local residents about the planned construction activities and changes to traffic operations due to proposed temporary road closure and alterations and disruptions to traffic necessary to safely complete construction of proposed development, municipal services and roads. The Plan/Report may consist of any of the following elements: notices to the impacted residents, businesses and travelling public placed in print media, project road signs including detour routes, changeable message signage, notices to the public placed on Internet web pages, brochures, direct mail outs to impacted businesses and local residents, and public meetings. The Plan is modified throughout the project life cycle to address issues as they arise.

GENERAL

City: The Corporation of the City of Markham

Committee: Committee is a group of individuals appointed by Council, such as the Development Services Committee (DSC), Markham Heritage Committee, Committee of Adjustment or any other sub-committee; with a specific function to review, comment and/or approve the related development applications.

Heritage: Heritage designated building (Part IV designation) or any building located within the boundary of a Heritage Conservation District (Part V designation).

ICI: Institutional, Commercial, Industrial

Townhouse Siting: Review of the design aspects of townhouse blocks and ensures appropriate building placement and elevation treatments for specific townhouse blocks.

Gross Floor Area (GFA) of Building(s): Defined as the total floor area (inside the building envelope, including the external walls, and excluding the roof) above and below grade less area dedicated to underground parking.

BY-LAW 2020-XXX

Being a By-law respecting Construction, Demolition,
Change of Use Permits and Inspections

WHEREAS Section 7 of the *Building Code Act, 1992*, S.O. 1992, c. 23, as amended, authorizes municipal council to pass by-laws respecting construction, demolition and change of use permits, inspections and related matters;

AND WHEREAS the Council of The Corporation of the City of Markham desires to repeal By-law 2019-136 and to enact a new building by-law for the issuance of permits and related matters, including the establishment of a fee schedule;

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

1. SHORT TITLE

1.1. This By-law may be cited as the "Building By-law".

2. DEFINITIONS

2.1. In this By-law:

"*Act*" means the *Building Code Act, 1992*, S.O. 1992, c. 23, as amended;

"*applicant*" means the *owner* of a building or property who applies for a *permit* or any person authorized to apply for a *permit* on the *owner*'s behalf, or any person or corporation empowered by statute to cause the construction or demolition of a building or buildings and anyone acting under the authority of such person or corporation;

"*Building Code*" means the regulation made under Section 34 of the *Act;*

"*certified model*" means a unique building design for a detached or semi-detached unit that has been reviewed by the *chief building official* for compliance with the *Building Code* and is intended for construction pursuant to a *permit* issued under the *Act.* A *certified model* approval is not itself a *permit;*

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

"*chief building official*" means the *chief building official* appointed by by-law by Council for the purposes of enforcement of the *Act*, the *Building Code* and this By-law;

"*complete application*" means an application that meets the requirements set out in the building code for applications where the *chief building official* is required to make a decision within a prescribed time period, and further that meets the requirements set out in Section 4 and Schedule B of this By-law;

"*conditional permit*" means a *permit* issued under Subsection 8(3) of the *Act*;

"*construct*" means construct as defined in Subsection 1(1) of the *Act*;

"*demolish*" means demolish as defined in Subsection 1(1) of the *Act*;

"*electronic submission"* means the filing of a *pre-application review* or an application for a building *permit, certified model* or alternative solution,

including all required forms, documents and drawings, submitted through an online application procedure approved by the *chief building official*.

"*owner*" means, in respect of the property on which the construction is to take place, the registered owner of the land and, except for *conditional permits*, may include a lessee, mortgagee in possession and the person acting as the owner's authorized agent;

"*partial permit*" means a *permit* issued by the *chief building official* to construct part of a building;

"*permit*" means permission or authorization given in writing by the *chief building official* to perform work, to change the use of a building or part thereof, or to occupy a building or part thereof, as regulated by the *Act* and *Building Code;*

"*permit holder*" means the *owner* to whom the *permit* has been issued or where a *permit* has been transferred, the new *owner* to whom the permit has been transferred;

"*pre-application review*" means the review of forms, documents and drawings which precedes the acceptance of a permit application to determine if it qualifies for an *electronic submission* for a permit;

"pre permit consultation" means the high level review of proposed plans to identify any applicable *Building Code* concerns in advance of a building *permit* application. Pre Permit Consultation does not confirm *Building Code* compliance.

"*Registered Code Agency*" means a registered code agency as defined in Subsection 1(1) of the *Act;*

"*revised submission*" means additional information filed with the *chief building official* which depicts one or more changes to the proposed or as-constructed design of a building or part of a building for which a permit has already been issued and for which approval by the *chief building official* is required;

"*sewage system*" means a sewage system as defined in Subsection 1.4.1.of Division A of the *Building Code;*

"*supplementary submission*" means a resubmission of information in relation to building permit documents previously reviewed or issued, that requires additional review to determine *Building Code* compliance;

"*zoning preliminary review"* means a review of plans and other documents to determine, prior to building permit or *Planning Act* applications, whether proposed designs comply with applicable zoning by-laws;

2.2. Terms not defined in this By-law shall have the meaning ascribed to them in the *Act* or the *Building Code*.

3. CLASSES OF *PERMITS*

3.1. Classes of *permits* required for the construction, demolition or change of use of a building shall be set out in Schedule A to this By-law.

4. REQUIREMENTS FOR *PERMIT* APPLICATIONS

General Requirements

4.1. Every *permit* application, *certified model* application and application for an alternative solution must meet the requirements of this Section and Section 6 and shall:

4.1.1. be made by an *applicant;*

4.1.2. be submitted to the *chief building official* on forms prescribed by the Province of Ontario or when no form is prescribed, on a form prescribed by the *chief building official*;

4.1.3. be accompanied by the required fees calculated in accordance with Schedule A;

4.1.4. unless otherwise determined by the *chief building official*, be in the form of an *electronic submission;*

4.1.5. unless otherwise determined by the *chief building official*, shall not be accepted until a *pre-application review* has been completed to the satisfaction of the *chief building official*; and

4.2. To be considered a *complete application*, every *permit* application shall be accompanied by the approval documents issued by the agencies responsible for the applicable laws listed in the building code, where those agencies issue approval documents and the law applies to the construction or demolition being proposed.

4.3. An application for a *permit* may be refused by the *chief building official* where it is not a *complete application*.

4.4. The *chief building official* may, as the chief building official deems appropriate, provide prescribed forms in an electronic format and may allow for the electronic submission of completed *permit* application forms.

4.5. Notwithstanding Subsection 4.4, completed forms generated electronically shall be accepted subject to the endorsement by the *applicant.*

4.6. When filing an application, the *owner* and the *applicant* shall provide an electronic address(s) for the purpose of receiving communications from the *chief building official* regarding the construction, demolition or change of use associated with a permit application or issued *permit*. The owner or authorized agent of the owner shall inform the *chief building official* immediately in writing when the electronic address(s) provided change or become not functional.

Applications for *Permits* to Construct

4.7. Every application for a *permit* to *construct* a building shall:

4.7.1. identify and describe in detail the work to be done and the existing and proposed use and occupancy of the building, or part thereof, for which the building *permit* application is made;

4.7.2. be accompanied by the plans, specifications, documents, forms and other information prescribed in Section 5 and Schedule B of this by-law; and

4.7.3. be accompanied by acceptable proof of corporate identity and property ownership, unless such proof is determined by the *chief building official* to be unnecessary.

Applications for *Permits* to *Demolish*

4.8. Every application for a *permit* to *demolish* a building shall:

4.8.1. identify and describe in detail the work to be done and the existing use and occupancy of the building, or part thereof, for which the application for a *permit* to *demolish* is made, and the proposed use and occupancy of that part of the building, if any, that will remain upon completion of the demolition;

4.8.2. be accompanied by the plans, specifications, documents, forms and other information prescribed in Section 5 and Schedule B of this By-law; and

4.8.3. be accompanied by proof satisfactory to the *chief building official* that arrangements have been made with the proper authorities for

the termination and capping of all the water, sewer, gas, electric, telephone or other utilities and services.

Applications for *Permits* to Construct Part of a Building

4.9. In addition to the requirements of Subsection 4.7 , every application for a *partial permit* shall:

4.9.1. require a *permit* application for the entire project; and

4.9.2. be accompanied by plans, specifications, documents, forms and other information covering that part of the work for which application for a *partial permit* is made, together with such information pertaining to the remainder of the work as may be required by the *chief building official*.

4.10. The *chief building official* may issue a *partial permit* when the *chief building official* determines it is appropriate to expedite substantial construction before a *permit* for the entire building is available and where the relevant provisions of this By-law and the *Act* are met.

4.10.1. When determining whether to issue a *partial permit*, the *chief building official* shall have regard for the likelihood of subsequent approvals being available in a timely fashion such that a project is not interrupted and exposed to potential damage from the elements while awaiting subsequent approvals.

4.11. The *chief building official* shall not, by reason of the issuance of a *partial permit* pursuant to this By-law, be under any obligation to grant any additional *permits*.

Applications for *Conditional Permits*

4.12. An application for a *conditional permit* cannot be filed until plans review of the scope of work is complete.

4.13. In addition to the requirements of Subsection 4.7, where a *conditional permit* is requested, the *applicant* shall:

4.13.1. complete an application on a form prescribed by the *chief building official;* and

4.13.2. submit documents and drawings prescribed in Schedule B of this By-law.

4.14. The *chief building official* may, at his or her discretion, issue a *conditional permit* where unreasonable delays are anticipated in obtaining all necessary approvals and where the relevant provisions of this By-law and the *Act* are met.

Applications for *Permits* for Change of Use

4.15. Every application for a *permit* for a change of use shall;

4.15.1. be accompanied by the plans, specifications, documents, forms and other information prescribed in Section 5 and Schedule B of this By-law;

Application for a *Certified Model*

4.16. An *applicant* may file an application for a *certified model*.

4.17. Every application for a *certified model* shall;

4.17.1. be made on an application form prescribed by the *chief building official;* and

4.17.2. be accompanied by the plans, specifications, documents, forms and other information prescribed in Section 5 of this By-law.

4.18. Plans and specifications forming part of each *certified model* application shall be deemed to form part of the *permit* documents of each *permit* subsequently issued under the *Act.*

Abandoned *Electronic Submissions* and *Permit* Applications

4.19. Where an electronic submission has not been completed within 20 business days of creation, the electronic submission may be deemed by the *chief building official* to have been abandoned.

4.20. Where an application for a *permit* was accepted and the estimated permit fees are unpaid for three months after the *applicant* was advised in writing of the estimated permit fees, the application may be deemed by the *chief building official* to have been abandoned and written notice of the cancellation thereof shall be given to the *applicant*.

4.21. Where an application for a *permit* remains incomplete and inactive for six months after the *applicant* has been advised in writing of all the reasons for refusal, the application may be deemed by the *chief building official* to have been abandoned and written notice of the cancellation thereof shall be given to the *applicant*.

