



# Revised Council Meeting Agenda

*Revised items are indicated with an asterisk (\*)*

**Meeting No. 23 | November 6, 2024 | 1:00 PM | Live streamed**

Members of the public have the option to attend either remotely via Zoom or in-person in the Council Chamber at the Civic Centre

## Members of the public can participate by:

### 1. VIEWING THE ONLINE LIVESTREAM:

Council meetings are video and audio streamed at: <https://pub-markham.escribemeetings.com/>

### 2. EMAILING A WRITTEN SUBMISSION:

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

**Written submissions must be received by 10:00 a.m. the morning of the meeting.**

If the deadline for written submission has passed, you may:

Email your written submission directly to [Members of Council](#); or

Make a deputation at the meeting by completing and submitting an online [Request to Speak Form](#)

If the deadline for written submission has passed **and** Council has finished debate on the item at the meeting, you may email your written submission directly to [Members of Council](#).

### 3. REQUEST TO SPEAK / DEPUTATION:

Members of the public who wish to make a deputation, please register prior to the start of the meeting by:

Completing an online [Request to Speak Form](#), or,

E-mail [clerkspublic@markham.ca](mailto:clerkspublic@markham.ca) providing full name, contact information and item they wish to speak on.

If you do not have access to email, contact the Clerk's office at **905-479-7760** on the day of the meeting.

\*If Council or Committee has finished debate at the meeting on the item, you may email your written submission directly to [Members of Council](#).

The list of [Members of Council is available online at this link](#).

Alternate formats for this document are available upon request.

Closed captioning during the video stream may be turned on by clicking the [cc] icon located at the lower right corner of the video screen.

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**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.**



# Revised Council Meeting Agenda

Revised items are identified by an asterisk (\*)

Meeting Number: 23  
November 6, 2024, 1:00 PM  
Live streamed

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**Pages**

**1. CALL TO ORDER**

**INDIGENOUS LAND ACKNOWLEDGEMENT**

We begin today by acknowledging the traditional territories of Indigenous peoples and their commitment to stewardship of the land. We acknowledge the communities in circle. The North, West, South and Eastern directions, and Haudenosaunee, Huron-Wendat, Anishnabeg, Seneca, Chippewa, and the Mississaugas of the Credit peoples. We share the responsibility with the caretakers of this land to ensure the dish is never empty and to restore relationships that are based on peace, friendship, and trust. We are committed to reconciliation, partnership and enhanced understanding.

**2. DISCLOSURE OF PECUNIARY INTEREST**

**3. APPROVAL OF PREVIOUS MINUTES**

**3.1 COUNCIL MINUTES - OCTOBER 23, 2024** **8**

- 1. That the Minutes of the Council Meeting held on October 23, 2024, be adopted.

**\*3.2 SPECIAL COUNCIL MINUTES - SEPTEMBER 30 AND OCTOBER 28, 2024** **31**

- 1. That the Minutes of the Special Council Meetings held on September 30 and October 28, 2024, be adopted.

**4. PRESENTATIONS**

**5. DEPUTATIONS**

**6. COMMUNICATIONS**

**7. REPORT OF STANDING COMMITTEE**



**7.1 REPORT NO. 40 DEVELOPMENT SERVICES PUBLIC MEETING  
(OCTOBER 22, 2024)**

Please refer to your October 22, 2024 Development Services Committee Agenda for reports.

Mayor and Members of Council:

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

7.1.1 PUBLIC MEETING INFORMATION REPORT, THE ANGUS GLEN LANDOWNERS GROUP AT THE ANGUS GLEN SECONDARY PLAN AREA, APPLICATION FOR OFFICIAL PLAN AMENDMENT TO PERMIT THE INTRODUCTION OF TWO SITE-SPECIFIC POLICIES INTO

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THE ANGUS GLEN SECONDARY PLAN REGARDING THE LOCATIONS OF THE NORTHERN EAST-WEST COLLECTOR ROAD AND PLACE OF WORSHIP, BOTH AS THEY RELATE TO LANDS LEGALLY DESCRIBED AS PART OF LOT 24, CONCESSION 5 AND PART OF THE EAST HALF AND WEST HALF OF LOT 25, CONCESSION 5, CITY OF MARKHAM (WARD 6), FILE NO. PLAN 24 191018 (10.3)

1. That the report dated October 22, 2024 titled “PUBLIC MEETING INFORMATION, The Angus Glen Landowners Group, The introduction of two site-specific policies into the Angus Glen Secondary Plan regarding the locations of the northern east-west collector road and place of worship, both as they relate to lands legally described as Part of Lot 24, Concession 5 and Part of the East Half and West Half of Lot 25, Concession 5, City of Markham (Ward 6)”, be received; and,
2. That the Record of the Public Meeting held on October 22, 2024, with respect to “The Angus Glen Landowners Group, The introduction of two site-specific policies into the Angus Glen Secondary Plan regarding the locations of the northern east-west collector road and place of worship, both as they relate to lands legally described as Part of Lot 24, Concession 5 and Part of the East Half and West Half of Lot 25, Concession 5, City of Markham (Ward 6)”, be received; and,
3. That the Application by The Angus Glen Landowners Group for a Official Plan Amendment application to introduce two

site-specific policies into the Angus Glen Secondary Plan regarding the locations of the northern east-west collector road and place of worship, both as they relate to lands legally described as Part of Lot 24, Concession 5 and Part of the East Half and West Half of Lot 25, Concession 5, City of Markham (Ward 6), be approved; and,

4. That the proposed amendment to the 2014 Official Plan, be enacted without further notice; and further,
5. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

## 7.2 **REPORT NO. 41 DEVELOPMENT SERVICES COMMITTEE (OCTOBER 29, 2024)**

Please refer to your October 29, 2024 Development Services Committee Agenda for reports.

Mayor and Members of Council:

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

### 7.2.1 **RECOMMENDATION REPORT, ORCHDALE HOMES (STEELES) INC., APPLICATION FOR ZONING BY-LAW AMENDMENT TO FACILITATE THE DEVELOPMENT OF 17 TOWNHOUSE UNITS AT 330 AND 336 STEELES AVENUE EAST (WARD 1), FILE NO. PLAN 21 139369 (10.5)**

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1. That the report dated October 29, 2024, titled, “Zoning By-law Amendment Application submitted by Orchardale Homes (Steeles) Inc. to facilitate the development of 17 townhouse units at 330 and 336 Steeles Avenue East, File PLAN 21 139369 (Ward 1)”, be received; and,
2. That the Zoning By-law Amendment application be approved and that the draft site-specific Zoning By-law Amendment, attached as Appendix ‘A’, be finalized and enacted without further notice; and,
3. That servicing allocation for 17 townhouse units be assigned and that servicing allocation will be revoked or reallocated after a period of three (3) years from the date of Council Approval, should the development not proceed in a timely manner; and further,
4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**\*7.3 REPORT NO. 42 GENERAL COMMITTEE MEETING (NOVEMBER 5, 2024)**

Please refer to your November 5, 2024 General Committee Meeting Agenda for reports.

Mayor and Members of Council:

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

**\*7.3.1 AWARD OF PROPOSAL 220-R-23 - CONSULTING SERVICES, SUPPLY, IMPLEMENTATION AND ONGOING SUPPORT OF AN AUTOMATIC VEHICLE LOCATION (AVL) SYSTEM (7.0)**

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1. That the report entitled “Award of Proposal 220-R-23 - Consulting Services, Supply, Implementation and Ongoing Support of an Automatic Vehicle Location (AVL) System” be received; and,
2. That the contract 220-R-23 - Consulting Services, Supply, Implementation and Ongoing Support of an Automatic Vehicle Location (AVL) System (One time - hardware, implementation and training costs) (Recurring - software licenses, ongoing support and maintenance) be awarded to the highest ranked/lowest priced bidder, Air Automotive Tracking Inc. (AAT) in the amount of \$326,580.40 inclusive of HST; and,
3. That a contingency in the amount of \$32,658.04 inclusive of HST be established to cover any additional project costs be approved, and that authorization be granted to approve expenditures of this contingency amount up to the specified limit in accordance with the Expenditure Control Policy; and,
4. That the capital costs be funded from capital project GL account 049-6150-23133-005, with available budget of \$458,700.00; and,
5. That the remaining budget in the amount of \$99,461.56 (\$458,700 - \$326,580.40-\$32,658.04) be returned to the original funding source; and,
6. That the contract for software licenses, ongoing support and maintenance costs for 9 years be awarded to Air Automotive Tracking Inc. (AAT) in the amount of \$980,315.14, inclusive of HST (\$510,428.16 fee for 5 years + \$469,886.98 fee for the 4 renewal options) to be funded from 400-400-5361, and subject to adoption of the annual operating budget from 2025

to 2033, in the amounts of:

- a. Year 2 (2025) - \$ 102,085.63
- b. Year 3 (2026) - \$ 102,085.63
- c. Year 4 (2027) - \$ 102,085.63
- d. Year 5 (2028) - \$ 102,085.63
- e. Year 6 (2029) - \$ 102,085.63
- f. Year 7 (2030) - \$ 117,471.74 \*
- g. Year 8 (2031) - \$ 117,471.74 \*
- h. Year 9 (2032) - \$ 117,471.74 \*
- i. Year 10 (2033) - \$ 117,471.74 \*

Total - \$ 980,315.14 (\* Optional Year  
Renewal)

- 7. That the Chief Administrative Officer and Commissioner, Corporate Services be authorized to approve the additional renewal years (Years 7 to 10) on behalf of the City (in its sole discretion), and execute any required documentation in a form satisfactory to the City Solicitor; and,
- 8. That Air Automotive Tracking Inc. (AAT) be designated as the preferred vendor for the City's Automatic Vehicle Location (AVL) System service needs at the sole discretion of the City and for Air Automotive Tracking Inc. (AAT) software products for the term of this contract; and,
- 9. That the Chief Administrative Officer and Commissioner, Corporate Services be authorized to approve any new purchases related to this contract needed due to growth and/or future Automatic Vehicle Location (AVL) System upgrades due to change in technology or system integration with other applications related to the project during the term of this contract, subject to the Expenditure Control Policy and budget approval, in a form satisfactory to the City Solicitor and at the sole discretion of the City; and further,
- 10. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

1. That the report entitled “Update to the Markham Council Code of Conduct” be received; and,
2. That Council adopt the revised Markham Council Code of Conduct included as **Appendix “B”** to this report; and further,
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

## 8. MOTIONS

## 9. NOTICE OF MOTION TO RECONSIDER

## 10. 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. ANNOUNCEMENTS

## 12. BY-LAWS - THREE READINGS

That By-law 2024-200 be given three readings and enacted.

### Three readings

#### \*12.1 BY-LAW 2024-200, BY-LAW TO AMEND THE ZONING BY-LAW [ORCHDALE HOMES (STEELES) INC.]

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Being a By-law to amend a Zoning By-law. The lands are zoned as Single Family Detached Dwelling Special Residential Second Density under By-law 1767, as amended. The effect of this By-law is to rezone the subject lands under By-law 177-96, as amended from Single Family Detached Dwelling Special Residential Second Density to Residential Two to permit seventeen (17) townhouse dwellings on the lands. [330 and 336 Steeles Avenue East, PLAN 8959 Lot 4 and PLAN M896 Lot 27 PLAN 21 139369]  
(Item 7.2.1)

## 13. 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:

### 13.1 COUNCIL

13.1.1 CONFIDENTIAL COUNCIL MINUTES - OCTOBER 23, 2024 [MUNICIPAL ACT, SECTION 239 (2) (e)(f)]

\*13.1.2 CONFIDENTIAL UPDATE – REQUEST FOR DIRECTION REGARDING ONTARIO LAND TRIBUNAL APPEAL BY HILTON MARKHAM SUITES HOTEL LIMITED, 8500 WARDEN AVE (WARD 8) (8.0)

(LITIGATION OR POTENTIAL LITIGATION, INCLUDING MATTERS BEFORE ADMINISTRATIVE TRIBUNALS, AFFECTING THE MUNICIPALITY OR LOCAL BOARD)  
[MUNICIPAL ACT, 2001, Section 239 (2)(e)]

## 13.2 DEVELOPMENT SERVICES COMMITTEE

13.2.1 CONFIDENTIAL REQUEST FOR DIRECTION RE SETTLEMENT WITH ARYEH CONSTRUCTION LIMITED, 8293 – 8303 WARDEN AVE (8.0)

(LITIGATION OR POTENTIAL LITIGATION, INCLUDING MATTERS BEFORE ADMINISTRATIVE TRIBUNALS, AFFECTING THE MUNICIPALITY OR LOCAL BOARD)  
[MUNICIPAL ACT, 2001, Section 239 (2)(e)]

## 14. CONFIRMATORY BY-LAW - THREE READINGS

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That By-law 2024-199 be given three readings and enacted.

Three Readings

BY-LAW 2024-199 A BY-LAW TO CONFIRM THE PROCEEDINGS OF THE COUNCIL MEETING OF NOVEMBER 6, 2024.