Revisions to *Permits*

4.22. After the issuance of a *permit* under the *Act*, the *applicant* shall give notice to the *chief building official* in writing of any material change to a plan, specification, document or other information upon which a *permit* was issued, together with the details of such change, which change shall not be made without the prior written authorization of the *chief building official*.

4.23. Application for authorization of any substantial change shall constitute a *revised submission* or a *supplementary submission*.

5. PLANS AND SPECIFICATIONS

5.1. As part of the application for a *permit* and in addition to the requirements of Section 4 of this by-law, every *applicant* shall submit to the *chief building official* the following:

5.1.1. sufficient plans, specifications, documents, forms and such other information as may be deemed necessary by the *chief building official* to determine whether the proposed construction, demolition, or change of use conforms to the *Act*, the *Building Code*, and any other applicable law;

5.1.2. Where a site plan is required to satisfy Section 5.1.1, the site plan shall reference a current plan of survey certified by a registered Ontario Land Surveyor and shall include:

5.1.2.1. lot size and dimensions of the property;

5.1.2.2. setbacks from existing and proposed buildings to property boundaries and to each other;

5.1.2.3. existing and finished ground levels or grades; and

5.1.2.4. existing rights of way, easements and municipal services; and

5.1.2.5. a copy of a current plan of survey, unless the *chief building official* waives this requirement.

5.2. As part of an application for a *certified model*, every applicant shall submit to the *chief building official* sufficient plans, specifications, documents, forms and such other information as may be deemed necessary by the *chief building official* to determine whether the proposed construction conforms to the *Building Code.*

5.3. Plans, specifications and other documents submitted by an *applicant* shall:

5.3.1. be fully coordinated among design disciplines and intended for construction, demolition or change of use;

5.3.2. be fully dimensioned and drawn to a suitable scale that clearly depicts the proposed construction, demolition or change of use;

5.3.3. be in the form of an *electronic submission*; and

5.3.4. contain information and text that is clear and legible.

5.4. Unless otherwise deemed necessary by the *chief building official*, every application shall be accompanied by plans, specifications, forms, documents and other information required to facilitate the administration and enforcement of the *Building Code*.

5.5. On completion of the construction of a building, the *chief building official* may require the *applicant* to submit a set of as constructed plans, including a plan of survey showing the location of the building.

5.6. Plans and specifications submitted in accordance with this By-law or otherwise required by the *Act* become the property of the *City* and will be disposed of or retained in accordance with relevant legislation or by-law.

6. AUTHORIZATION OF ALTERNATIVE SOLUTIONS

6.1. Where approval for an alternative solution under the *Building Code* is being sought, the *applicant* shall submit:

6.1.1. an application on a form prescribed by the *chief building official*;

6.1.2. supporting documentation demonstrating that the proposed alternative solution will provide the level of performance required by the *Building Code*; and

6.1.3. payment of the required fee prescribed by Schedule A.

7. FEES AND REFUNDS

7.1. The *chief building official* shall determine the required application fees in accordance with Schedule A to this By-law.

7.2. The *chief building official* shall not issue a *permit* until fees required by this By-law have been paid in full by the *applicant*.

7.3. In addition to the fees paid at the time of building *permit* application, when an *applicant* makes *supplementary submissions* and *revised submissions*, the *applicant* shall pay the prescribed fee which shall be calculated in accordance with Schedule A.

7.4. In the case of withdrawal or abandonment of an application, or refusal or revocation of a *permit*, and upon written request by the *applicant*, the *chief building official* may refund any unearned fees which shall be calculated in accordance with Section 4 of Schedule A.

8. TRANSFER OF *PERMITS*

8.1. Upon change of ownership, *permit* applications and *permits* must be transferred to the new *owner* with the approval of the *chief building official*.

8.2. To transfer a *permit* application or *permit*, the new *owner* shall complete and submit an application form in accordance with the requirements of Section 4 of this by-law and pay the required fee as prescribed by Schedule A.

8.3. Upon the transfer of the *permit* by the *chief building official*, the new *owner* shall be the *permit holder* for the purpose of this By-law, the *Act* and the *Building Code.*

9. NOTICES FOR INSPECTIONS

9.1. Inspection notices required by the building code and this By-law shall be made in writing, by telephone using the City's permit inspection request line or online inspection request procedure which have been prescribed for this purpose.

9.2. Inspection notices are required a minimum of two business days prior to the stages of construction specified therein and shall be given in accordance with the requirements of Subsection 1.3.5 of Division C of the *Building Code*.

9.3. The person to whom the *permit* has been issued shall notify the *chief building official* or a *Registered Code Agency* where one is appointed, of each stage of construction for which a notice is prescribed by the *Building Code*.

9.4. Notwithstanding Section 10 of this By-law, the person to whom the *permit* has been issued shall notify the *chief building official* of the date of completion of the building or demolition work no more than two days after that date.

9.5. In addition to the notices prescribed in Article 1.3.5.1 of Division C of the *Building Code*, the person to whom a *permit* has been issued shall give the *chief building official* notice of the readiness for inspection for the following stages of construction, where applicable:

9.5.1. commencement of construction of the building

9.5.2. commencement of construction of:

9.5.2.1. masonry fireplaces and masonry chimneys,

9.5.2.2. factory-built fireplaces and allied chimneys,

9.5.2.3. stoves, ranges, space heaters and add-on furnaces using solid fuels and allied chimneys

9.5.3. substantial completion of interior finishes

10. REGISTERED CODE AGENCIES

10.1. The *chief building official* is authorized to enter into and sign contracts for service agreements with *Registered Code Agencies* and appoint them to perform specified functions from time to time in order to maintain the time periods for *permits* prescribed in Article 1.3.1.3. of Division C of the *Building Code*.

10.2. A *Registered Code Agency* may be appointed to perform one or more of the specified functions described in Section 15.15 of the *Act*.

11. FENCING CONSTRUCTION SITES

11.1. Where, in the opinion of the *chief building official*, a construction or demolition site presents a hazard to the public, the *chief building official* may require the *permit holder* to erect such fencing to the standards and specifications that the *chief building official* deems to be appropriate in the circumstances.

11.2. When determining if a construction or demolition site presents a hazard to the public and requires the erection of fencing and the type of fencing required, the *chief building official* shall have regard to:

11.2.1. the proximity of the construction site to occupied dwellings;

11.2.2. the proximity of the construction site to lands accessible to the public, including but not limited to streets, parks, and commercial and institutional activities;

11.2.3. the hazards presented by the construction activities and materials;

11.2.4. the feasibility and effectiveness of site fencing; and

11.2.5. the duration of the hazard.

11.3. When the *chief building official* is of the opinion that fencing is required, the *permit holder* shall, prior to the issuance of any construction or demolition permit, erect or cause to be erected fencing to the following minimum standards:

11.3.1. Minimum of 1800 mm in height

11.3.2. Maximum of 2300 mm in height

11.3.3. Full height screening with a minimum opaqueness of 90%, and

11.3.4. Fencing must be located entirely within the subject property lines unless otherwise authorized.

11.4. For the purposes of this Section, construction or demolition site shall include the area of the proposed construction or demolition and any area where materials or equipment are stored or operated.

12. OFFENCES AND PENALTIES

12.1. Any person who contravenes any provision of this by-law is guilty of an offence and is liable upon conviction to a fine as provided for in the *Act*.

13. SEVERABILITY

13.1. Should any section, subsection, clause or provision of this By-law be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this By-law as a whole or any part thereof, other than the part so declared to be invalid.

14. MISCELLANEOUS

14.1. All Schedules shall be and form part of this By-law.

14.2. A reference to the singular or to the masculine shall be deemed to refer to the plural or feminine as the context may require.

15. REPEAL AND TRANSITION

15.1. By-law Number 2019-136 is hereby repealed upon the date that this by-law comes into force.

15.2. Notwithstanding Sections 15.1 and 16.1 of this by-law, for any *complete application* received prior to the effective date of this by-law, the provisions of By-law Number 2019-136 shall remain in force and effect for the purpose of that application.

15.3. Applications that are not *complete applications* as defined in this by-law, shall be subject to the within by-law irrespective of the date the initial application was made.

16. EFFECTIVE DATE

16.1. This by-law shall come into force on the 1st day of January 2021.

READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS
XXth DAY OF MONTH, 2020.

KIMBERLEY KITTERINGHAM
CITY CLERK

FRANK SCARPITTI
MAYOR

SCHEDULE A

CLASSES OF *PERMITS*, FEES AND REFUNDS

1. FEES

1.1 All fees shall be paid in full at the time of acceptance of the permit application.

1.2 The fee for the *pre-application review* of applications shall be $100. This fee is non-refundable and a credit for this fee will be applied to the total building *permit* fee.

2. CALCULATION OF *PERMIT* FEES

2.1 *Permit* fees shall be calculated on the basis of:

2.1.1 the flat rate where indicated in Column 5 of Table 1 of this Schedule;

2.1.2 the product of the applicable fee multiplier in Column 4 of Table 1 of this Schedule and the related floor area or other measure specified in Column 3; or

2.1.3 where a fee is not listed in Table 1, $30 for each $1,000 or part thereof of the construction value prescribed by the chief building official.

2.2 Except for classes of *permits* subject to flat rates, fees shall be based on the appropriate measure of the floor area of the project.

2.3 Except where otherwise exempt, in addition to the fees calculated according to Subsections 2.1 and 2.2 fees shall also be assessed according to the number of plumbing fixtures and the size of supply piping and drainage piping as applicable.

2.4 Section B of Table 1 of this Schedule applies where the scope of work does not affect any exterior wall or exterior roof assembly in existing construction.

2.5 Fees charged for the review of *certified models* shall be calculated using a fee multiplier equivalent to that applicable to Single or Semi Detached Dwellings determined in accordance with Subsections 2.9 to 2.11 of this Schedule.

2.6 In addition to the fees calculated in accordance with Table 1 paid at the time of building *permit* application, fees for *supplementary submissions* and *revised submissions* shall be calculated at $120/hour spent determining compliance with the Building Code, applicable law and submission standards.

2.7 Where *supplementary submissions* or *revised submissions* include certification of applicable law compliance, which compliance or applicability was incorrectly declared at the time of *permit* application, a fee of $250 for each applicable law certification shall apply. Where an application form other than an applicable law checklist is required to be revised to reflect incorrectly declared information, a fee of $250 applies.

2.8 In addition to the fees calculated in accordance with Table 1, each application for consideration of an alternative solution shall be accompanied by a non-refundable fee of $2,000. Additional fees for outside consultants are due when applicable. Where a *supplementary submission* is made for an alternative solution, a flat fee of $500 will apply and is due at the time of resubmission.

2.9 When calculating fees based on floor areas, floor area is measured to the outer face of exterior walls and to the centreline of party walls or demising walls, except when calculating interior partition work. When measuring floor area for interior partitioning, corridors, lobbies, washrooms, lounges, and other similar facilities are to be included and classified according to the

major occupancy classification for the floor area with which they are associated. Where these areas are constructed in a shell-only building, fees shall be calculated at the applicable partitioned rate in Table 1.

2.10 When measuring floor area, no deductions shall be allowed for floor openings required for such facilities as stairs, elevators, escalators, shafts and ducts. Interconnected floor spaces and atriums above their lowest level may be deducted from measured floor area.

2.11 Where incorporated with an application for a class of dwelling described in Rows A6 or A7 of Table 1, no additional fee is required for decks, fireplaces, unfinished basements, attached garages, heating or plumbing systems.

2.12 Where incorporated with an application for a class of permit described under Section A and B of Table 1, no additional fee shall be levied for the scope of work described in Sections D and G of Table 1 that form part of the work proposed under the application.

2.13 For any permit application for a class of permit described under Section B of Table 1, floor area used for the calculation of fees shall be the lesser of:

2.13.1 the area contained within a single rectangle encompassing all of the proposed work, or

2.13.2 the actual area of the tenant space;

2.14 The occupancy classifications used in this By-law are based on the *Building Code* occupancy classifications. For mixed occupancy classifications, the total payable fee shall be calculated by applying the fee multiplier for each occupancy prescribed in Table 1 to the floor area measured for each individual occupancy and taking the sum of the fees calculated for each occupancy.

2.15 For *permits* for change of use, the fee multiplier for the proposed occupancy will be applied to the entire floor area subject to the change of use.

2.16 Where a change of use *permit* is denied, the fees paid may be credited to a building *permit* which incorporates the construction required to accommodate the change of use.

2.17 Except for temporary buildings on construction sites for offices, fees for temporary buildings, including tents, stages and bleachers, apply to buildings erected for less than 12 weeks.

2.18 The permit fee for the remediation, restoration, or demolition of premises used for the production of illicit substances is $5,000. Administrative fees in accordance with Section 5 of this Schedule are in addition to this fee.

3. MINIMUM FEE

3.1 Except where a flat fee applies, the minimum fee for any permit application for work proposed in Group C residential occupancies in Sections A, B, D, and E of Table 1 shall be $100;

3.2 Except where a flat fee applies, the minimum fee for any permit application for work proposed in Group A, B, D, E and F occupancies in Sections A, B, D, and E of Table 1 shall be $500.

4. CALCULATION OF REFUNDS

4.1 Pursuant to Section 7 of this By-law, refunds shall be calculated as follows:

Refund = [*Permit* Fee Paid] – [Total *Permit* Fees Payable x % *Permit* Fee Earned]

4.2 The proportion of the total *permit* fee payable is earned according to the following schedule:

4.2.1 10% if administrative functions only have been performed;

4.2.2 20% if administrative functions and zoning review have been performed;

4.2.3 50% if administrative functions, zoning review and all or part of the *Building Code* review have been performed; and

4.2.4 60% if all administrative functions and reviews have been completed and the building permit has been issued or is available to be issued.

4.3 No refund is available for:

4.3.1 Flat fees prescribed in Column 5 of Table 1;

4.3.2 minimum fees prescribed in Section 3 of this Schedule;

4.3.3 fees in the amount of $500 or less;

4.3.4 reduced area of work where the scope of work is reduced more than 2 business days after the application is filed;

4.3.5 incorrect work area declaration at the time of application;

4.3.6 where a permit is revoked, except where a permit is issued in error, or the applicant requests revocation no more than six months after the permit is issued;

4.3.7 applications or permits where construction or demolition has commenced;

4.3.8 applications cancelled more than 2 years after the *permit* application date; or

4.3.9 administrative fees listed in Section 5 of this Schedule.

4.4 Pursuant to Section 10 of this by-law, 20% of the applicable permit fee paid shall be refunded where an application was made using a Registered Code Agency appointed under a service agreement with the Chief Building Official, those services are fully paid for by the applicant and have been completed in accordance with the building code, and the Final Certificate as defined by the *Building Code Act* has been submitted to the Chief Building Official.

5. ADMINISTRATIVE FEES

5.1 To offset additional investigative and administrative costs, a non-refundable fee of $400 shall be paid where any Order to Comply is issued pursuant to Section 12 or Section 13 of the *Act* and an additional fee of $1,000 shall be paid where any Stop Work Order is issued pursuant to Section 14 of the *Act*. Payment of these fees does not relieve any person or corporation from complying with the *Act*, the *Building Code* or any applicable law.

5.2 To offset additional costs associated with the investigation, inspection, administration and rectification of unsafe buildings pursuant to Section 15.9 of the *Act*, a non-refundable fee of $500 shall be paid where any Unsafe Order is issued, and an additional non-refundable fee of $1,000 shall be paid where any Order respecting Occupancy is issued. Payment of these fees does not relieve any person or corporation from complying with the *Act*, the *Building Code* or any applicable law.

5.3 Once a permit application has been accepted, the non-refundable fee to transfer the application to a new permit applicant or to change the project address is $250.

5.4 To transfer a *permit* from one *permit holder* to another, a non-refundable fee of $250 shall be payable.

5.5 Except as provided in Section 5.7, for written requests for information concerning a property's compliance with the *Building Code* and applicable law, the non-refundable fee shall be $150.

5.6 For written requests for information to support Provincial license applications unrelated to a current *permit* or *permit* application, the non-refundable fee shall be $500. Where there is a current *permit* or *permit* application, the non-refundable fee shall be $250.

5.7 For the reproduction of documents, the fee shall be $10 plus 110% of the cost of reproduction, plus a fee for *City* staff preparation time at $100/hour.

5.8 Where a requested inspection reveals an infraction which was identified at a previous inspection and not remedied, an additional fee of $150 shall be payable prior to subsequent inspections being scheduled.

5.9 Where an inspector determines that work for which an inspection has been requested is not sufficiently complete to allow proper inspection, an additional fee of $150 shall be payable prior to subsequent inspections being scheduled.

5.10 For phased projects, in addition to the *permit* fee for the complete building, an additional fee of $750 shall be payable for each phase not applied for at the time of the initial *permit* application.

5.11 For *conditional permits*, the conditional permit fee shall be the total *permit* fee for the proposed construction plus a non-refundable additional 10% of that fee.

5.11.1 A minimum additional fee of $3,000 and a maximum additional fee of $6,000 applies to *conditional permits*.

5.11.2 Where the *conditional permit* expiration date is extended at the request of the applicant, a non-refundable fee equal to the original conditional permit fee shall apply to each extension.

5.11.3 In addition to the non-refundable fee, a letter of credit is required for every *conditional permit* or phased *conditional permit*.

5.12 Notwithstanding Subsection 2.6 of this Schedule, for changes of house models, an additional fee of $300 plus the fee in Table 1 corresponding to new home construction for any resulting increase in floor area shall be payable. Where the floor area is reduced, no refund applies.

5.13 Where a permit is issued and construction has not seriously commenced within 12 months, the non-refundable fee to extend the permit will be $200 or the permit fee paid, whichever is less.

5.14 When a *permit* is suspended or is deemed incomplete and an inspection is subsequently requested, an additional fee shall be required to be paid to re-activate the permit prior to any such inspection. For housing permits the re-activation fee is $200 and for non-housing permits the fee is $500.

5.15 Pursuant to Section 10 of this by-law, where an application is made using a Registered Code Agency appointed under a service agreement with the Chief Building Official, and those services are fully paid for by the applicant, the applicable fee shall be reduced by 20% at the time a complete application is filed with a Plan Review Certificate as defined by the *Building Code Act*.

5.16 For review and approval of spatial separation agreements required by Division B of the *Building Code* a fee of $500 per lot applies.

5.17 Fees for Zoning Preliminary Reviews will be as follows:

5.17.1 $250 for low rise residential (including singles, semis (per unit), townhouse (per unit), decks, porches, sheds, and driveways);

5.17.2 $500 for interior alterations (including parking calculation) (per unit);

5.17.3 $500 for multiple-unit residential projects and non-residential projects (per building); and

5.17.4 $250 per proposed lot where the review is in support of a land division application.

5.18 The non-refundable fee shall be $50 for written requests for information concerning a property's zoning designation, permitted uses and development standards.

5.19 Fees for *Pre Permit Consultation* shall be $750 for the first review. Where a *supplementary submission* is made for a Pre Permit Consultation, a fee of $250 will apply and is due at the time of resubmission.