## 15. ADJOURNMENT



## Council Meeting Minutes

**Meeting Number: 21**  
**October 23, 2024, 1:00 PM**  
**Live streamed**

Roll Call	<p>Mayor Frank Scarpitti          Deputy Mayor Michael Chan          Regional Councillor Jim Jones          Regional Councillor Joe Li          Regional Councillor Alan Ho          Councillor Keith Irish</p>	<p>Councillor Ritch Lau          Councillor Reid McAlpine          Councillor Andrew Keyes          Councillor Amanda Collucci          Councillor Juanita Nathan          Councillor Isa Lee</p>
Regrets	<p>Councillor Karen Rea</p>	
Staff	<p>Andy Taylor, Chief Administrative Officer          Trinela Cane, Commissioner, Corporate Services          Arvin Prasad, Commissioner, Development Services          Claudia Storto, City Solicitor and Director of People Services          Morgan Jones, Commissioner, Community Services          Chris Nearing, Fire Chief          Bryan Frois, Manager, Executive Operations &amp; Strategic Initiatives          Joseph Silva, Treasurer          Sumon Acharjee, Chief Information Officer          Kimberley Kitteringham, City Clerk          Martha Pettit, Deputy City Clerk          Rajeeth Arulanantham, Election and Committee Coordinator</p>	<p>Giulio Cescato, Director of Planning &amp; Urban Design          Frank Clarizio, Director, Engineering          Graham Seaman, Director, Sustainability &amp; Asset Management          Stephanie DiPerna, Director, Building Standards          Mary Creighton, Director, Recreation Services          Alice Lam, Director, Operations          Regan Hutcheson, Manager, Heritage          Shane Manson, Senior Manager, Revenue &amp; Property Taxation          Lisa Riegel, Assistant City Solicitor          Catherine Conrad, Counsel          Ned Sirry, Sr Manager, ITS Operations &amp; Project Delivery          Salia Kalali, Sr. Manager, Infrastructure &amp; Capital Works          Steven Dollmaier, Senior Manager, Roads &amp; Survey</p>

David Plant, Sr. Manager, Parks,  
Horticulture & Forestry  
Stafford Hughes, Technology Support  
Specialist II

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

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**1. CALL TO ORDER**

The meeting of Council convened at 1:15 PM on October 23, 2024. Mayor Frank Scarpitti presided.

**INDIGENOUS LAND ACKNOWLEDGEMENT**

We begin today by acknowledging the traditional territories of Indigenous peoples and their commitment to stewardship of the land. We acknowledge the communities in circle. The North, West, South and Eastern directions, and Haudenosaunee, Huron- Wendat, Anishnabeg, Seneca, Chippewa, and the Mississaugas of the Credit peoples. We share the responsibility with the caretakers of this land to ensure the dish is never empty and to restore relationships that are based on peace, friendship, and trust. We are committed to reconciliation, partnership and enhanced understanding.

**2. DISCLOSURE OF PECUNIARY INTEREST**

There were no disclosure of pecuniary interest.

**3. APPROVAL OF PREVIOUS MINUTES**

**3.1 COUNCIL MINUTES - OCTOBER 9, 2024**

Moved by Councillor Isa Lee

Seconded by Councillor Keith Irish

1. That the Minutes of the Council Meeting held on October 9, 2024, be adopted.

**Carried**

**4. PRESENTATIONS**

There were no presentations.

**5. DEPUTATIONS**

There were no deputations.



## 6. COMMUNICATIONS

### 6.1 LIQUOR LICENCE APPLICATION - PAPA PIXELS CREPE SHOP HWY 7 (WARD 3) (3.21)

Moved by Councillor Reid McAlpine

Seconded by Councillor Ritch Lau

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

**Carried**

### 6.2 COMMUNICATION RE: ITEM 10.3- RECOMMENDATION REPORT, DRAFT PLAN OF SUBDIVISION APPLICATION SUBMITTED BY 1628740 AND 1628741 ONTARIO INC. TO PERMIT A 32-UNIT RESIDENTIAL SUBDIVISION AT 2716 AND 2730 ELGIN MILLS ROAD EAST (WARD 2) FILE PLAN 23 150156 (10.7)

Moved by Regional Councillor Jim Jones

Seconded by Regional Councillor Joe Li

1. That the communication regarding Item 10.3 "Recommendation Report, Draft Plan of Subdivision Application submitted by 1628740 and 1628741 Ontario Inc. to permit a 32-Unit Residential Subdivision at 2716 And 2730 Elgin Mills Road East (Ward 2) File Plan 23 150156 (10.7)" from the following be received for information purposes:

Bruno Tucciarone, A.S.O. (1628740 AND 1628741 Ontario Inc.)  
Peter S. Zourntos, P. Eng. Project Manager, Principal, Valdor Engineering Inc.

(Item 10.3)

**Carried**

### 6.3 MEMORANDUM RE: ITEM 10.3 - RECOMMENDATION REPORT, DRAFT PLAN OF SUBDIVISION APPLICATION SUBMITTED BY 1628740 AND 1628741 ONTARIO INC. TO PERMIT A 32-UNIT RESIDENTIAL SUBDIVISION AT 2716 AND 2730 ELGIN MILLS ROAD EAST (WARD 2) FILE PLAN 23 150156 (10.7)

Moved by Regional Councillor Jim Jones

Seconded by Regional Councillor Joe Li

1. That the memorandum titled “Draft Plan of Subdivision application submitted by 1628740 and 1628741 Ontario Inc. to permit a 32-unit residential subdivision at 2716 and 2730 Elgin Mills Road East (Ward 2)File PLAN 23 150156” be received; and further,
2. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**Carried**

## **7. REPORT OF STANDING COMMITTEE**

### **7.1 REPORT NO. 38 DEVELOPMENT SERVICES COMMITTEE (OCTOBER 15, 2024)**

Moved by Regional Councillor Jim Jones

Seconded by Regional Councillor Joe Li

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

**Carried**

#### **7.1.1 CITY OF MARKHAM’S RESPONSE TO PROPOSED AMENDMENT TO O. REG 299/19 (ADDITIONAL RESIDENTIAL UNITS) MORE HOMES BUILT FASTER ACT, 2022, FILE NO: PR 24 193731 (10.0, 10.5)**

Moved by Regional Councillor Jim Jones

Seconded by Regional Councillor Joe Li

1. That the report titled, “City of Markham’s Response to proposed Amendment to O. Reg 299/19 (Additional Residential Units), File: PR 24 193731”, be received; and,
2. That this report be forwarded to the Minister of Municipal Affairs and Housing as the City of Markham’s comments to the proposed Amendment to O. Reg 299/19; and,
3. That Staff be authorized to bring forward proposed amendments to any in-force zoning By-law to address any zoning issues or

inconsistencies in Markham's zoning by-laws, and to give effect to changes made as a result of the proposed Amendment to O. Reg 299/19 receiving Royal Assent; and further,

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

**Carried**

7.2 REPORT NO. 39 GENERAL COMMITTEE MEETING (OCTOBER 22, 2024)

Moved by Councillor Keith Irish

Seconded by Councillor Andrew Keyes

That the report of the General Committee Meeting be received & adopted. (Items 1 to 12):

**Carried**

7.2.1 2025 INTERIM SPENDING AUTHORITY PENDING APPROVAL  
ADOPTION OF THE 2025 BUDGET (7.0)

Moved by Councillor Keith Irish

Seconded by Councillor Andrew Keyes

1. That the report entitled "2025 Interim Spending Authority Pending Adoption of the 2025 Budget", be received; and,
2. That Council provide the Treasurer authority to make payments necessary to support the City's ongoing operations, up to a total of 50% of the City's 2024 Primary Operating, Waterworks, Planning & Design, Building Standards, and Engineering budgets (\$234,716,497); and further,
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**Carried**

7.2.2 2025 INTERIM TAX LEVY BYLAW (7.3)

Moved by Councillor Keith Irish

Seconded by Councillor Andrew Keyes

1. That the report entitled "2025 Interim Tax Levy By-law" be received; and,

2. That Council authorize an interim tax levy for 2025; and,
3. That the attached by-law be passed to authorize the 2025 interim tax levy; and further,
4. That staff be authorized and directed to do all things necessary to give effect to this resolution.

**Carried**

7.2.3 2025 INTERIM SPENDING AUTHORITY PENDING ADOPTION OF THE 2025 UNIONVILLE AND MARKHAM VILLAGE IMPROVEMENT AREAS BUDGETS (7.0)

Moved by Councillor Keith Irish

Seconded by Councillor Andrew Keyes

1. That the report entitled “2025 Interim Spending Authority Pending Adoption of the 2025 Unionville and Markham Village Business Improvement Areas Budgets” be received; and,
2. That Council authorize spending for the Unionville BIA (UBIA) and the Markham Village BIA (MBIA) to support their ongoing operations, up to a total of 50% of the UBIA and MBIA 2024 Operating Budgets (\$218,250 and \$167,350, respectively); and further,
3. That staff be authorized and directed to do all things necessary to give effect to this resolution.

**Carried**

7.2.4 2025 TEMPORARY BORROWING BY-LAW (7.3)

Moved by Councillor Keith Irish

Seconded by Councillor Andrew Keyes

1. That the report entitled “2025 Temporary Borrowing By-law” be received; and,
2. That a by-law be brought forward for Council approval to authorize temporary borrowing, if required, of amounts not to exceed \$234,716,497 from January 1, 2025 to September 30, 2025 and \$117,358,249 from October 1, 2025 to December 31, 2025 to meet the expenditures of the municipality until taxes are collected and other revenues are received; and,

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

**Carried**

7.2.5 AWARD OF RFP 142-R-24 - ELGIN MILLS ROAD - DETAILED DESIGN WOODBINE AVE TO WARDEN AVENUE - REQUEST FOR PROPOSAL TERMS OF REFERENCE (7.0)

Moved by Councillor Keith Irish

Seconded by Councillor Andrew Keyes

1. That the report entitled “Award of Proposal 142-R-24 - Consulting Services for Pre-Design and Detailed Design for Elgin Mills Road Widening - Woodbine Avenue to Warden Avenue” be received; and,
2. That the contract for consulting engineering services for pre-design and detailed design for Elgin Mills Road widening from Woodbine Avenue to Warden Avenue be awarded to the highest ranked, lowest priced proponent, WSP Canada Inc. in the amount of \$1,972,952.11 inclusive of HST; and,
3. That allowances in the amount of \$825,649.71 inclusive of HST, be established for subsurface utility engineering investigations during the design, permit to take water, environmental monitoring, CCTV inspection, additional engineering survey, utility relocation, overall benefit plan for permitting for Redside Dace, technical memorandums, Yorknet fiber optic conduit design, additional public consultation, tree clearing, Stage 3 archaeological investigation, foundation investigation and soil quality sampling which may be required and approved by the Director of Engineering; and,
4. That a 10% contingency in the amount of \$279,860.18 inclusive of HST, be established to cover any additional consulting services to deliver the project and that authorization to approve expenditures of this contingency amount up to the specified limit be in accordance with the Expenditure Control Policy; and,

5. That the Engineering Department Capital Administration fee in the amount of \$277,061.58 be transferred to revenue account 640-998-8871 (Capital Administration Fee); and,
6. That the cost in the amount of \$3,355,523.58 (\$1,972,952.11+ \$825,649.71+ \$279,860.18 + \$277,061.58) be funded from capital account 083-5350-21181-005 and York Region with available budget of \$2,418,661.00; and,
7. That additional allowances in the amount of \$200,000.00 be established for engagement with Indigenous communities, permit applications and additional consultation with the public, FUA developers and regulatory agencies; and,
8. That the budget shortfall in the amount of \$1,136,862.58 be funded from the Development Charges Reserve; and further,
9. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**Carried**

7.2.6 AWARD OF RFP 120-R-24 - CONSULTING ENGINEERING SERVICES FOR SI/CA OF VICTORIA SQUARE RECONSTRUCTION PROJECT - PHASE 1 (7.0)

Moved by Councillor Keith Irish

Seconded by Councillor Andrew Keyes

1. That the report entitled “Award of Proposal 120-R-24 - Contract Administration, Site Inspection & Post Construction Services for Victoria Square Boulevard (Phase 1) Road Improvement” be received; and,
2. That the contract for contract administration, site inspection and post construction services for Victoria Square Boulevard (Phase 1) Road improvement be awarded to the highest ranked / 3<sup>rd</sup> lowest priced bidder, EXP Services Inc. (EXP) in the amount of \$695,941.52 inclusive of HST; and,
3. That an allowance in the amount of \$230,995.20, inclusive of HST, be established for geotechnical investigations, material testing during construction, excess soil management, coordination with the Design Consultant during construction, coordination with

utility companies and for an external financial audit of the consulting fees, which may be required; and,

4. That a 10% contingency in the amount of \$92,693.67, inclusive of HST, be established to cover any additional services to deliver the project and that authorization to approve expenditures of this contingency amount up to the specified limit be in accordance with the Expenditure Control Policy; and,
5. That the Engineering Department Capital Administration fee in the amount of \$91,766.74 be transferred to revenue account 640-998-8871 (Capital Administration Fee); and,
6. That the cost in the amount of \$1,111,397.13 (\$695,941.52 + \$230,995.20 + \$92,693.67 + \$91,766.74) be funded from capital account 23113 with available budget of \$1,349,868.00; and,
7. That the remaining budget in the amount of \$238,470.87 will be retained in the account until after the award of the construction contract and any remaining amount will be returned to original funding source at that time; and,
8. That the Mayor and Clerk be authorized to execute an agreement with the property owner of 10183 Victoria Square Boulevard for the property owner to pay for all costs for the design and construction of the lateral service connections (sanitary and watermain) for their property within the overall project construction tender for the Victoria Square Boulevard Improvement (Phase 1) Project; and further,
9. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**Carried**

#### 7.2.7 AWARD OF CONTRACT 174-S-24 AUTOMATED ZONING COMPLIANCE SOFTWARE SOLUTION (7.0)

Moved by Councillor Keith Irish

Seconded by Councillor Andrew Keyes

1. That the report entitled “Award of Contract 174-S-24 Automated Zoning Compliance Software Solution” be received; and,
2. **That the deputation from Ali Akbar Mihankhah be received; and,**

3. That the contract 174-S-24 Automated Zoning Compliance Software Solution (One time - implementation and training costs) (Recurring - software licenses, ongoing support and maintenance cost for Year-1 pro-rated six months and Year 2) be awarded to Archistar in the amount of 821,285.63 inclusive of HST; and,
4. That a contingency in the amount of \$65,702.85 inclusive of HST be established to cover any additional project costs be approved, and that authorization be granted to approve expenditures of this contingency amount up to the specified limit in accordance with the Expenditure Control Policy; and,
5. That the capital costs in the amount of \$886,988.48 (821,285.63 + \$65,702.85) inclusive of HST be funded from capital project account 600-101-5399-24318, with an available budget of \$889,000.00 inclusive of HST; and,
6. That the remaining budget in the amount of \$2,011.52 be returned to the original funding source; and,
7. That the contract for software and license, ongoing support and maintenance costs for 8 years be awarded to Archistar in the amount of \$2,674,659.82 inclusive of HST (\$1,298,380.26 fee for 4 years + \$1,376,279.56 fees for the 4 renewal options) to be funded from 400-400-5361 with a net new operating annual budget of \$324,595.07 and subject to the adoption of the 2025 and future operating budgets in the negotiated annual amounts of:
  - Year 3 - \$ 324,595.07
  - Year 4 - \$ 324,595.07
  - Year 5 - \$ 324,595.07
  - Year 6 - \$ 324,594.05
  - Year 7 - \$ 344,069.89 \*
  - Year 8 - \$ 344,069.89 \*
  - Year 9 - \$ 344,069.89 \*
  - Year 10 - \$ 344,069.89 \*
  - Total - \$2,674,659.82 (\* Optional Year Renewal)



8. That the annual operating costs starting in year 3 be transferred to Building Standards and Planning & Urban Design departments (to be shared 50/50) through indirect transfer and ultimately be funded by Building Fees and Development Fees; and,
9. That the Chief Administrative Officer and Commissioner, Corporate Services be authorized to approve the additional renewal years (Years 7 to 10) on behalf of the City (in its sole discretion), and execute any required documentation in a form satisfactory to the City Solicitor; and,
10. That the tendering process be waived in accordance Purchasing By-Law 2017-8, Part II, Section 11 Non Competitive Procurement, item 1 (g) which states “where it is in the City’s best interest not to solicit a competitive Bid;” and item (b) which states “where there is only one source of supply for the goods to be purchased”; and,
11. That Archistar be designated as the preferred vendor for the City’s Automated Zoning Compliance service needs at the sole discretion of the City for the term of this contract; and,
12. That the Chief Administrative Officer and Commissioner, Corporate Services be authorized to approve any new purchases related to this contract needed due to growth and/or future Automated Zoning Compliance upgrades due to change in technology or system integration with other applications related to the project during the term of this contract, subject to the Expenditure Control Policy and budget approval; and further,
13. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**Carried**

7.2.8 024-R-24 CITYWIDE SECURITY GUARD SERVICES (7.0)

Moved by Councillor Keith Irish

Seconded by Councillor Andrew Keyes

1. That the report entitled “Award of Contract #024-R-24 Citywide Security Guard Services” be received; and,
2. That the contract be awarded to the highest ranked / lowest priced bidder, Paladin Security Group Ltd, for a term of two years in the

total amount of \$869,901.17 inclusive of HST as per the following;

- November 1, 2024 - October 31, 2025 - \$434,950.85
  - November 1, 2025 - October 31, 2026 - \$434,950.85
  - Total: \$869,901.17; and,
3. That the contract includes an option for the City (in its sole discretion) to extend the contract for up to four additional one-year terms. Pricing will be firm for the initial term of the contract (2024-2026), and options to extend in years 3-4 (2026-2028) and years 5-6 (2028-2030) will be subject to Consumer Price Index (CPI) increase to a maximum of 4%; and,
  4. That the Director of Sustainability & Asset Management and Senior Manager of Procurement & Accounts Payable be authorized to extend the contract for an additional four, one-year periods subject to adoption of the annual operating budget, vendor performance, and an increase based on the CPI to a maximum of 4% in years three and five; and,
  5. That the award in the amount of \$434,950.85 (inclusive of HST) be funded from account 750-751-5312 (Security Guard Services); and,
  6. That staff be authorized to award a one-year pilot program in the amount of \$170,503.77 inclusive of HST for the mobile security guard services; and,
  7. That the Commissioner, Corporate Services and Treasurer be authorized to extend the pilot program for mobile security guard services from November 1, 2025 – October 31, 2026 pending the success of the program and extension years from November 1, 2026 – October 31, 2030, in the additional annual amount of \$170,503.77 inclusive of HST per year; and,
  8. That the award amounts in 2025 to 2030 be subject to Council adoption of the respective annual operating budgets; and,
  9. That the shortfall for the period November 1, 2024 – December 31, 2024 be reported as part of the 2024 year-end results of operations and that the operating budget starting in 2025 be adjusted accordingly for the contract escalation and extension of the pilot

for mobile security guard services, if approved, subject to adoption of the 2025-2030 operating budgets; and further,

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

**Carried**

7.2.9 AWARD OF CONTRACT 211-S-24 SUPPLY AND DELIVERY OF VARIOUS ROTARY MOWERS (7.0)

Moved by Councillor Keith Irish

Seconded by Councillor Andrew Keyes

1. That the report entitled “211-S-24 Supply and Delivery of Various Rotary Mowers” be received; and,
2. That the contract for the supply and delivery of various rotary mowers be awarded to Turf Care Products Canada Limited, in the amount of \$1,316,979.96 inclusive of HST; and,
3. That the total award amount of \$1,316,979.96 inclusive of HST be funded from in-year addition capital project #24418 (057-6150-24418-005 Corporate Fleet Replacement – Non-Fire) with available budget of \$1,731,227.62; and,
4. That the budget remaining in the amount of \$414,247.66 (\$1,731,227.62 - \$1,316,979.96) be returned to the original funding source; and,
5. That the tendering process be waived in accordance with Purchasing By-Law 2017-18, Part II, Section 11.1:
  - (b) where there is only one source of supply for the goods to be purchased; and,
  - (e) where the City is acquiring specialized vehicles or equipment...in which case the sources of supply may be identified based on technical specifications prepared by the User Department; and further,
6. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**Carried**

7.2.10 TENDER 185-T-24 MOUNT JOY ARTIFICIAL TURF AND GRADE BEAM REPLACEMENT (7.0)

Moved by Councillor Keith Irish

Seconded by Councillor Andrew Keyes

1. That the report entitled “Tender 185-T-24 Mount Joy Artificial Turf and Grade Beam Replacement” be received; and,
2. That the contract for Mount Joy Artificial Turf and Grade Beam Replacement be awarded to the lowest priced bidder, Ritchfield Inc., in the amount of \$2,187,966.18 inclusive of HST; and,
3. That a 10% contingency in the amount of \$218,796.62 inclusive of HST, be established to cover any additional construction costs and that authorization to approve expending of the contingency amount up to the specified limit be in accordance with the Expenditure Control Policy; and,
4. That the estimated costs of \$2,406,762.80 (\$2,187,966.18 + \$218,796.62) be funded from accounts as listed in the Financial Considerations section with budget available of \$2,077,436.00; and,
5. That the budget shortfall in the amount of \$329,326.80 (\$2,077,436.00 - \$2,406,762.80) be funded as follows:
  - a. \$284,301.85 (estimated) to be reimbursed from Mount Joy Sports Dome Inc. for their share of the total cost of the project; and,
  - b. \$45,024.95 (\$329,326.80 - \$284,301.85) being the net shortfall for the City’s share of the total project cost be funded from the Life Cycle Replacement and Capital Reserve Fund; and,
6. That Mount Joy Sports Dome Inc. (the owner/operator of the dome) reimburse the City for costs related to the extension of the dome and associated amenities as per their lease agreement in the estimated amount of \$284,301.85; and,
7. That the award of the contract and issuance of the purchase orders be contingent on the finalized letter of agreement between the City and Mount Joy Sports Dome Inc. regarding their financial commitment approved by the Director, Recreation and the City’s Treasurer to fund their portion of the work; and further,

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

**Carried**

7.2.11 237-S-24 SUPPLY AND DELIVERY OF VEHICLE/INDUSTRIAL  
EXTRICATION EQUIPMENT FOR FIRE & EMERGENCY SERVICES  
(7.0)

Moved by Councillor Keith Irish

Seconded by Councillor Andrew Keyes

1. That the report entitled “237-S-24 Supply and Delivery of Vehicle/Industrial Extrication Equipment for Fire & Emergency Services” be received; and,
2. That the contract for 237-S-24 Supply and Delivery of Vehicle/Industrial Extrication Equipment for Fire & Emergency Services be awarded to Darch Fire Inc. in the amount of \$364,860.48 inclusive of HST; and,
3. That the tendering process be waived in accordance with Purchasing By-Law 2017-8, Part II, Section 11.1 (e), Non-Competitive Procurement, whereby “the City is acquiring specialized... equipment, such as firefighting equipment..., in which case the sources of supply may be identified based on technical specifications prepared by the User Department,”; and,
4. That the award be funded from project #24067 Vehicle/Industrial Extrication Modernization (account 067-6150-24067-005) with available budget of \$366,300; and,
5. That the remaining budget of \$1,439.52 (\$366,300.00 - \$364,860.48) be returned to original funding source; and further,
6. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**Carried**

7.2.12 2024 ASSET MANAGEMENT PLAN (7.0)

Moved by Councillor Keith Irish

Seconded by Councillor Andrew Keyes

1. That the report and presentation titled “2024 Asset Management Plan” be received; and,
2. That Council endorse the findings from the update of the City’s Asset Management Plan, for all city owned and/or managed assets assessed at current levels of service; and,
3. That Council direct staff to submit the 2024 Asset Management Plan (the document) to the Ministry of Infrastructure, informed by the findings noted under Recommendation two and as outlined in this report; and make the document publicly available on the City’s website upon its completion; and further,
4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**Carried**

## **8. MOTIONS**

There were no motions.

## **9. NOTICE OF MOTION TO RECONSIDER**

There were no notices of motion to reconsider.

## **10. NEW/OTHER BUSINESS**

### **10.1 DESTINATION MARKHAM CORPORATION (DMC) - SIGNING AUTHORITIES FOR PAYMENT OF INVOICES**

Moved by Councillor Andrew Keyes

Seconded by Councillor Amanda Collucci

Whereas the DMC Board of Directors seeks to improve operational efficiencies in the invoice payment approval process of Destination Markham Corporation (DMC); and

Whereas DMC’s governance documents (DMC By-Law No.1 and the Agreement between DMC and the City of Markham (the “Agreement”)) require that invoices must be approved (at a minimum) by the DMC Treasurer;

Therefore be it resolved:

1. That Council of the City of Markham approves the DMC Board of Directors recommendation that authority for approving the payment of DMC invoices, incurred in accordance with DMC’s approved annual

budget, be delegated as follows: (a) to the DMC Executive Director and Business Manager (jointly), or such other person(s) approved by the Board of Directors from time to time, for invoices up to \$50,000 (exclusive of applicable taxes); and (b) to the DMC Treasurer and Chair (jointly) for invoices exceeding \$50,000 (exclusive of applicable taxes); and,

2. That DMC By-Law No.1 and the Agreement be amended to reflect the foregoing resolution, and that the Mayor and City Clerk be authorized to sign the amended Agreement; and further,
3. That staff be authorized and directed to do all things necessary to give effect to this resolution.

**Carried**

10.2 DESTINATION MARKHAM CORPORATION (DMC) - AGREEMENT WITH THE FEDERAL ECONOMIC DEVELOPMENT AGENCY FOR SOUTHERN ONTARIO (FEDDEV ONTARIO) UNDER THE TOURISM GROWTH PROGRAM (TGP)

Moved by Councillor Andrew Keyes  
Seconded by Councillor Isa Lee

Whereas Destination Markham Corporation (DMC) seeks to enhance its culinary tourism product and experience development through additional funding;

Whereas DMC's governance document (the Agreement between DMC and the City of Markham (the "Agreement")) requires City approval for DMC to enter into any agreement with a value of \$50,000.00 or greater;

Therefore, be it resolved:

1. That Council of the City of Markham approves Destination Markham Corporation (DMC) entering into an agreement with the Federal Economic Development Agency for Southern Ontario / Government of Canada under the Tourism Growth Program (TGP) for a nonrepayable contribution of \$200,000, to be utilized for DMC's culinary tourism product and experience development initiative ; and further,
2. That staff be authorized and directed to do all things necessary to give effect to this resolution.