5.20

TABLE 1 - Calculation of Permit Fees				
1	2	3	4	5
	Class of Permit, Occupancy Classification and Work Description		$/m²	Flat Fee
	Section A: CONSTRUCTION of new buildings, additions to existing buildings, including Mezzanines or new intermediate floors			
A1	Group A Assembly	Transportation Terminals	$20.19	
A2		Portable classrooms (each) (new or relocated)		$619
A3		Outdoor Pool	$14.10	
A4		All Other Assembly Occupancies	$24.27	
A5	Group B: Institutional		$26.27	
A6	Group C: Residential	Single Detached Dwelling (SDD)	$18.34	
A7		Multiple Unit buildings less than 4 storeys high	$22.78	
A8		Multiple Unit buildings greater than 3 storeys, less than 7 storeys	$22.79	
A9		Multiple Unit buildings greater than 6 storeys high	$16.92	
A10		Repeat of Previously approved *Certified Model*	$15.04	
A11		Hotel / Motel	$24.27	
A12		Unfinished Basement / Foundations	$6.26	
A13		Detached or semi-detached garage/carport		$589
A14		Garage incorporating a dwelling unit (GDU)		$1,417
A15		Repeat of previously approved GDU		$1,065
A16		Accessory utility building (ie. Garden shed, Gazebo) less than 20 m^2		$128
A17		Accessory utility building (ie. Garden shed, Gazebo) 20 m^2 or greater		$589
A18		Deck / Balcony / Covered Porch (each)		$128
A19	Group D: Business and Personal Services	Shell Only (including unfinished basement)	$15.65	
A20		Partitioned / Finished / Mezzanine	$20.19	
A21		Temporary Real Estate Sales Office		$1,298
A22	Group E: Mercantile	Shell Only (including unfinished basement)	$13.15	
A23		Partitioned / Finished / Mezzanine	$17.22	
A24	Group F: Industrial	Shell Only (including unfinished basement)	$10.17	
A25		Partitioned / Finished / Mezzanine	$14.08	
A26		Gas Station / Canopy, Car Wash	$13.00	
A27		Repair garage	$14.08	
A28		Parking Garage (underground, open air)	$6.42	
A29		Farm Building	$5.56	
A30		Rack Storage Systems regulated by the Building Code	$10.17	
A31	All Occupancies	Permanent Tent / Air supported structure	$7.27	
A32		Repair / reclad wall or replace roof structure	$1.87	
A33		Ceiling (new or replacement)	$0.51	
A34		Mechanical Penthouse	$10.17	
A35		Temporary Building (Tent, Stages)		$262
A36		Shoring (/m of length)	$15.65	
A37		Underpinning (/m of length)	$15.65	
A38	Designated Structures	Communication Tower		$375
A39		Crane Runway		$558
A40		Exterior Storage Tank		$375
A41		Pedestrian Bridge (/m of length)	$43.36	
A42		Retaining Wall (/m of length)	$21.68	
A43		Sign regulated by the Building Code		$375
	Section B: ALTERATION or repair to existing construction and CHANGE OF USE(as defined by the Ontario Building Code)			
B1	Group A: Assembly	Restaurant	$10.13	
B2		All other assembly occupancies	$7.00	
B3	Group B: Institutional		$7.00	
B4	Group C: Residential	Accessory Apartment	$13.26	
B5		All other Residential occupancies	$7.00	
B6		Exterior door or door from garage into dwelling		$415
B7		Below grade stair		$415
B8		Elevator (Housing Permits only)		$415
B9	Group D: Business and Personal Service		$7.00	
B10	Group E: Mercantile	Restaurant	$10.13	
B11		All other mercantile occupancies	$7.00	
B12	Group F: Industrial		$6.38	
B13	All Occupancies	Electromagnetic Locking Device ($590 + $120/additional device)	$126	$619
B14		Parking Structure Repair	$1.87	
B15		Balcony Guard Replacement (/m of length)	$2.27	
B16		Window Replacement or Enlargement (each)	$7.82	
	Section C: DEMOLITION			
C1	Group C: Residential Housing	Single / Semi-detached dwelling		$630
C2	Group C: Residential Housing	Accessory building		$210
C3	All Other Occupancies	Complete / Partial / Interior Demolition ($1,040 minimum fee)	$0.19	
	Section D: MECHANICAL and FIRE PROTECTION WORK (Proposed as stand alone work)			
D1	All Occupancies	Heating, ventilation, air conditioning	$1.22	
D2		Fire Alarm System (per storey)	$408	
D3		Replacement Annunciator/Control Panel only (per storey served)	$408	
D4		Sprinkler System	$1.22	
D5		In-rack sprinkler System	$1.22	
D6		Standpipe System (per riser)	$160	
D7		Emergency Power		$783
D8		Emergency Lighting (per storey)	$210	
D9		Fireplace / Woodstove		$128
D10		Heating plant replacement		$205
D11		Special Ventilation Systems (each)		$619
	Section E: PLUMBING			
E1	Residential Service Connections	Service Connection (per lot)		$128
E2	All Occupancies	Each fixture	$19.00	
E3		Each Appliance	$19.00	
E4		Each Rain Water Hopper	$19.00	
E5		Conversion from Septic System to sewer		$249
E6		Testable backflow preventer ($300 +$100/additional device)	$100	$300
E7		Water service (/length in m)	$19.00	
E8		Building storm drain, building storm sewer (/length in m)	$19.00	
E9		Replacement or re-lining of water distribution piping (/length in m)	$19.00	
E10		Each Manhole	$55.00	
E11		Each Catchbasin	$55.00	
E12		Each Area Drain	$55.00	
E13		Each Backwater Valve / Sump Pump / Sewage Ejector	$128	
	Section F: ON-SITE SEWAGE SYSTEMS (Proposed separately or in conjunction with other construction)			
F1		New System		$1,858
F2		Replacement of Leaching Bed		$996
F3		Replacement of Septic Tank or Minor Repair of Part of a System		$619
F4		Evaluation of System (no alterations required)		$249
F5		Review of Clearances Only		$249
	Section G: GREEN ENERGY SYSTEMS (Proposed as stand alone work)			
G1		Solar domestic hot water systems (serving individual dwellings)		$128
G2		Solar domestic hot water systems (serving all other buildings)		$679
G3		Solar photovoltaic systems (serving individual dwellings)		$128
G4		Solar photovoltaic systems (serving all other buildings)		$679
G5		Geothermal Systems		$411
G6		Wind Turbines (per turbine)		$273
G7		Drain water heat recovery unit (serving individual dwellings)		$128

Schedule B

Documents & Drawings Required For A *Complete Application* (Paper or Digital Media).
All digital media must comply with the Submission Standards approved by the Chief Building Official.

Row	Class of *Permit*	Documents and Drawings Required
1	***All Permits***	**Documents** a. Building Permit Application Form * (not required for *electronic submissions*) b. Applicable Law Checklist * c. Permit Applicant Authorization Form *
2	***Permit to Construct* Housing** Detached Houses, Semi-detached Houses, Duplex/Triplex/Fourplex, Townhouse blocks less than 4 storeys, Accessory buildings • New Buildings • Additions • Alterations • Accessory Buildings	**Documents** a. Schedule 1 * b. Schedule 2 * c. Energy Efficiency Design Summary Form * d. Plumbing Data Housing Form * e. Approval documents required by an applicable law f. TARION Letter of Confirmation g. Heat loss / heat gain / duct calculations (per dwelling unit) h. Residential Mechanical Ventilation Summary **Drawings** i. Site Plan j. Municipally Approved Site Grading Plan k. Architectural Drawings (including block floor plans for each floor, block roof plans and block elevations for townhouse blocks) l. Fire Separation / Fire-Resistance Rating Drawings (plan and section, for all multi-unit buildings) m. Structural Drawings n. Roof truss / Pre-engineered floor system shop drawings o. HVAC Drawings p. On-site *Sewage System* Drawings (including On-Site *Sewage System* Statement of Design) q. Temporary shoring design for residential projects where the foundation wall of the new construction is 1.8 m or less from a property line or where otherwise determined by the *chief building official*
3	***Permit to Construct* Non-Housing – New Construction** Non-residential buildings, Residential Apartment Buildings, Mixed-Use Buildings • New Buildings • Additions • Change of Use	**Documents** a. Building and Land Use Declaration Form * b. Schedule 1 * c. Schedule 2 * d. Commitment to General Review * e. Energy Efficiency Form * f. Plumbing Data Form * g. Approval documents required by an applicable law h. Subsurface Investigation Report i. Heat loss / heat gain / duct calculations j. Mechanical equipment and design specifications k. Construction Site Fire Safety Plan (for mid-rise wood construction projects) **Drawings** a. Site Plan b. Municipally Approved Site Servicing Plan indicating all services (domestic water, fire protection, sanitary and storm sewers, laterals servicing buildings) and clearly indicating the area(s) that are municipally and privately owned. c. Architectural Drawings, including: i. Building Code Compliance Matrix ii. Fire Separation / Fire-Resistance Rating Drawings (plan and section, for all multi-unit buildings) d. Structural Drawings e. Electrical Drawings f. Roof truss / Pre-engineered floor system shop drawings g. Mechanical Drawings (HVAC, plumbing, fire protection systems) h. On-site *Sewage System* Drawings (including On-Site *Sewage System* Statement of Design

Row	Class of *Permit*	Documents and Drawings Required
4	***Permit to Construct*** **Non-Housing – Alterations** Non-residential buildings, Residential Apartment Buildings, Mixed-Use Buildings • Alterations • Tenant Improvements	**Documents** a. Building and Land Use Declaration Form * b. Schedule 1 * c. Commitment to General Review * d. Energy Efficiency Form * e. Plumbing Data Form * f. Approval documents required by an applicable law g. Heat loss / heat gain / duct calculations h. Mechanical equipment and design specifications **Drawings** a. Site Plan b. Key Plan c. Architectural Drawings, including: i. Building Code Compliance Matrix ii. Fire Separation / Fire-Resistance Rating Drawings (plan and section, for all multi-unit buildings) d. Structural Drawings e. Electrical Drawings f. Mechanical Drawings (HVAC, plumbing, fire protection)
5	***Permit to Construct*** **Temporary Event Structures** Tents, stages, bleachers	**Documents** a. Temporary Event Structure Authorization Form * b. Commitment to General Review * c. Approval documents required by an applicable law d. Documentation confirming flame spread rating of tent material **Drawings** a. Site Plan b. Shop Drawings
6	***Permit to Demolish***	**Documents** a. Commitment to General Review * b. Approval documents required by an applicable law c. Environmental Building Audit **Drawings** a. Site Plan including existing building to be demolished, construction fencing and gate access locations b. Demolition Plan prepared in accordance with O.Reg. 260/08 c. Temporary shoring design for residential infill projects where the foundation wall of the new dwelling is 1.8 m or less from a property line, or the extent of excavation is within 1.2 m of the property line or where otherwise determined by the *chief building official*
7	***Conditional Permit***	**Documents** a. Conditional Permit Addendum Form * b. Deed c. Construction Schedule

Notes:

1. In addition to the forms listed in this table, the application may be required to submit any other form deemed mandatory by the chief building official.
2. Documents marked with an asterisk (*) are available from the chief building official.
3. The chief building official may waive the requirement for any specified documents or drawings where the scope of work, applicable law or building code does not, in the opinion of the chief building official, necessitate its submission.

By-law 2020-xx

A by-law to amend By-law 2018-116, being a by-law to impose a tax in respect of the purchase of transient accommodation within the boundaries of the City of Markham

---

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

A by-law to amend By-law 2018-116, being a by-law to impose a tax in respect of the purchase of transient accommodation within the boundaries of the City of Markham, be amended as follows:

1. THAT the 4% transient accommodation tax or otherwise referred to as "**Municipal Accommodation Tax**" or "**MAT tax"** under By-law 2018-116, which is a 4% tax imposed on the purchase price of accommodations provided for a continuous period of 29 consecutive nights or less, be suspended for the period January 1st, 2021 to December 31st, 2021, AND

2. THAT all other provisions of By-law 2018-116, except as herein amended or effected, which are not inconsistent with the provisions of this By-law, shall continue to apply and will come into effect in the 2021 calendar year.

Read a first, second and third time and passed December **xx**, 2020

Kimberley Kitteringham City Clerk	Frank Scarpitti Mayor

By-law 2020-xx

A bylaw to amend By-law 2002-276, being a by-law to impose fees or charges for services or activities provided or done by the City of Markham

---

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

A bylaw to amend By-law 2002-276, being a by-law to impose fees or charges for services or activities provided or done by the City of Markham, be amended as follows:

1. THAT the Treasurer be authorized to cancel, reduce or refund fees or charges for services or activities provided or completed by the Finance Department as noted within SCHEDULE ‘A’ of By-law 2002-276 for the 2021 calendar year; and;

2. THAT all other provisions of By-law 2002-276, except as herein amended or effected, which are not inconsistent with the provisions of this By-law, shall continue to apply and will come into effect in the 2021 calendar year.