**Carried**

10.3 RECOMMENDATION REPORT, DRAFT PLAN OF SUBDIVISION APPLICATION SUBMITTED BY 1628740 AND 1628741 ONTARIO INC. TO PERMIT A 32-UNIT RESIDENTIAL SUBDIVISION AT 2716 AND 2730 ELGIN MILLS ROAD EAST (WARD 2) FILE PLAN 23 150156 (10.7)

Moved by Regional Councillor Jim Jones

Seconded by Regional Councillor Joe Li

1. That the report titled, “RECOMMENDATION REPORT, Draft Plan of Subdivision application submitted by 1628740 and 1628741 Ontario Inc. to permit a 32-unit residential subdivision at 2716 and 2730 Elgin Mills Road East (Ward 2), File PLAN 23 150156”, be received; and,
2. That the deputation and written correspondence from James Stevenson be received; and,
3. That the deputation from Billy Tung be received; and,
4. **That the written correspondence from Bruno Tucciarone and Peter S. Zourntos be received; and,**
5. **That the memorandum from the City Solicitor and Director of People Services and the Director of Planning and Urban Design regarding the above-mentioned application, dated October 21, 2024 be received; and,**
6. **That the recommendations of the report dated September 17th, 2024 in respect of the above-mentioned application be approved, subject to amended conditions of draft approval attached to the October 21, 2024 memorandum titled "Draft Plan of Subdivision application submitted by 1628740 and 1628741 Ontario Inc. to permit a 32-unit residential subdivision at 2716 and 2730 Elgin Mills Road East (Ward 2) File PLAN 23 150156", as Attachment “A”;** and,
7. That the Director of Planning and Urban Design, or designate, be delegated authority to issue Draft Plan Approval, subject to the conditions set out in Attachment ‘A’ to the memorandum, as may be amended by the Director of Planning and Urban Design, or designate; and,
8. That Draft Plan Approval for Draft Plan of Subdivision 19TM-23009 will lapse after a period of three years from the date of Council approval in the event that a Subdivision Agreement is not executed within that period; and further,



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

**Carried**

## **11. ANNOUNCEMENTS**

There were no announcements.

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

Moved by Councillor Juanita Nathan

Seconded by Regional Councillor Alan Ho

That By-laws 2024-188 to 197 be given three readings and enacted.

**Carried**

### **Three Readings**

- 12.1 BY-LAW 2024-188, A BY-LAW TO AUTHORIZE THE TEMPORARY BORROWING OF AN AMOUNT NOT TO EXCEED \$234,716,497 FROM JANUARY 1 TO SEPTEMBER 30, 2025 AND \$117,358,249 FROM OCTOBER 1 TO DECEMBER 31, 2025 TO MEET THE CURRENT

EXPENDITURES OF THE CORPORATION FOR THE YEAR, UNTIL TAXES ARE COLLECTED AND OTHER REVENUES RECEIVED.

Being a by-law to authorize the temporary borrowing of an amount not to exceed \$234,716,497 from January 1 to September 30, 2025 and \$117,358,249 from October 1 to December 31, 2025 to meet the current expenditures of the corporation for the year, until taxes are collected and other revenues received.

**Carried**

- 12.2 BY-LAW 2023-189, BEING A BY-LAW TO PROVIDE FOR AN INTERIM TAX LEVY IN 2025

Being a By-Law to Provide for an Interim Tax Levy in 2025.

**Carried**

- 12.3 BY-LAW 2024-190, A BY-LAW TO DESIGNATE A PROPERTY AS BEING OF CULTURAL HERITAGE VALUE OR INTEREST "FRISBY HOUSE" 15 VICTORIA STREET

Being a By-law to designate the Frisby House, 15 Victoria Street under Part IV, Section 29 of the Ontario Heritage Act as a property of cultural heritage value or

interest. (Development Services Report No. 27, June 26, 2024 Council, Item 8.1.1)

**Carried**

- 12.4 BY-LAW 2024-191, A BY-LAW TO DESIGNATE A PROPERTY AS BEING OF CULTURAL HERITAGE VALUE OR INTEREST “PHILIP JR. AND SUSANNAH ECKARDT HOUSE” 60 MEADOWBROOK LANE

Being a By-law to designate the Philip Jr. and Susannah Eckardt House, 60 Meadowbrook Lane, under Part IV, Section 29 of the Ontario Heritage Act as a property of cultural heritage value or interest. (Development Services Report No. 27, June 26, 2024 Council, Item 8.1.1)

**Carried**

- 12.5 BY-LAW 2024-192, A BY-LAW TO DESIGNATE A PROPERTY AS BEING OF CULTURAL HERITAGE VALUE OR INTEREST “LYDIA BEEBE HOUSE” 6864 FOURTEENTH AVENUE

Being a By-law to designate the Lydia Beebe House, 6864 Fourteenth Avenue, under Part IV, Section 29 of the Ontario Heritage Act as a property of cultural heritage value or interest. (Development Services Report No. 27, June 26, 2024 Council, Item 8.1.1)

**Carried**

- 12.6 BY-LAW 2024-193, A BY-LAW TO DESIGNATE A PROPERTY AS BEING OF CULTURAL HERITAGE VALUE OR INTEREST “WILLIAM AND MARY JANE MACKLIN HOUSE” 2501 DENISON STREET

Being a By-law to designate the William and Mary Jane Macklin House, 2501 Denison Street, under Part IV, Section 29 of the Ontario Heritage Act as a property of cultural heritage value or interest. (Development Services Report No. 27, June 26, 2024 Council, Item 8.1.1)

**Carried**

- 12.7 BY-LAW 2024-194, A BY-LAW TO DEDICATE CERTAIN LANDS AS PART OF THE HIGHWAYS OF THE CITY OF MARKHAM (BERCZY GREEN DRIVE)

Being a By-law to dedicate certain lands as part of the highways of the City of Markham named Berczy Green Drive (Part Lot 22, Concession 4, designated as Part 1, Plan 65R-41056).

**Carried**

## 12.8 BY-LAW 2024-195, TO AMEND BY-LAW 2005-188

Being a by-law to add “prohibited parking” at specific intersections within the City of Markham. (Lichfield Road)

**Carried**

## 12.9 BY-LAW 2024-196, TO AMEND BY-LAW 106-71

Being a by-law to add “compulsory stop signs” at specific intersections within the City of Markham. (Lichfield Road)

**Carried**

## 12.10 BY-LAW 2024-197, TO AMEND BY-LAW 2017-104

Being a by-law to authorize speed limits at specific intersections within the City of Markham. (Lichfield Road)

**Carried**

### 13. CONFIDENTIAL ITEMS

Moved by Councillor Ritch Lau

Seconded by Councillor Isa Lee

That, in accordance with Section 239 (2) of the *Municipal Act*, Council resolve into a private session to discuss the following confidential matters at 1:30 PM:

**Carried**

Council resumed in Open Session at 2:43 PM and passed the following resolutions.

## 13.1 COUNCIL

## 13.1.1 CONFIDENTIAL COUNCIL MINUTES – Oct 9, 2024

Moved by Regional Councillor Alan Ho

Seconded by Deputy Mayor Michael Chan

1. That the confidential Council minutes of the Council Meeting held on October 9, 2024, be adopted.

**Carried**

## 13.2 GENERAL COMMITTEE

## 13.2.1 ENFORCEMENT OF HERITAGE EASEMENT AGREEMENT, 233 MAIN STREET, UNIONVILLE (8.1)

Moved by Councillor Reid McAlpine  
Seconded by Councillor Andrew Keyes

1. That the confidential report entitled “Enforcement of Heritage Easement Agreement, 233 Main Street, Unionville” be received; and,
2. That the 2024 Heritage Permit Application for 233 Main Street, Unionville to allow for the retention of an existing rear yard concrete sports court/hockey rink and cabana structure, and the installation of a new wooden deck above the cabana structure not be processed due to its conflict with the Heritage Easement Agreement and Council’s decision to remediate the property thereunder; and,
3. That a project budget in the amount of \$351,747 inclusive of HST be established, funded by the Ramp Up Reserve; and,
4. That Staff be directed to take all steps necessary to recover costs incurred by the City to remedy the breaches under the Heritage Easement Agreement from the property owner of 233 Main Street, Unionville; and further
5. That Staff be authorized and directed to do all things necessary to give effect to these resolutions.

**Carried**

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

Moved by Deputy Mayor Michael Chan  
Seconded by Regional Councillor Joe Li

That By-law 2024-187 be given three readings and enacted.

Three Readings

BY-LAW 2024-187 A BY-LAW TO CONFIRM THE PROCEEDINGS OF THE COUNCIL MEETING OF OCTOBER 23, 2024.

**Carried**

**15. ADJOURNMENT**

Moved by Councillor Juanita Nathan

Seconded by Councillor Ritch Lau

That the Council meeting of October 23, 2024 be adjourned be adjourned at 2:45 PM.

**Carried**

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Kimberley Kitteringham

City Clerk

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Frank Scarpitti

Mayor



## Special Council Meeting Minutes

**Meeting Number: 19**  
**September 30, 2024, 12:30 PM**  
**Live streamed**

Roll Call	Mayor Frank Scarpitti Deputy Mayor Michael Chan Regional Councillor Jim Jones Regional Councillor Joe Li Regional Councillor Alan Ho Councillor Ritch Lau	Councillor Reid McAlpine Councillor Karen Rea Councillor Andrew Keyes Councillor Amanda Collucci Councillor Juanita Nathan Councillor Isa Lee
Regrets	Councillor Keith Irish	
Staff	Andy Taylor, Chief Administrative Officer Trinela Cane, Commissioner, Corporate Services Claudia Storto, City Solicitor and Director of People Services Morgan Jones, Commissioner, Community Services Bryan Frois, Manager, Executive Operations & Strategic Initiatives Joseph Silva, Treasurer Kimberley Kitteringham, City Clerk	Hristina Giantsopoulos, Election/Council & Committee Coordinator Frank Clarizio, Director, Engineering Giulio Cescato, Director of Planning & Urban Design Mark Visser, Senior Manager Financial Strategy & Investments John Wong, Technology Support Specialist II Rajeeth Arulanantham, Election/Council & Committee Coordinator Lee Boudakian, Director, Economic Growth, Culture & Entrepreneurship

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

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### 1. CALL TO ORDER

The special meeting of Council convened at 12:45 PM on September 30, 2024. Mayor Frank Scarpitti presided.

### INDIGENOUS LAND ACKNOWLEDGEMENT

We begin today by acknowledging the traditional territories of Indigenous peoples and their commitment to stewardship of the land. We acknowledge the communities in circle. The North, West, South and Eastern directions, and Haudenosaunee, Huron-Wendat, Anishnabeg, Seneca, Chippewa, and the Mississaugas of the Credit peoples. We share the responsibility with the caretakers of this land to ensure the dish is never empty and to restore relationships that are based on peace, friendship, and trust. We are committed to reconciliation, partnership and enhanced understanding.

Mayor Scarpitti, on behalf of Council, acknowledged that today was National Day for Truth and Reconciliation and Orange Shirt Day and highlighted the Every Child Matters Flag Raising Ceremony and Panel Discussion on Reconciliation with Indigenous Leaders that took place earlier today at the Markham Civic Centre. Mayor Scarpitti and Members of Council observed a moment of silence in recognition of the day.

**2. DISCLOSURE OF PECUNIARY INTEREST**

There were no disclosures of pecuniary interest.

**3. DEPUTATIONS**

There were no deputations.

**4. COMMUNICATIONS**

There were no communications.

**5. REPORT NO. 35 SPECIAL DEVELOPMENT SERVICES COMMITTEE  
(SEPTEMBER 26, 2024)**

Moved by Regional Councillor Jim Jones

Seconded by Regional Councillor Joe Li

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

**Carried**

**5.1 COMMUNICATION RE: PROPOSED CITY-WIDE COMMUNITY SPORTS  
PARK, ATTAINABLE AND AFFORDABLE HOUSING, AND A NEW  
SCHOOL SITE TO BE LOCATED AT THE SOUTHWEST CORNER OF 19TH  
AVENUE AND HIGHWAY 48 (10982, 11120 AND 11274 HIGHWAY  
48) (10.5)**

Moved by Regional Councillor Jim Jones

Seconded by Regional Councillor Joe Li

1. That the September 25, 2024, memorandum titled “City Support for revised Municipal Zoning Order 10982, 11120 and 11274 Highway 48 (Proposed Treasure Hill and EL-EN Realty Limited Development)” be received; and,
2. That, the City of Markham strongly endorses the improved revised plan and the revisions to the MZO subject to the following:
  - a. That the MZO not be issued until the City and Treasure Hill (and any additional business partners as needed, which may include but not be limited to EL-EN Realty Limited Development) enter into certain commercial and real estate agreements for the updated development proposal for the lands located at 10982, 11120 and 11274 Highway 48; and,
3. That, Staff be authorized to revise the previous draft MZO supported by City Council on July 16, 2024, to reflect the revised development scheme for submission to the Ministry of Municipal Affairs and Housing; and further,
4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**Carried**

**6. FEASIBILITY STUDY FOR A CONVENTION CENTRE IN THE CITY OF MARKHAM (10.5)**

Moved by Councillor Andrew Keyes

Seconded by Regional Councillor Alan Ho

1. That the report entitled "Feasibility Study of a Convention Centre in the City of Markham" be received; and,
2. That staff be authorized to award a contract for the feasibility study for a convention centre to HVS Global Hospitality Services in the amount of \$60,343.68 (inclusive of HST impact); and,
3. That the tendering process be waived in accordance with Purchasing By-Law 2017-08, Part II, Section 7 Non-Competitive Procurement, item 1 (g) which states “where it is in the City’s best interest not to solicit a competitive Bid”; and, item 1 (h) which states “where it is necessary or in the best interests of the City to Consulting and Professional Services from a supplier who has a proven track record in terms of pricing, quality and service”; and,



4. That a new capital project entitled “Feasibility Study for a Convention Centre” be opened in the amount of \$60,343.68 (including HST impact) and be funded from the City’s portion of the Municipal Accommodation Tax which is included in the Life Cycle Replacement Reserve (GL #087-02800200); and,
5. That Staff report back with the results of the feasibility study in the first quarter of 2025; and further,
6. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**Carried**

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

Moved by Councillor Isa Lee

Seconded by Councillor Ritch Lau

That By-law 2024-184 be given three readings and enacted.

Three Readings

BY-LAW 2024-184 A BY-LAW TO CONFIRM THE PROCEEDINGS OF THE SPECIAL COUNCIL MEETING OF SEPTEMBER 30, 2024.