Read a first, second and third time and passed December xx, 2020

Kimberley Kitteringham City Clerk	Frank Scarpitti Mayor

By-law 2020-xx

A by-law to amend By-law 2015-163
being a by-law to appoint a Chief Building Official
and Building Inspectors pursuant to the *Building Code Act, 1992*,
S.O. 1992, c. 23, as amended

Whereas section 3 of the Ontario *Building Code Act, 1992*, S.O. 1992, c. 23, as amended, provides that the Council of a municipality shall appoint a Chief Building Official and such Building Inspectors as are necessary for the purposes of the enforcement of the Act in the City of Markham,

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

1. That Schedule "A" of By-law 2015-163 be replaced with the attached Schedule "A"; and,

2. That Schedule "C" of By-law 2015-163 be replaced with the attached Schedule "C".

3. That this By-law comes into force and takes effect on its passing.

Read a first, second, and third time and passed on December 9, 2020.

Kimberley Kitteringham	Frank Scarpitti
City Clerk	Mayor

SCHEDULE 'A'

Appointment of Chief Building Official

Stephanie Di Perna, Acting Director of Building Standards Department
Tony Boyko, Acting Director of Building Standards Department

SCHEDULE 'C'

Appointment of Building Inspectors

Ricardo Bernardino
Merissa Bone
Anthony M. Boyko
Teresa Cabral
George Chan
Dino Ciafardoni
Carla Crockett
Alan Currie
Stephanie DiPerna
Mustansir Ganijee
Haiyan Gao
Victor Goncalves
Naval Grotra
Garry Hale
Deborah John
Raymond Johnston
Anpalahan Kandasamy
Sheila Kerz
Oliver Kollmar
Weiping Li
Cristin Miller
Jeannette Morrison
Nicholas Ondiaka
George Paraskevakos
Kathleen Roach
Rafael Saa
Carlo Santoro
Victor Shum
Lando Sisti
Karl Sitta
Winson To
Chee Tung
Nanthee Veluppillai
Daniel Papaconstantinou
Shayna Mathieu-Moor
Amany Ibrahim
Chi So
Peter Costas

EXPLANATORY NOTE

BY-LAW NO. 2020-XX
A By-law to amend By-law 2004-196, as amended.

1771107 Ontario Inc. (Times Group Inc.)
Blocks 1,2,3,4,7,8,9, and 13

LANDS AFFECTED
This by-law applies to properties totalling ~13.5 hectares (33.4 acres) located south of Highway 7 between Warden Avenue and east of Birchmount Road (the "Lands").

EXISTING ZONING
The Lands are zoned "Markham Centre Downtown Two" (MC-D2*11 and MC-DC*14) with site-specific provisions, "Markham Centre Downtown Five" (MC-D5*12) with site-specific provisions, Markham Centre Public Space (MC-PS1) and Markham Centre Public Space (MC-PS1*13) with site-specific provisions and Markham Centre Public Space Two (MC-PS2) by the Markham Centre Zoning By-law 2004-196, as amended.

PURPOSE OF THE BY-LAW
The purpose of this By-law amendment is to:

a) increase permitted building heights for portions of the Lands
b) increase the maximum permitted number of residential units from 4,500 to 6,100

EFFECT OF THE BY-LAW
The effect of this by-law amendment is to permit the high-density mixed-use development as proposed.

By-law 2020-XX

A by-law to amend the Markham Centre
Zoning By-law 2004-196, as amended

THE COUNCIL OF THE CORPORATION OF THE CITY OF MARKHAM HEREBY ENACTS AS FOLLOWS:

1. Zoning By-law 2004-196, as amended, be and the same is hereby further amended as follows:

   1.1 By deleting Schedules F1, F2, F3, F4, and X5 and replacing them with the attached Schedules F1, F2, F3, F4, and X5 to this By-law.

   1.2 For the purposes of this By-law, the definition of Gross Floor Area is as follows:

   Gross Floor Area means the aggregate of the areas of each floor of a *building* or *structure* above or below grade, measured between the exterior faces of the exterior walls of the *building* or *structure*, or where there are common walls between uses or *buildings* or *structures*; measured to the centre-line of a common wall. The calculation of gross floor area excludes the areas of each floor used, or designed or intended for the parking of motor vehicles, unless the parking of *motor vehicles* is the principal use of a *building* or *structure*.

   1.3 By adding the following new subsections to **Section 2.6 – Holding Provisions** to By-law 2004-196:

   "2.6.X1 Holding Provision ("HX1")

   The following Holding Provisions shall apply:

   a) Holding Provision HX1, as shown in Schedule X5 to this By-law, shall only be lifted when the following provisions have been met:

      i) For buildings that exceed the Toronto/Buttonville height restrictions, the Toronto/Buttonville Airport Zoning Regulations (SOR/88-148) have been repealed and the height restriction on the Lands or portions thereof, provided in section 4 therein are no longer in force and effect in respect of the Lands shown on Schedule "A" attached hereto, to the satisfaction of the City.

      ii) A Subdivision Agreement has been executed and registered securing the conveyance and construction of the public street,

the conveyance of any road widening along Highway 7 and Warden Avenue along the frontage of the Lands, the establishment of the school block, the conveyance of parkland, and the extension of public services with respect to the development of the Lands, to the satisfaction of the City.

iii) For the residential units that exceed 4500 on the Lands, the following shall apply, to the satisfaction of the City:

1. The Traffic Impact Study prepared by NexTrans and dated April 2020, must be updated to:

A) consider the appropriate number of units that can be supported in advance of the Rougeside Promenade extension to Warden Avenue; and,

B) reflect that the access points to Highway 7 and Warden Avenue will not be considered by York Region until the Rougeside Promenade extension to Warden Avenue is constructed.

2. The Holding Provision on the development blocks or residential units that can be supported in advance of the construction of the Rougeside Promenade extension to Warden Avenue will be removed once the City is satisfied with the updated Traffic Impact Study.

3. The Holding Provision on the remaining development blocks or residential units, including the Warden Strip and "Area E", will only be lifted once the Rougeside Promenade extension to Warden Avenue is constructed and operational.

iv) Final approval of a Site Plan Approval application(s) has been obtained for the Lands, or portion thereof, from which the Holding Provision is being removed, in accordance with Section 41 of the *Planning Act*.

v) For the residential units that exceed 4500 on the Lands, the following shall apply, to the satisfaction of the City:

1. The Owner shall prepare and submit a Water Supply Analysis in consideration of the conclusions and suggestions identified in the Water System Analysis, prepared by FP & P and HydraTek & Associates, dated May 27, 2020, to determine what is required to provide

water services for the development of the Lands without causing adverse impacts elsewhere in the water supply system.

2. The Owner shall identify the recommendations and address the necessary works to mitigate any impacts identified in the Water Supply Analysis and the deficiencies identified in the Water System Analysis, prepared by FP & P and HydraTek & Associates, dated May 27, 2020.

3. The City shall retain a peer reviewer, at the Owner's expense, to peer review the Water Supply Analysis and mitigation recommendations as set out in paragraphs (v)(1) and (v)(2) above.

4. The Owner shall execute an agreement with the City securing the provision of, or where more than the Lands benefit from the works, contribution to, water service infrastructure improvements identified by the above-noted Water Demand Analysis related to the development of the Lands.

vi) Notwithstanding the above, driveways and underground parking garages are permitted to be constructed on the Lands prior to the lifting of the applicable Holding Provision(s), to the satisfaction of the City.

vii) For the residential units that exceed 4500 on the Lands, the execution and registration of an Agreement, pursuant to Section 37 of the *Planning Ac*t and in accordance with the City's Official Plan policies, between the City and the Owner for the following:

1. the payment contribution by the Owner of $ 3,885,000.00 with respect to increases in building height and density, in 2020 dollars, to be indexed to the Ontario rate of inflation as per the Toronto Consumer Price Index (CPI) up to the date the payment is required.

2. the separate payment by the Owner of $807,500.00 for the provision of public art.

3. the provision of a minimum 930 m^2 net Gross Floor Area community facility space, if the City identifies the need for such space in the manner set out in the

Agreement executed pursuant to Section 37 of the *Planning Act*, which would reduce the contribution identified in paragraph (vii)(1) above.

A. Should the fair market value of this community space exceed the total amount of the Section 37 amount and public art contributions for the Lands, then the City will immediately provide the difference to the Owner.

B. Prior to the initial design of the building containing the potential community facility space, the City shall provide the Owner a design brief that describes the functional program requirements including, but not limited to, space dimensions, access, clear ceiling heights, heating and cooling, and lighting, to the satisfaction of the City.

Payment of the Section 37 amount, in accordance with paragraphs (1) and (2) above, shall be pro-rated based on the percentage of the approved number of units and payable prior to the execution of a Site Plan Agreement, to the satisfaction of the City.

viii) A purpose-built rental housing building containing approximately 300 units shall be constructed in either "Area A" or "Area B", as shown on Schedule X5 to this By-law, prior to the approval of any development in Area "D" or the Warden Strip. In addition, 60 affordable rental housing units (as defined in the Markham Official Plan 2014) shall be provided within the purpose-built rental housing building and will contain the following, to the satisfaction of the City:

1. 36, one-bedroom units;

2. 16, two-bedroom units; and,

3. 8 three-bedroom units.

ix) For clarity, the Agreement, in accordance with paragraph (viii) above, will reflect the following:

1. that the 300 units in the purpose-built rental housing building will not be required to pay any Section 37 amount or public art contribution, which waiver is

already reflected in paragraphs (vii)(1) and (vii)(2) above;

2. 180 of the 300 units will not be required to make any parkland contribution (land or cash-in-lieu); and,

3. none of the overall 6,100 units approved for the Lands will be required to pay any Community Benefit Charge.

x) Notwithstanding any other provisions of this By-law, the following provisions shall apply to “Area A” on Schedule X5 to this By-law. All other provisions, unless specifically modified or amended by this section, continue to apply to the Lands subject to this section. Prior to this Holding Provision HX1 being removed, the following conditions shall be fulfilled, to the satisfaction of the City:

1. the Owner shall confirm that the maximum height shall be 17 storeys through the execution of a Site Plan Agreement; or,

2. Notwithstanding paragraph (1) above, the Owner shall confirm the provision of not less than 60 units of affordable housing integrated in a purpose-built rental housing building, as contemplated in Section 2.6X1(a)(vii)4 of this Zoning By-law, with a maximum height of 30 storeys through the execution of a Site Plan Agreement; and,

3. Should not less than 60 units of affordable housing be contemplated, the following parking provision shall apply to “Area A”:

A. a minimum of 0.8 parking space per dwelling unit and a maximum of 1.08 parking spaces per dwelling plus 0.12 parking spaces per dwelling unit for visitors.

xi) Notwithstanding any other provisions of this By-law, the following provisions shall apply to “Area B” on Schedule X5 to this By-law. All other provisions, unless specifically modified or amended by this section, continue to apply to the Lands subject to this section. Prior to this Holding Provision HX1 being removed, the following conditions shall be fulfilled, to the satisfaction of the City:

1. the Owner shall confirm that the maximum height shall be 24 storeys through the execution of a Site Plan Agreement; or,

2. Notwithstanding paragraph (1) above, the Owner shall confirm the provision of not less than 60 units of affordable housing integrated in a purpose-built rental housing building, as contemplated in Section 2.6X1(a)(vii)4 of this Zoning By-law, with a maximum height of 30 storeys through the execution of a Site Plan Agreement.

b) Prior to the removal of Holding Provision HX1 from the portion of the Lands shown as "Area D and the "Warden Strip" in Schedule X5 to this By-law, the conditions for removal of the Holding Provision HX1 from the portion of the Lands shown as "Area A" and "Area B" in Schedule X5 to this By-law shall be satisfied such that the affordable housing units in a purpose-built rental housing building have been provided in either "Area A" or "Area B.

2.6.X2 Holding Provision ("HX2")

The following Holding Provisions shall apply:

a) Holding Provision HX2, as shown in Schedule X5 to this By-law, shall only be lifted when the following provisions have been met:

i) A design competition shall be organized by the Owner, assisted by the City, based on the terms of the competition brief to be agreed to by the Owner and City and provided in the executed Minutes of Settlement between the Owner and the City (LPAT File PL 180368) for further planning and design consideration, which addresses the requirements in sections "6.XX.2 Site Specific Provision" and "6.AA Special Provisions – Office Site south of Highway 7 and east of Warden Avenue" of this By-law.

1. For clarity, a jury consisting of representatives for the Owner and the City shall select a winning design outcome, in accordance with the criteria described in the competition brief, to the satisfaction of the Commissioner of Planning and the Owner.

b) Notwithstanding the above, driveways and underground parking garages are permitted to be constructed prior to the lifting of the applicable Holding Provision(s).

1.4 By adding the following new subsection to **Section 6 – Exceptions** to By-law 2004-196:

"6.XX Special Provisions - Warden Strip south of Highway 7 and east of Warden Avenue

Notwithstanding any other provisions of this By-law, the following provisions shall apply to the Lands denoted by the symbol *XX (Exception XX), as shown in Schedule F1 to this By-law. All other provisions, unless specifically modified/amended by this section, continue to apply to the Lands.

6.XX.1 Special Uses Provisions

The following additional uses are permitted:

a) *Home occupations* within the first and second *storeys* of a *building* may be permitted along a local street.

6.XX.2 Special Site Provisions

The following Special Site Provisions shall apply:

a) *Dwelling units* are prohibited on those portions of the first *storey* of a *building* facing Warden Avenue and Highway 7.

b) Notwithstanding a), lobbies and other areas used to access residential uses are permitted within the first *storey* of a *building*.

c) Special Provision (2) to Table Al shall not apply.

d) The minimum height of the *first storey* shall be 4.5 m, measured from the floor of the first storey to the floor of the storey above.

e) The minimum podium height shall be 6 storeys

f) The minimum commercial and/or retail space area shall be 2,500 m^2 in the combined *XX and *AA Zones.

g) In the case of a *corner lot* with a daylighting triangle, the *exterior side lot line* shall be deemed to extend to its hypothetical point of intersection with the extension of the *front lot line* for the purposes of calculating minimum and maximum *setbacks* from *streetlines*.

h) Notwithstanding g), in no case shall any *building* or *structure* extend into the public street right-of-way.

i) Awnings are permitted to extend to any street line or lot line.

j) Rooftop mechanical features, such as structures containing equipment necessary to control an elevator, shall not be included in the definition of *Height.*

k) No setbacks or yards shall be required for any portion of a *private garage* or Parking Garage if it is constructed completely below the Established Grade. This exemption shall also apply to ventilation shafts and housings, stairways, planters, retaining walls extending from the garage wall, underground structures including areas used for storage lockers and uses accessory to an apartment building, and other similar facilities above Established Grade associated with underground structures.

6.XX.3 Special Parking Provisions

The following Special Parking Provisions shall apply:

a) The parking space requirement for apartment dwellings and multiple dwellings shall be as follows:

i) A minimum of 0.8 parking space per dwelling unit and a maximum of 1.08 parking spaces per dwelling unit plus 0.12 parking spaces per dwelling unit for visitors.

ii) The provision of additional parking spaces is not permitted.

iii) A maximum of 5% of the required parking spaces may be located in a surface parking area.

6.YY Special Provisions - School Site south of Highway 7 and east of Warden Avenue

Notwithstanding any other provisions of this By-law, the following provisions shall apply to the Lands denoted by symbol *YY (Exception YY), as shown in the Schedule F1 to this By-law. All other provisions, unless specifically modified/amended by this section, continue to apply to the Lands subject to this section.

6.YY.1 Special Uses Provisions

The following Special Use Provisions shall apply:

a) Only the following uses are permitted:

i) *Schools, Public*
ii) *Parks*
iii) *Day Nurseries*

iv) *Community Facilities / Community Centres*

6.YY.2 Special Site Provisions

The following Special Site Provisions shall not apply:

a) Section 4.14.8.

b) Special Provision (2) to Table A1.

6.ZZ Special Provisions - Lands fronting Highway 7 and Verdale Crossing

Notwithstanding any other provisions of this By-law, the following provisions shall apply to the Lands denoted by symbol *ZZ (Exception ZZ), as shown in the Schedule F1 to this By-law. All other provisions, unless specifically modified/amended by this section, continue to apply to the Lands subject to this section.

6.ZZ.1 Special Parking Provisions

Notwithstanding any other parking provisions in this By-law (including Section 6.11.3), the following Special Parking Provisions shall apply:

a) The parking space requirement for apartment dwellings and multiple dwellings shall be as follows:

i) A minimum of 0.8 parking space per dwelling unit and a maximum of 1.08 parking spaces per dwelling unit plus 0.12 parking spaces per dwelling unit for visitors.

ii) The provision of additional parking spaces is not permitted.

iii) A maximum of 5% of the parking spaces required may be located in a surface parking area.

6.AA Special Provisions – Office Site south of Highway 7 and east of Warden Avenue

Notwithstanding any other provisions of this By-law, the following provisions shall apply to the lands denoted by the symbol *AA (Exception AA), as shown in Schedule F1 to this By-law. All other provisions, unless specifically modified or amended by this section, continue to apply to the Lands.

6.AA.1 Special Uses Provisions

The following special use provisions shall apply:

a) Only the following uses are permitted:

i) *Business Office*
ii) *Community Facilities / Community Centres*
iii) *Financial Institutions*
iv) *Medical Offices*
v) *Personal Service Shops*
vi) *Place of Worship*
vii) *Restaurants*
viii) *Retail Stores*

6.AA.2 Special Site Provisions

The following additional provisions apply:

a) The minimum office gross floor area shall be 20,000 m^2.

b) The maximum permitted podium height shall be 4 storeys for the area shown in hatching in Schedule F3 to this By-law.

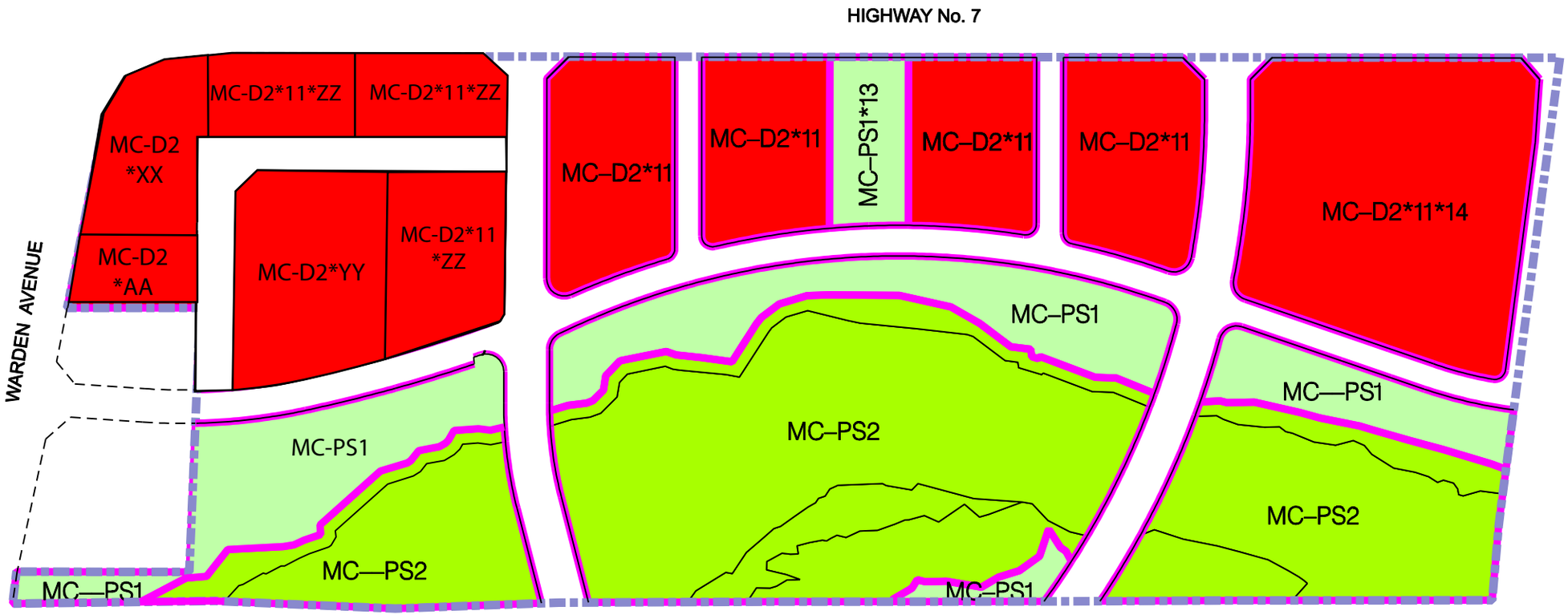
c) The minimum commercial and/or retail space area shall be 2,500 m^2 in the combined *XX and *AA Zones."

2. All other provisions of By-law 2004-196, as amended, consistent with the provisions of this By-law shall continue to apply.

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

_____ _____
City Clerk Mayor

Schedule F1
Location of Zones



MARKHAM the mark of EXCELLENCE DEVELOPMENT SERVICES COMMISSION

A BY–LAW TO AMEND BY–LAW 2004–196

THIS IS SCHEDULE 'F1' TO BY–LAW .....

PASSED .....