**Carried**

**8. ADJOURNMENT**

Moved by Councillor Juanita Nathan

Seconded by Councillor Reid McAlpine

That the Special Council meeting of September 30, 2024 be adjourned at 1:06 PM.

**Carried**

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Kimberley Kitteringham

City Clerk

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Frank Scarpitti

Mayor



## Special Council Meeting Minutes

**Meeting Number: 22**  
**October 28, 2024, 10:00 AM**  
**Council Chamber**

Roll Call	Mayor Frank Scarpitti Deputy Mayor Michael Chan Regional Councillor Jim Jones Regional Councillor Alan Ho Councillor Keith Irish Councillor Ritch Lau	Councillor Reid McAlpine Councillor Karen Rea Councillor Andrew Keyes Councillor Amanda Collucci Councillor Juanita Nathan Councillor Isa Lee
Regrets	Regional Councillor Joe Li	
Staff	Andy Taylor, Chief Administrative Officer Trinela Cane, Commissioner, Corporate Services Arvin Prasad, Commissioner, Development Services Claudia Storto, City Solicitor and Director of People Services Morgan Jones, Commissioner, Community Services Chris Nearing, Fire Chief Bryan Frois, Manager, Executive Operations & Strategic Initiatives Joseph Silva, Treasurer Sumon Acharjee, Chief Information Officer Kimberley Kitteringham, City Clerk Martha Pettit, Deputy City Clerk Rajeeth Arulanantham, Election and Committee Coordinator Michael Toshakovski, Deputy City Solicitor	John Wong, Technology Support Specialist II Shane Manson, Senior Manager, Revenue & Property Taxation Jemima Lee, Manager, Financial Planning Frank Clarizio, Director, Engineering Giulio Cescato, Director of Planning & Urban Design Mark Visser, Senior Manager Financial Strategy & Investments Mary Creighton, Director, Recreation Services Graham Seaman, Director, Sustainability & Asset Management Stephanie DiPerna, Director, Building Standards Alice Lam, Directions, Operations Jay Pak, Sr. Manager, Financial Planning & Reporting Ned Sirry, Sr. Manager, ITS Operations & Project Delivery

Chris Chreston, Senior Communications Advisor	Alex Moore, Sr. Manager, Procurement & Accounts Payable
Chris Bullen, Manager, By-Law Services	Kevin Ross, Manager, Development Finance & Payroll,
Cajaan Jeyanathan, Coordinator, Strategy & Executive Operations	Heena Mistry, Sr. Financial Analyst, Financial Services
Kishor Soneji, Manager, Financial Reporting	Abigail Whiting, Letters of Credit Administrator, Financial Services
Ameen Khan, Manager, Financial Reporting	Annie Wang, Sr. Financial Analyst, Financial Services
Maxine Roy, Manager, People Services	Pody Lui, Specialist, Corporate Communications
Linda Stott, Senior Advisor, Communications & Marketing	John Li, Sr. Graphic Designer, Corporate Communications
Jeff Madeley, Manager, Strategy & Insurance Risk Management	Prathapan Kumar, Sr. Manager, Infrastructure
Rehan Suleman, Coordinator, Financial Services	Adam Freeman, Animal Care Officer, Legislative Services & Communications

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

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**1. CALL TO ORDER**

The Special Meeting of Council convened at 10:10 AM on October 28, 2024. Mayor Frank Scarpitti presided.

**INDIGENOUS LAND ACKNOWLEDGEMENT**

We begin today by acknowledging the traditional territories of Indigenous peoples and their commitment to stewardship of the land. We acknowledge the communities in circle. The North, West, South and Eastern directions, and Haudenosaunee, Huron-Wendat, Anishnabeg, Seneca, Chippewa, and the Mississaugas of the Credit peoples. We share the responsibility with the caretakers of this land to ensure the dish is never empty and to restore relationships that are based on peace, friendship, and trust. We are committed to reconciliation, partnership and enhanced understanding.

**2. MARKHAM MAYOR FRANK SCARPITTI TO PRESENT BUDGET 2025**

Mayor Frank Scarpitti presented the Budget 2025 and advised that the Public Budget meeting is scheduled for November 4, 2024 at 7 PM in order to receive feedback from the public.

**3. CONFIRMATORY BY-LAW**

Moved by Councillor Andrew Keyes

Seconded by Councillor Isa Lee

That By-law 2024-198 be given three readings and enacted.

Three Readings

BY-LAW 2024-198 BY-LAW TO CONFIRM THE PROCEEDINGS OF THE SPECIAL COUNCIL MEETING OF OCTOBER 28, 2024

**Carried**

**4. ADJOURNMENT**

Moved by Councillor Andrew Keyes

Seconded by Councillor Isa Lee

That the Special Council meeting of October 28, 2024 be adjourned at 10:39 AM.

---

Kimberley Kitteringham  
City Clerk

---

Frank Scarpitti  
Mayor



**Development Services Commission  
PUBLIC MEETING INFORMATION  
REPORT**

<b>Date:</b>	Tuesday, October 22, 2024		
<b>Application Type:</b>	Official Plan Amendment (the "Application")		
<b>Owner:</b>	The Angus Glen Landowners Group (the "Owners")		
<b>Agent:</b>	Malone Given Parsons Ltd. (Emily Grant)		
<b>Proposal:</b>	The introduction of two site-specific policies into the Angus Glen Secondary Plan regarding the locations of the northern east-west collector road and place of worship, both as they relate to lands legally described as Part of Lot 24, Concession 5 and Part of the East Half and West Half of Lot 25, Concession 5, City of Markham (the "Proposal")		
<b>Location:</b>	The Angus Glen Secondary Plan Area (the "Subject Lands")		
<b>File Number:</b>	PLAN 24 191018	<b>Ward:</b>	6
<b>Prepared By:</b>	Daniel Brutto, MCIP, RPP, CPT ext. 2468 Senior Planner, West Planning District		
<b>Reviewed By:</b>	Rick Cefaratti, MCIP, RPP Acting Manager, West Planning District	Stephen Lue, MCIP, RPP Senior Manager, Development	

**PURPOSE**

This preliminary information pertains to the Application submitted by the Owners and contains general information on the applicable Official Plan policies and the identified issues and should not be taken as Staff's opinion or recommendation.

**PROCESS TO DATE**

Staff received the Application on September 12, 2024, and deemed the Application complete on September 16, 2024. The 120-day period set out in the *Planning Act* before the Owner can appeal to the Ontario Land Tribunal ("OLT") for a non-decision ends on January 10, 2025.

**NEXT STEPS**

- Statutory Public Meeting is scheduled for October 22, 2024
- If required, a Recommendation Report for consideration by the Development Services Committee ("DSC")
- In the event of an approval, adoption of the site-specific Official Plan Amendment

## BACKGROUND

### ***Subject Lands and Area Context***

The Subject Lands are bounded by Elgin Mills Road East, Kennedy Road, Major Mackenzie Drive East and Warden Avenue, as shown on Figure 1. Existing uses consist primarily of agricultural, golf course major recreational use, community facilities, and rural residential as shown on Figure 2. Figures 2 and 3 show the surrounding land uses.

The Subject Lands are governed by the Angus Glen Secondary Plan (“AGSP”), which was approved by the OLT on July 26, 2023. The AGSP provides detailed policies to guide the future development of the Subject Lands with approximately 7,500 dwelling units, 19,700 residents, and 1,300 jobs planned at full build out. There are several landowners within the AGSP, including Romandale Farms Ltd. (“Romandale”), who currently owns the lands legally described as Part of Lot 24, Concession 5 and Part of the East Half and West Half of Lot 25, Concession 5, City of Markham (the “Romandale Lands”). Romandale sought leave to appeal the OLT’s decision to approve the AGSP. At the time of publishing this report, no decision had been made by the Divisional Court.

***The Owners propose to amend the AGSP to introduce two site-specific policies regarding the locations of the northern east-west collector road and place of worship in relation to the Romandale Lands, as follows:***

#### 1. Northern east-west collector road (“Street D”)

The AGSP includes policies and mapping that establishes the general extent and location of the collector roads within the AGSP, pursuant to a Municipal Class Environmental Assessment (“MCEA”). The collector roads shown on Figure 4 includes the northern east-west major collector road (“Street D”) located adjacent to the Romandale Lands that reflect the road network established by the MCEA process undertaken for the Angus Glen Block. The location of Street D as established by the MCEA process does not encroach onto, or cross over, any part of the Romandale Lands. To provide greater certainty for the Romandale Lands, the Proposal introduces policy 7.1.2.2 h), which states that Street D will not encroach onto, or cross over, any part of the Romandale Lands. The proposed policy reads as follows:

*“7.1.2.2 That the designated collector roads within the road network of the Angus Glen Secondary Plan Area as shown on Map SP5 Road Network be planned to generally achieve the following:*

- h) notwithstanding each of the policies set out above, and in particular, policy 7.1.2.2b) of the Angus Glen Secondary Plan, the east-west major collector road may not be realigned such that any portion of the east-west major collector road would encroach onto, or cross over, any part of the lands legally described*

*as Part of Lot 24, Concession 5 and Part of the East Half and West Half of Lot 25, Concession 5, City of Markham.”*

## 2. Northern place of worship site

The AGSP includes policies and Map SP1 as shown on Figure 5, which identifies the conceptual location of and requirements for two Place of Worship sites in accordance with Markham’s Official Plan Policy 4.2.4.1. This policy ensures that Places of Worship have opportunities to obtain sites and be in appropriate areas to serve residents. These sites may be relocated without amendment to the AGSP provided the alternate site is consistent with the community structure objectives of the AGSP. The Proposal introduces Policy 5.2.19, which states that a place of worship shall not be located on the Romandale Lands. The policy reads as follows:

*“5.2.19 Notwithstanding policies 5.2.13 and 5.2.18 and Map SP1, a Place of Worship shall not be located on the lands legally described as Part of Lot 24, Concession 5 and Part of the East Half and West Half of Lot 25, Concession 5, City of Markham.”*

***Staff identified the following preliminary matter(s) that will be assessed through the review of the Application, including other matters and issues, and addressed in a future Recommendation Report to the DSC, if required.***

- a) **Conformity and Consistency with Provincial, and York Region and City Official Plan**
  - i) Review the Proposal based on the existing policy framework.

### **Accompanying Figures:**

Figure 1: Location Map

Figure 2: Aerial Photo

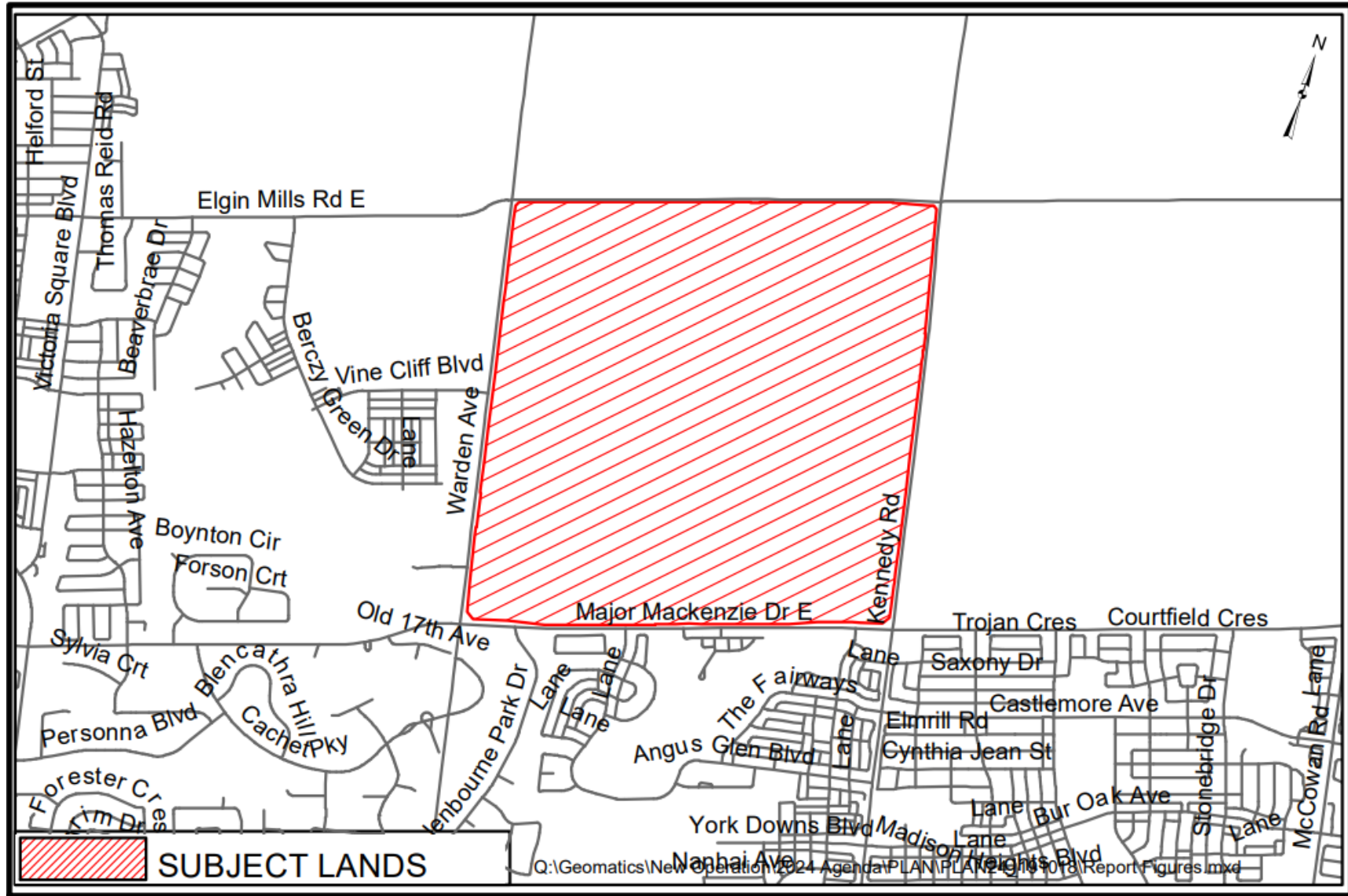
Figure 3: Area Context and Zoning

Figure 4: Angus Glen Secondary Plan Map SP5 Road Network

Figure 5: Angus Glen Secondary Plan Map SP1 Detailed Land Use

# Figure 1

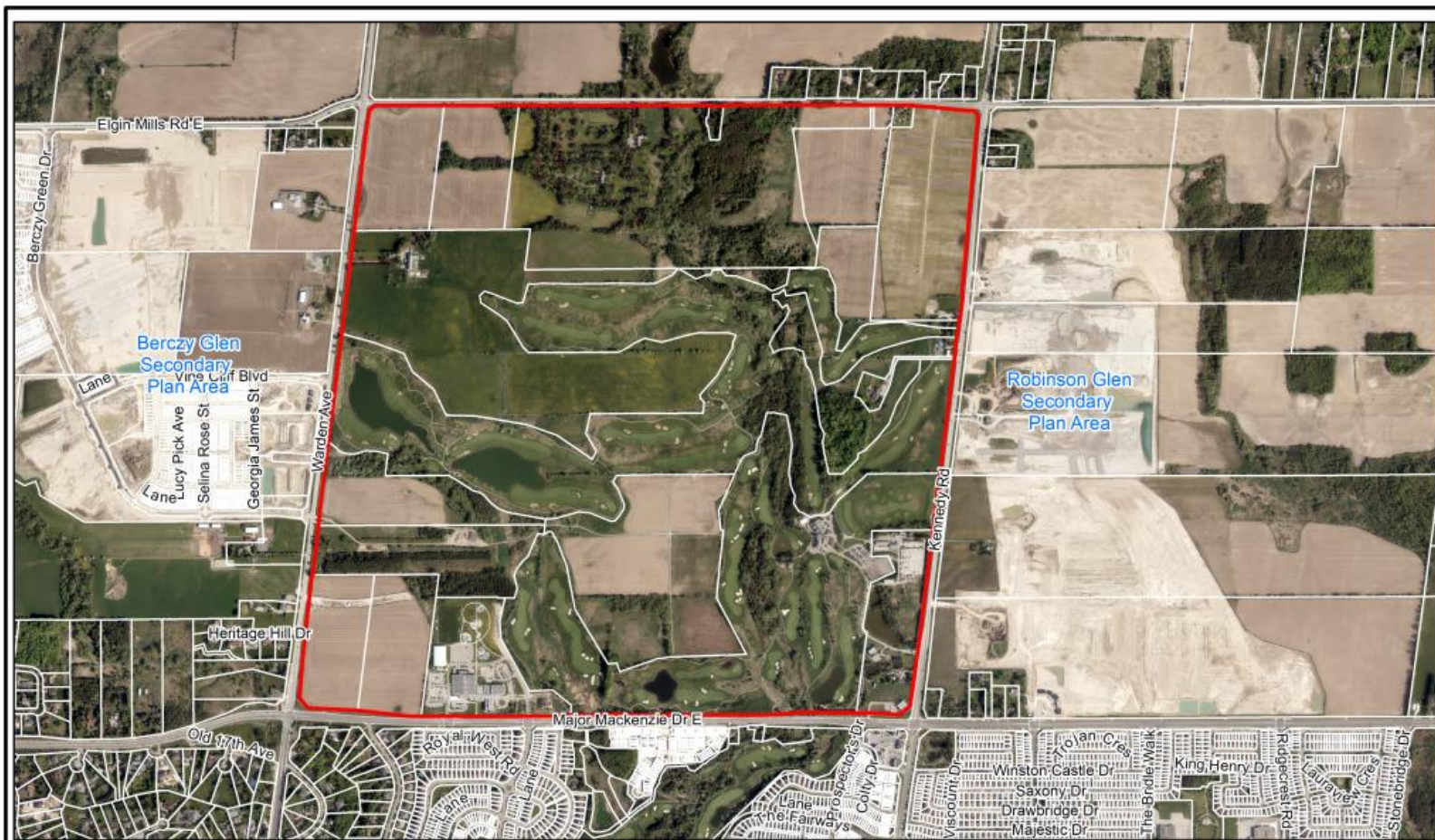
## Location Map





# Figure 2

## Aerial Photo



### AERIAL PHOTO (2023)

APPLICANT: Angus Glen Landowners Group  
Angus Glen Secondary Plan Area  
FILE No. PLAN 24 191018

 SUBJECT LANDS



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DATE: 10/02/2024

 MARKHAM DEVELOPMENT SERVICES COMMISSION

Drawn By: BE

Checked By: DB

**FIGURE No. 2**



Figure 3

# Area Context and Zoning

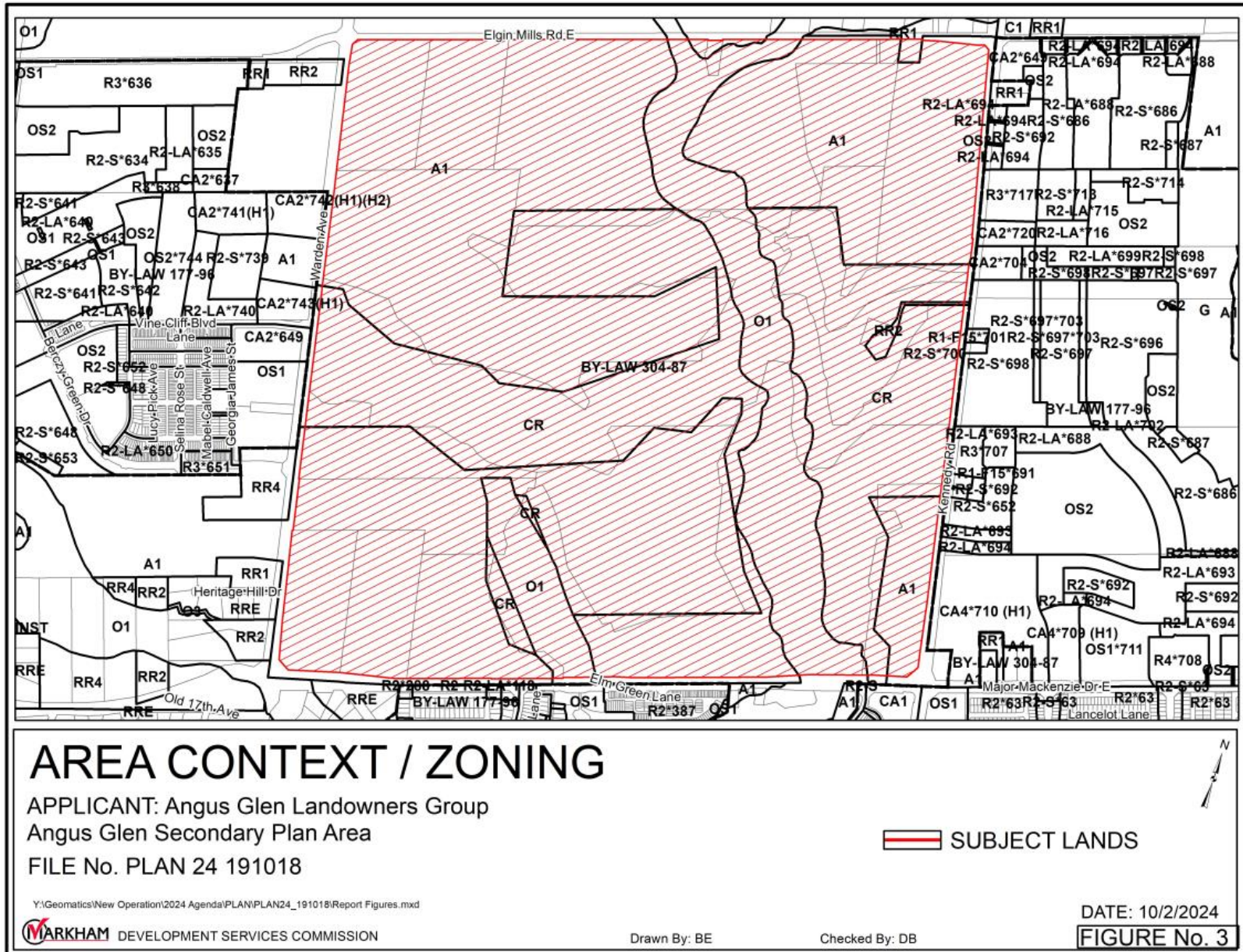
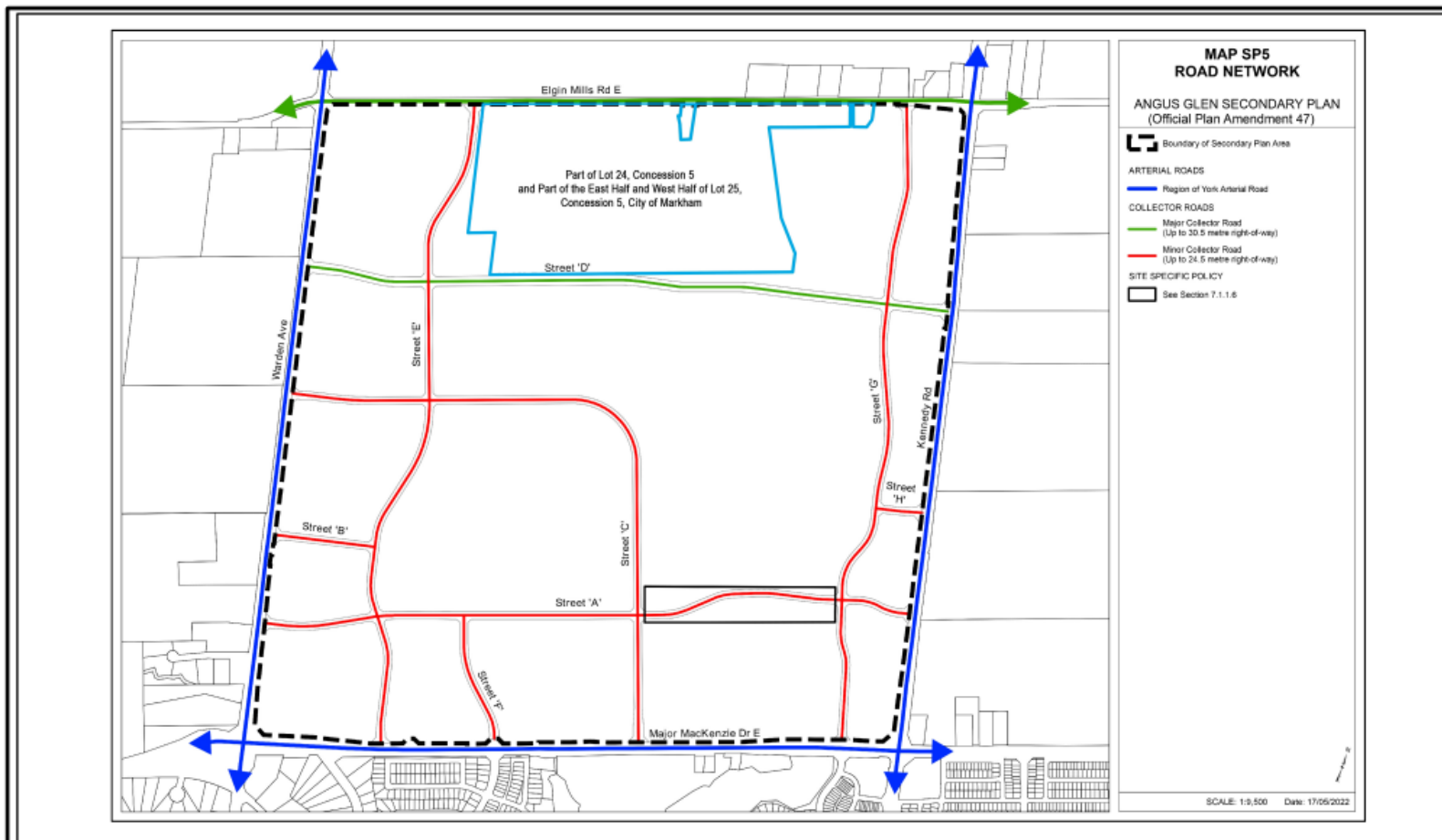