.....MAYOR

..... CLERK

BOUNDARY OF AREA COVERED BY THIS BY–LAW

ZONE BOUNDARY

MC–D2 ZONE

MC–D5 ZONE

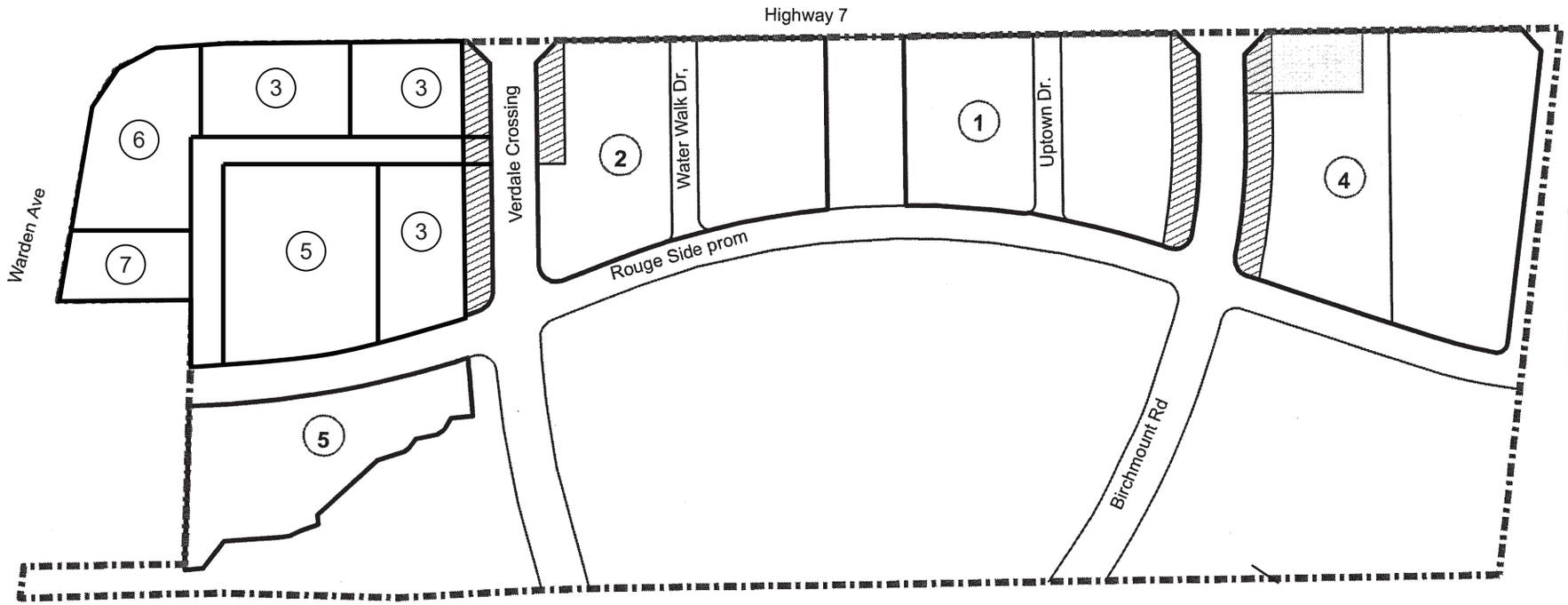
MC–PS2

MC–PS1

* REFER TO SECTION 6 OF THE BY–LAW

NOTE: REFERENCE SHOULD BE MADE TO THE ORIGINAL BY–LAW LODGED IN THE OFFICE OF THE CLERK

MARKHAM CENTRE



Schedule F2
Permitted gross floor area & dwelling units

Number on schedule F2	Maximum gross floor area (M2)	Maximum number of dwelling units
1	Non-Residential 2000	1150
2	Non-Residential 2200	1655
3	Non-Residential 4500	2400
4	Non-Residential 1200	600
5	N/A	0
6	Non-Residential 4,500	1,000
7	Non-Residential 50,000	0

Note: The maximum number of dwelling units in areas 1, 2, 3, 4 and 6 combined shall be 6,100.

SCHEDULE " X " TO BY-LAW 2020-XX

AMENDING BY-LAW 2004-196 DATED _____

N

BOUNDARY OF AREA COVERED BY THIS SCHEDULE

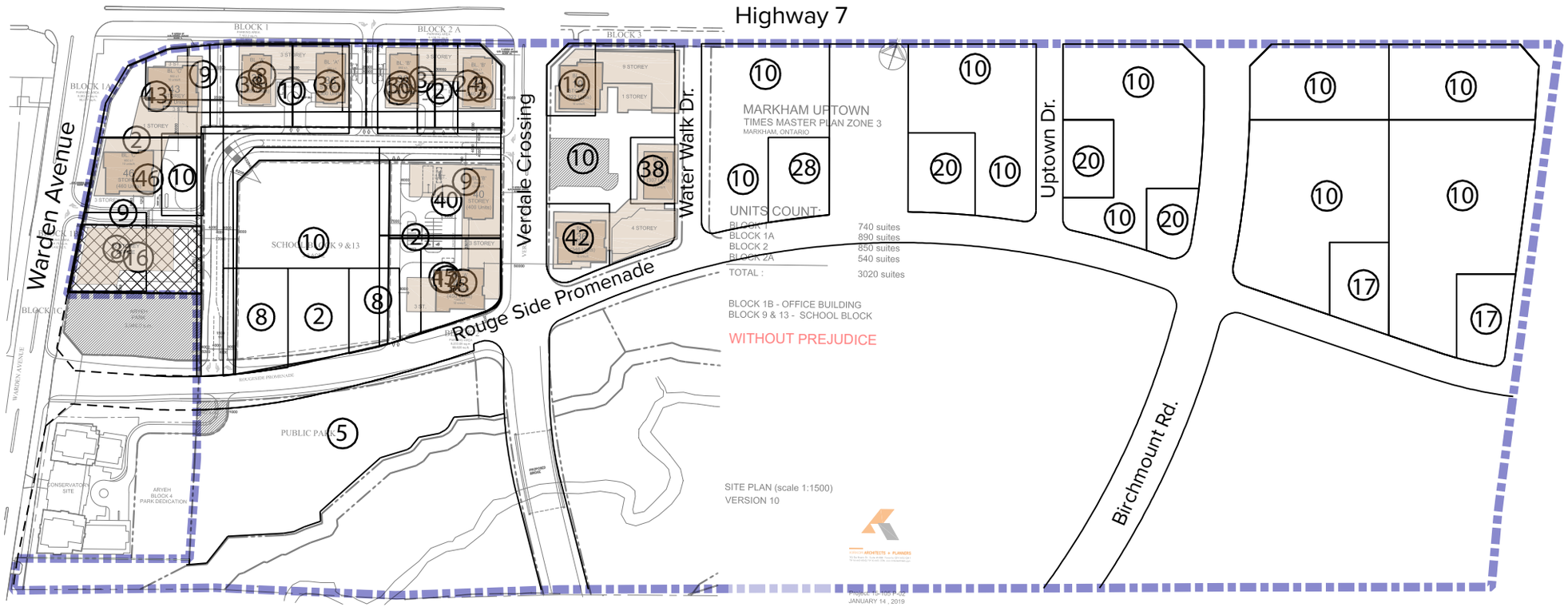
REFER TO SECTION 6.11.2(a) OF THE BY-LAW

REFER TO SECTION 6.14.2(a) OF THE BY-LAW

MARKHAM CENTRE

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

Schedule F3
Maximum Building Heights



The following provisions also apply:

1) For any portion of a residential building with a height of greater than 30m, the maximum gross floor area, per storey, shall be 800 sq m, not including balcony areas.

2) Any portion in excess of 30 metres in height of any residential building shall be not less than 30 metres from any portion in excess of 30 metres in height of any other residential building.

A BY–LAW TO AMEND BY–LAW 2004–196

THIS IS SCHEDULE 'F3' TO BY–LAW .....

PASSED .....

.....MAYOR

..... CLERK

BOUNDARY OF AREA COVERED BY THIS BY–LAW

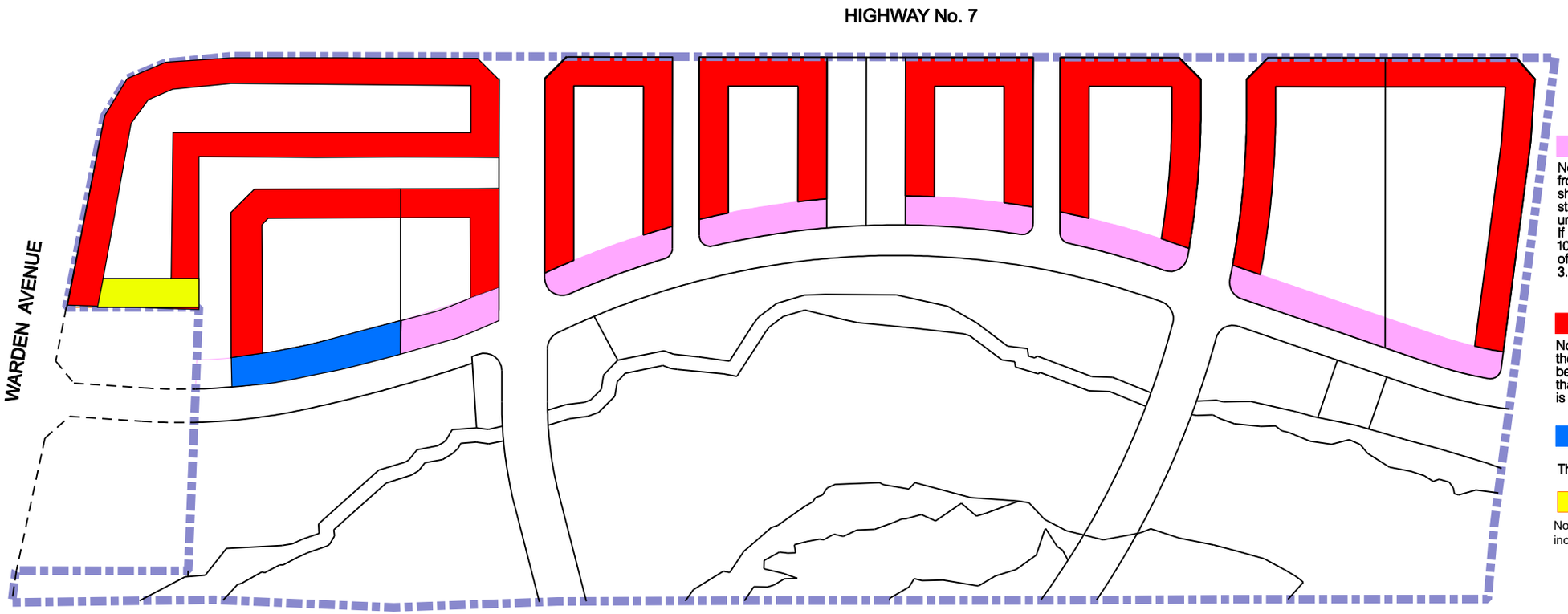
(X) MAXIMUM NUMBER OF PERMITTED STOREYS

REFER TO SECTION 6.AA.2(b) OF THE BY-LAW

NOTE: REFERENCE SHOULD BE MADE TO THE ORIGINAL BY–LAW LODGED IN THE OFFICE OF THE CLERK

MARKHAM CENTRE

Schedule 'F4' Setbacks



No building shall be located any closer than 4.0 metres from the street line. The minimum setback from the streetline shall be increased to 5.0 metres for any portion of the first storey that is occupied by the whole or part of a dwelling unit that is located within 10 metres of the streetline.
If no part of a dwelling unit in the first storey is located within 10 metres of the street line, a maximum of 25% of the length of the wall facing the streetline may be located no closer than 3.0 metres from the street line.