Figure 4

# Angus Glen Secondary Plan Map SP5 Road Network



## ANGUS GLEN SECONDARY PLAN MAP SP5 ROAD NETWORK

APPLICANT: Angus Glen Landowners Group  
 Angus Glen Secondary Plan Area

FILE No. PLAN 24 191018

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**MARKHAM** DEVELOPMENT SERVICES COMMISSION

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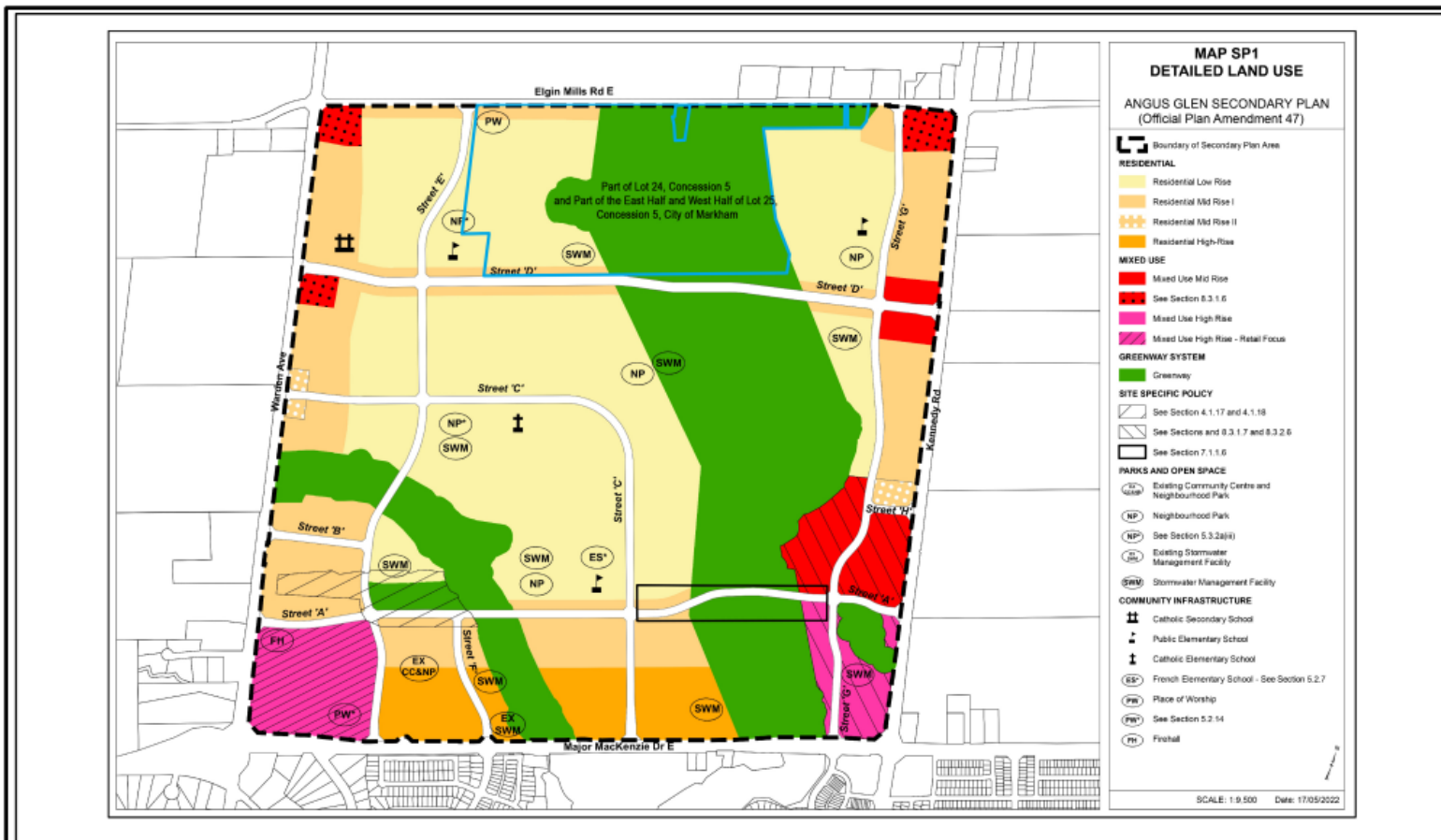
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DATE: 10/02/2024

**FIGURE No. 4**

Figure 5

# Angus Glen Secondary Plan Map SP1 Detailed Land Use



## ANGUS GLEN SECONDARY PLAN MAP SP1 DETAILED LAND USE

APPLICANT: Angus Glen Landowners Group  
Angus Glen Secondary Plan Area

FILE No. PLAN 24 191018

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**MARKHAM** DEVELOPMENT SERVICES COMMISSION

Drawn By: BE

Checked By: DB

DATE: 10/02/2024

**FIGURE No. 5**





**ANGUS GLEN  
SECONDARY PLAN AREA  
OPA NO. 47**

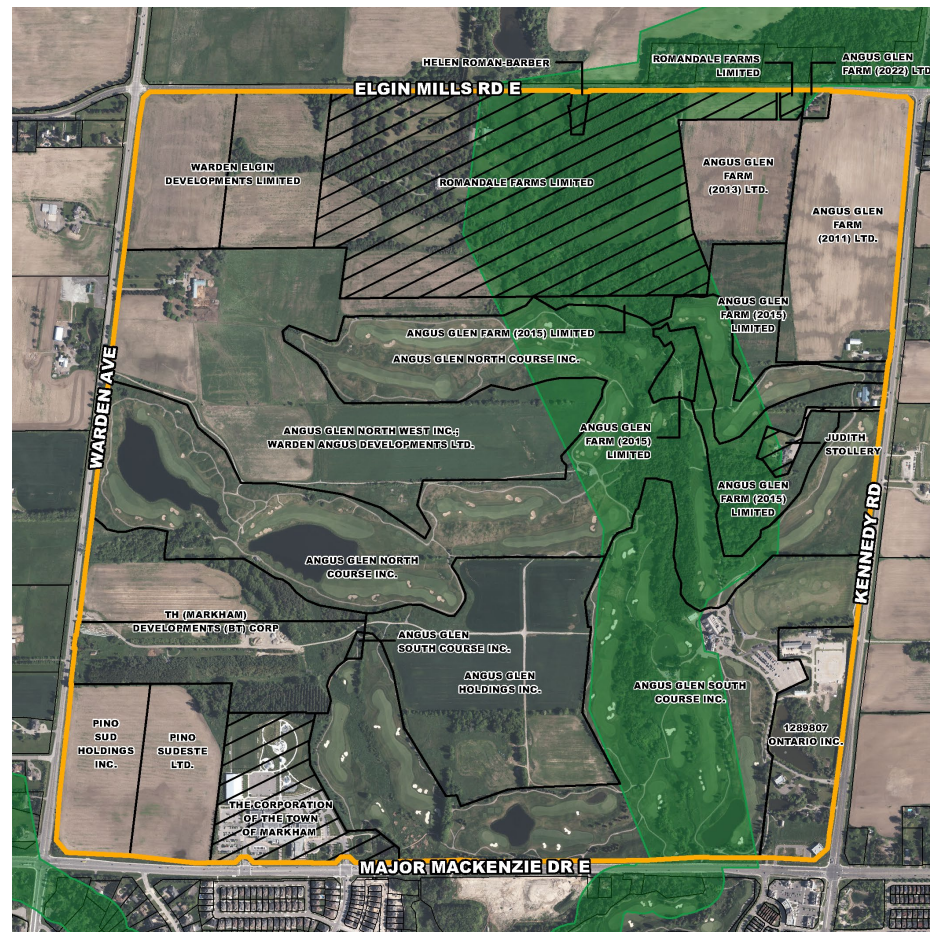
**Angus Glen Block, City of Markham  
Official Plan Amendment**

**PLAN 24 191018  
STATUTORY PUBLIC MEETING  
October 22, 2024**



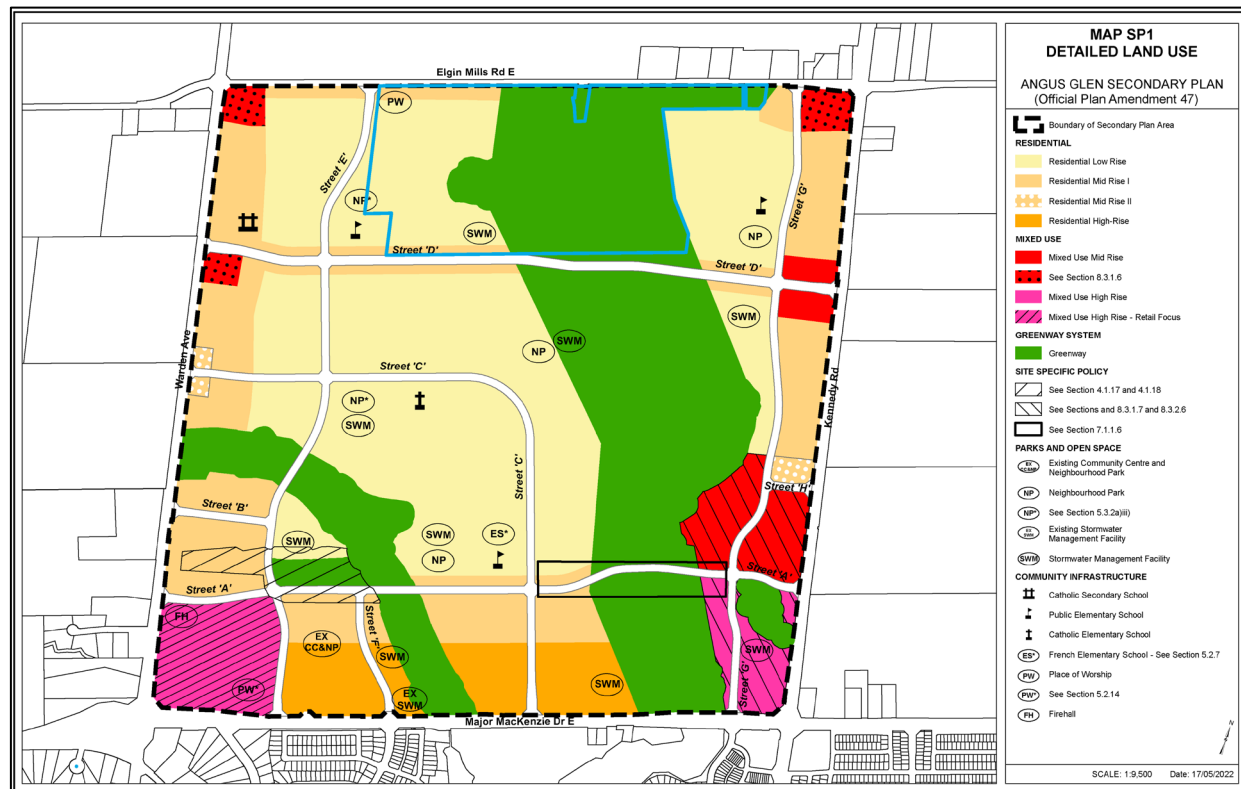
# SITE AREA CONTEXT

- The Angus Glen Block is located within the North Markham Future Urban Area (“FUA”)
- Bound by Elgin Mills Road to the north, Kennedy Road to the east, Major Mackenzie Drive to the south, and Warden Avenue to the west
- The Angus Glen Block is approximately 400 gross hectares in size
- Existing uses in this block include the Angus Glen Community Centre & Library, Gordon Stollery Park, the Angus Glen Golf Course, agricultural and rural residential uses



# ANGUS GLEN SECONDARY PLAN & OPA

- The Angus Glen Secondary Plan (OPA No. 47) was approved by the Ontario Land Tribunal on July 26, 2023 and is in full force and effect
- OPA Application submitted by the Angus Glen Landowners' Group on September 12, 2024
- OPA Application deemed complete on September 16, 2024
- OPA Application proposes two site-specific policies



# PROPOSED OFFICIAL PLAN AMENDMENT

The Official Plan Amendment introduces two new site-specific policies:

1) Adding a new Policy 5.2.19 which reads:

***“Notwithstanding policies 5.2.13 and 5.2.18 and Map SP1, a Place of Worship shall not be located on the lands legally described as Part of Lot 24, Concession 5 and Part of the East Half and West Half of Lot 25, Concession 5, City of Markham.”***

5.2.13 That the location, size and configuration of required *place of worship* sites shown on Map SP1 – Detailed Land Use shall be further defined through the Community Design Plan or plans of subdivision consistent with the requirements of Section 8.13.7 of the Official Plan and Council’s *place of worship* site reservation policy.

5.2.18 That a *place of worship* site may be relocated without amendment to this Secondary Plan, provided the alternate site is consistent with the community structure objectives of this Secondary Plan as outlined in the Community Design Plan.