No building shall be located any closer than 2.0 metres from the streetline. The minimum setback from the streetline shall be increased to 3.0 metres for any portion of the first storey that is occupied by the whole or part of a dwelling unit that is located within 10 metres of the streetline.

The minimum setback from the streetline shall be 0.0 metres.

No building shall be located any closer than 4.0m from the street line increasing to 10.0m for any portion of the building above 30m.

MARKHAM the MARK of EXCELLENCE DEVELOPMENT SERVICES COMMISSION

A BY–LAW TO AMEND BY–LAW 2004–196

THIS IS SCHEDULE 'E' TO BY–LAW .....

PASSED .....

.....MAYOR

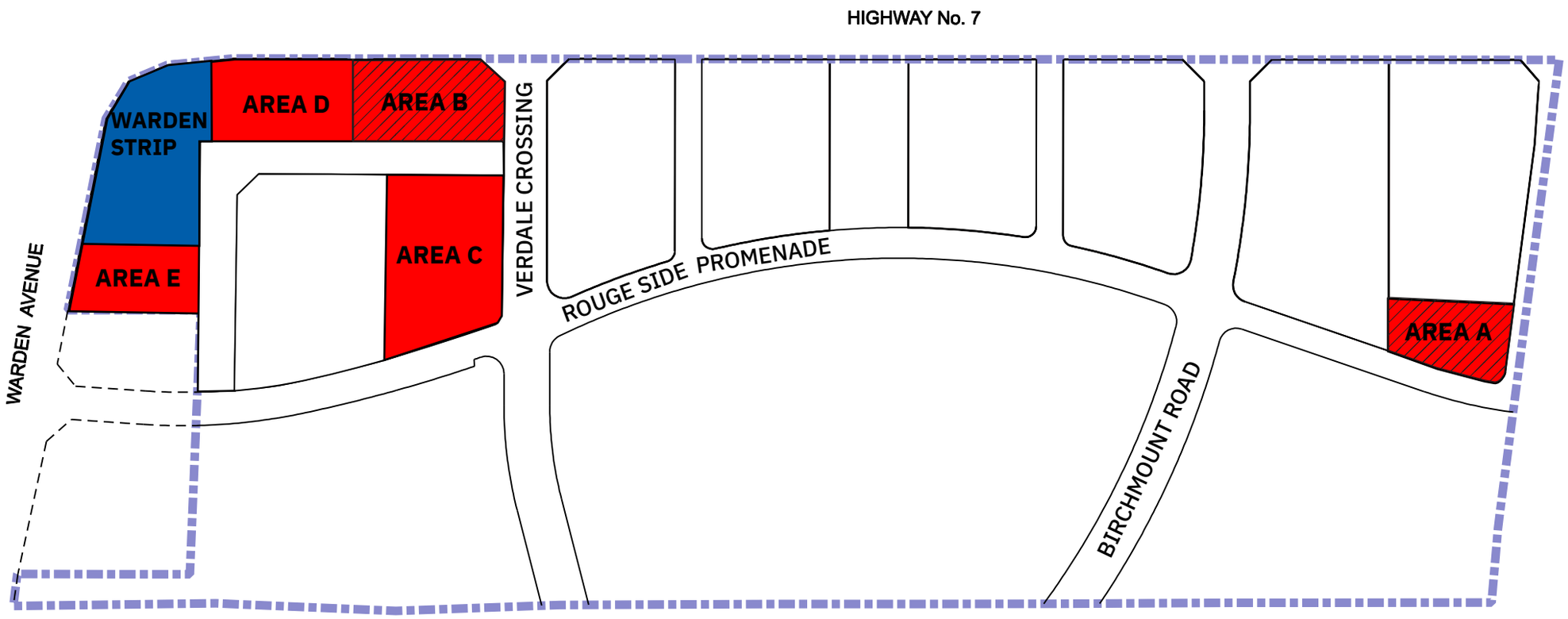
..... CLERK

BOUNDARY OF AREA COVERED BY THIS BY–LAW

NOTE: REFERENCE SHOULD BE MADE TO THE ORIGINAL BY–LAW LODGED IN THE OFFICE OF THE CLERK

MARKHAM CENTRE

Schedule X5
Holding Zones



MARKHAM the mark of EXCELLENCE DEVELOPMENT SERVICES COMMISSION

A BY–LAW TO AMEND BY–LAW 2004–196

THIS IS SCHEDULE 'X5' TO BY–LAW .....

PASSED .....

.....MAYOR

..... CLERK

BOUNDARY OF AREA COVERED BY THIS BY–LAW

HX1

HX1 & HX2

NOTE: REFERENCE SHOULD BE MADE TO THE ORIGINAL BY–LAW LODGED IN THE OFFICE OF THE CLERK

MARKHAM CENTRE

BYLAW 2020-XX

TO AMEND BY-LAW 2005-188 BEING A BY-LAW TO GOVERN AND CONTROL THE PARKING OF VEHICLES IN THE CITY OF MARKHAM

("The Parking By-law")

WHEREAS the Table to section 11 of the *Municipal Act, 2001*, S.O. 2001, c. 25, provides that the sphere of jurisdiction "highways, including parking and traffic on highways" is assigned on a non-exclusive basis to all upper tier municipalities;

AND WHEREAS section 7.1 of the *Fire Protection and Prevention Act, 1997*, S. O. 1997, c. 4 authorizes municipal councils to pass by-laws designating private roads as fire routes along which no parking of motor vehicles shall be permitted;

AND WHEREAS amendments are required to the said By-law from time to time for administrative and enforcement purposes;

BE IT ENACTED BY THE COUNCIL OF THE CORPORATION OF THE CITY OF MARKHAM THAT PARKING BY-LAW 2005-188 BE AND THE SAME IS HEREBY AMENDED AS FOLLOWS:

1. That section 1.0 of the Parking Bylaw (Definitions) be amended as follows; By amending the definition of "**Fire route**" by adding the words "designated by this By-Law as a PRIVATE ROADWAY listed on Schedule "P" "after "City's Fire Department"

2. That Schedule "C" of Parking By-law 2005-188, pertaining to "No Parking", be amended by adding the following:

STREET	SIDE(S)	BETWEEN	PROHIBITED TIME OR DAYS
Princess Street	West	Main St. Markham South and a point 365 metres north thereof.	Anytime
Princess Street	East	Main St. Markham South and the north limit of Princess Street, including the cul-de-sac.	Anytime

3. That Schedule "C" of Parking By-law 2005-188, pertaining to "No Parking", be amended by deleting the following:

STREET	SIDE(S)	BETWEEN	PROHIBITED TIME OR DAYS
Princess Street	Right hand	Main Street (King's Highway #48) and the north limit of Princess Street.	Anytime

4. That Schedule "C" of Parking By-law 2005-188, pertaining to "No Parking", be amended by adding the following:

STREET	SIDE(S)	BETWEEN	PROHIBITED TIME OR DAYS
Inverlochy Blvd	East	Royal Orchard Blvd. and south limit of Inverlochy Blvd.	Anytime
Inverlochy Blvd	West	Royal Orchard Blvd. and Bay Thorn Drive.	Anytime

5. That Schedule "C" of Parking By-law 2005-188, pertaining to "No Parking", be amended by deleting the following:

STREET	SIDE(S)	BETWEEN	PROHIBITED TIME OR DAYS
Inverlochy Blvd	East	Bay Thorn Drive to south limit of Inverlochy Blvd.	Anytime
Inverlochy Blvd	West	From 105 metres?, north of Royal Orchard Blvd. to 145 metres north of Royal Orchard Blvd.	Anytime
Inverlochy Blvd	West	Baythorn Drive and 30 metres south of Baythorn Drive	Anytime
Inverlochy Blvd	West	40 metres south of Windyton Crt and 66 metres south of Royal Orchard Blvd.	Anytime
Inverlochy Blvd	West	Royal orchard Blvd. and 94 metres south of Royal Orchard Blvd.	Anytime
Inverlochy Blvd	West	Royal Orchard Blvd. and 15 metres south of Royal Orchard Blvd.	Anytime
Inverlochy Blvd	West	Royal Orchard Blvd. and 15 metres north of Royal Orchard Blvd.	Anytime

6. That Schedule "B" of Parking By-law 2005-188, pertaining to "Overnight Parking Permitted", be amended by adding the following:

STREET	SIDE(S)	BETWEEN	PROHIBITED TIME OR DAYS
Inverlochy Blvd	East	Royal Orchard to Bay Thorn Drive	During winter maintenance operations.
Inverlochy Blvd	West	Royal Orchard Blvd to Cricklewood Crescent	During winter maintenance operations.

7. That Schedule "H" of Parking By-law 2005-188, pertaining to "Parking Permit program area", be amended by deleting the following:

STREET	SIDE(S)	BETWEEN
Inverlochy Blvd	West	Royal Orchard Blvd and Cricklewood Crescent

8. That Schedule "I" of Parking By-law 2005-188, pertaining to "Parking Permit Program Fees and Restrictions", be amended by deleting the following;

FEE TABLE REF	PARKING PERMIT PROGRAM AREA	PARKING PERMIT PROGRAM FEES
C	Inverlochy Blvd	$30.00 per month
		$42.50 per month per permit (2019)
		$55.00 per month per permit (2020)
		$55.00 per month per permit (2020)

9. That a new Schedule "P" of Parking By-law 2005-188, pertaining to "DESIGNATED FIRE ROUTES FOR PRIVATE ROADWAYS" be added.

10. That Schedule “P” of Parking By-law 2005-188, pertaining to “Designated Fire routes for private roadways be added as follows:

ADDRESS/LOCATION	STREET NAME	LOCATION OF FIRE ROUTE
Block 60, Plan M1976	Station Lane	As signed

11. The By-law shall come into force and effect upon receiving the third reading by the Council of the City of Markham and also when authorized signs have been erected.

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS_____ DAY OF _____, 2020.

_____ _____

KIMBERLEY KITTERINGHAM FRANK SCARPITTI
CITY CLERK MAYOR