**MAP 550 of 144**  
**DETAILED LAND USE**

**ANGUS GLEN SECONDARY PLAN**  
 (Official Plan Amendment 47)



- Boundary of Secondary Plan Area
- RESIDENTIAL**
  - Residential Low Rise
  - Residential Mid Rise I
  - Residential Mid Rise II
  - Residential High-Rise
- MIXED USE**
  - Mixed Use Mid Rise
  - See Section 8.3.1.6
  - Mixed Use High Rise
  - Mixed Use High Rise - Retail Focus
- GREENWAY SYSTEM**
  - Greenway
- SITE SPECIFIC POLICY**
  - See Section 4.1.17 and 4.1.18
  - See Sections 8.3.1.7 and 8.3.2.6
  - See Section 7.1.1.6
- PARKS AND OPEN SPACE**
  - Existing Community Centre and Neighbourhood Park
  - Neighbourhood Park
  - See Section 5.3.2a(iii)
  - Existing Stormwater Management Facility
  - Stormwater Management Facility
- COMMUNITY INFRASTRUCTURE**
  - Catholic Secondary School
  - Public Elementary School
  - Catholic Elementary School
  - French Elementary School - See Section 5.2.7
  - Place of Worship
  - See Section 5.2.14
  - Firehall

# PROPOSED OFFICIAL PLAN AMENDMENT

The Official Plan Amendment introduces two new site-specific policies:


**2) Adding a new (h) to Policy 7.1.2.2 which reads:**

*“That the designated collector roads within the road network of the Angus Glen Secondary Plan Area as shown on Map SP5 Road Network be planned to generally achieve the following:*


*h) notwithstanding each of the policies set out above, and in particular, policy 7.1.2.2 b) of the Angus Glen Secondary Plan, the east-west major collector road may not be realigned such that any portion of the east-west major collector road would encroach onto, or cross over, any part of the lands legally described as Part of Lot 24, Concession 5 and Part of the East Half and West Half of Lot 25, Concession 5, City of Markham.”*

**7.1.2.2 b)** design requirements, consistent with the comprehensive urban design guidelines for the Future Urban Area Planning District and the Community Design Plan, to be confirmed through a class environmental assessment, the transportation component of the master environmental servicing plan, and refined through the functional traffic design studies. The collector roads may be subject to minor realignment but not removal, without amendment to this Plan, provided the intent of this Secondary Plan is maintained as modified through an approved environmental assessment;

ANGUS GLEN SECONDARY PLAN  
(Official Plan Amendment 47)


 Boundary of Secondary Plan Area

ARTERIAL ROADS


 Region of York Arterial Road

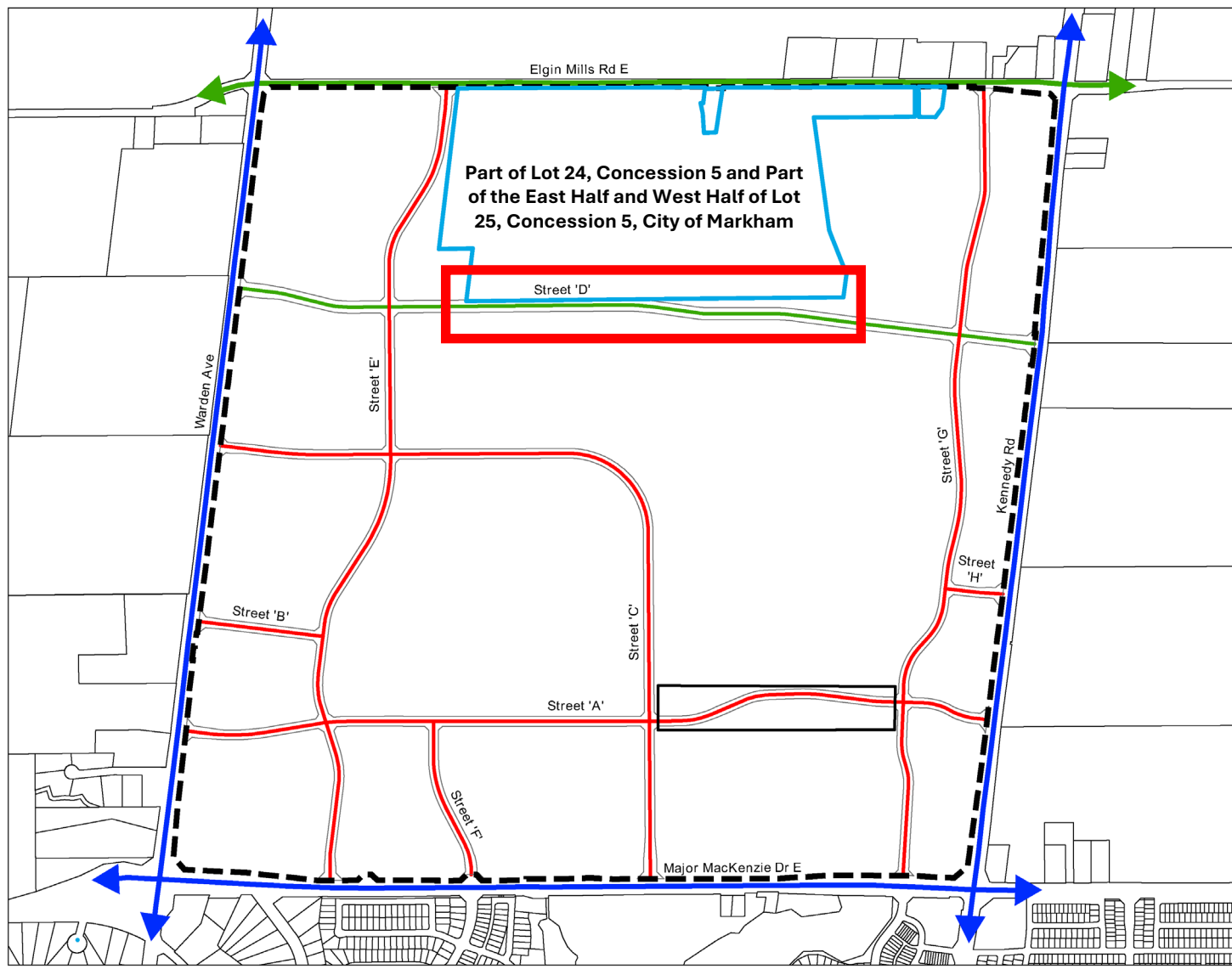
COLLECTOR ROADS

 Major Collector Road  
(Up to 30.5 metre right-of-way)

 Minor Collector Road  
(Up to 24.5 metre right-of-way)

SITE SPECIFIC POLICY

 See Section 7.1.1.6



# PLANNING CONFORMITY

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- The proposed OPA is minor and does not impact the overall goals, objectives, or land use policies and designations of the Angus Glen Secondary Plan (OPA No. 47).
- The proposed OPA contributes to the achievement of a complete, compact community in accordance with provincial policy direction.
- The proposed OPA conforms to the York Region and City of Markham Official Plans by continuing to establish a complete community within the FUA that provides a mix of land uses, community facilities such as schools, places of worship, and parks, opportunities for local and community retail, and integrated open space and transportation systems.
- The Angus Glen Secondary Plan permits Place of Worship sites to be relocated without amendment to the Secondary Plan provided the alternate site is consistent with the community structure objectives, and that specific locations are to be determined through future development applications and as agreed to by the Angus Glen Landowners' Group. **The proposed OPA site-specific policy prohibits a Place of Worship site from being located on the identified lands.**
- All the collector roads shown in the Angus Glen Secondary Plan including Street D reflect road alignments that were established through a Municipal Class Environmental Assessment (MCEA) process undertaken by the Angus Glen Landowners' Group. It received an approval under the *Environmental Assessment Act* on September 26, 2022.
- Further to Section 7.1.2.2 b) which permits collector roads may be subject to “minor realignments” provided the intent of the Secondary Plan is maintained as modified through an approved environmental assessment, **the proposed OPA site-specific policy requires that if realigned, Street D shall not be located on the identified lands.**





# Statutory Public Meeting

OFFICIAL PLAN AMENDMENT

Angus Glen Landowners Group

Angus Glen Secondary Plan Area (Ward 6)

PLAN 24 191018

**October 22, 2024**



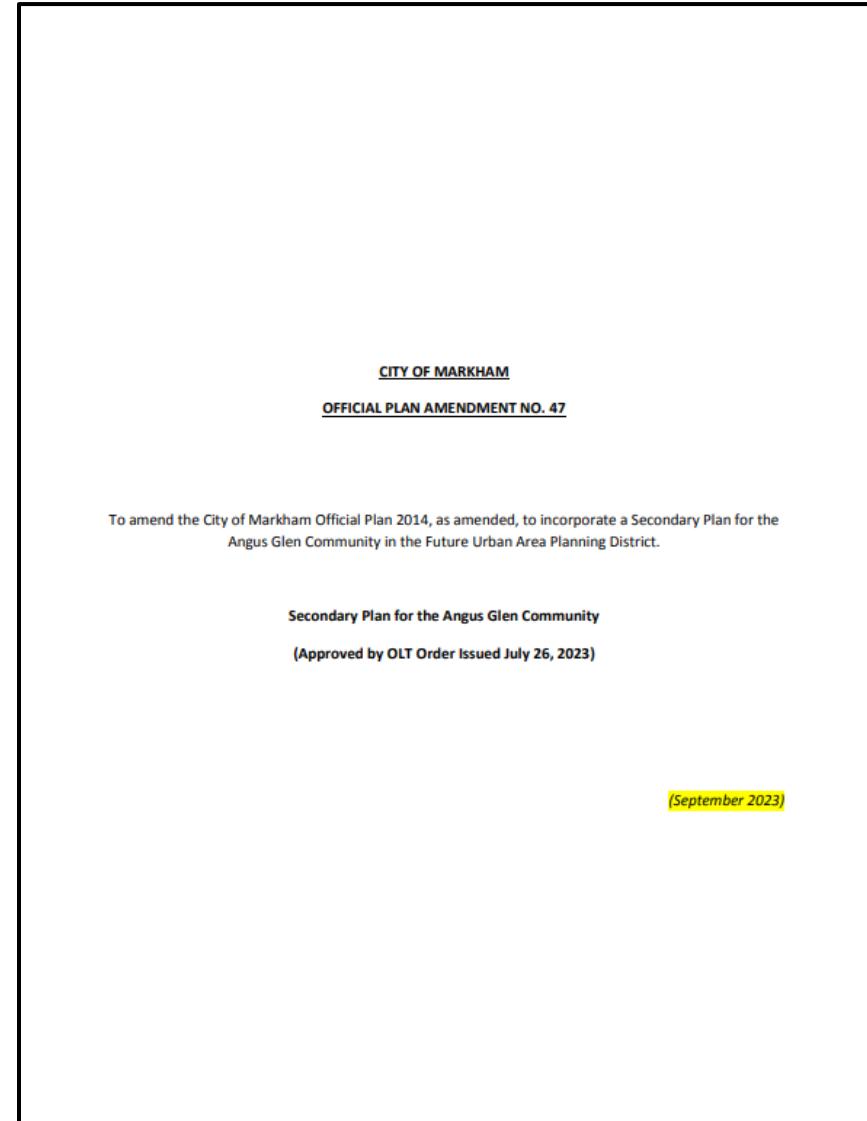


- Bound by Elgin Mills Road, Kennedy Road, Major Mackenzie Drive East, and Warden Avenue
- Existing uses: primarily agricultural, golf course major recreational use, community facilities, and rural residential

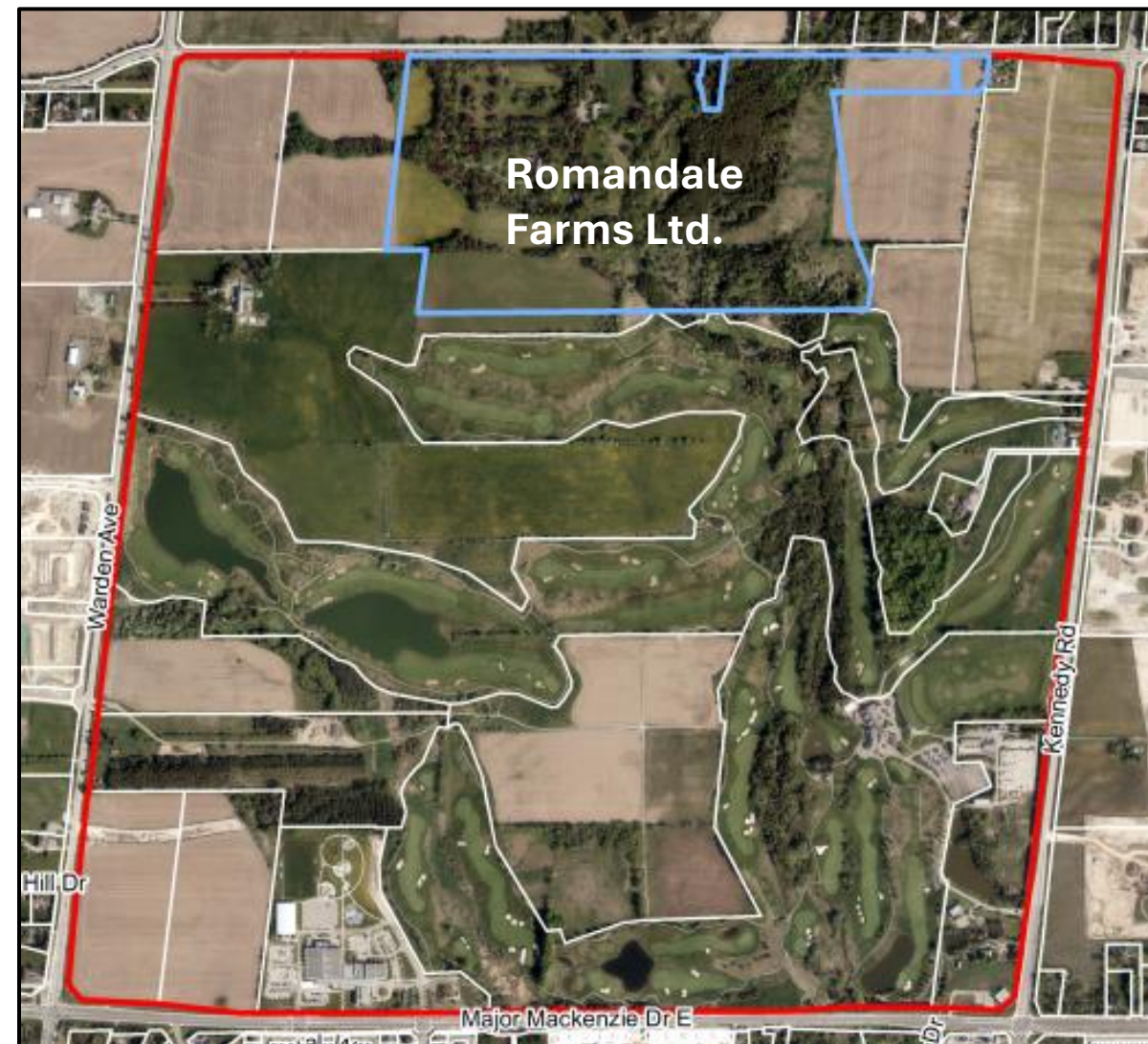




- The lands form the Angus Glen Secondary Plan (AGSP), which the OLT approved in July 2023
- Guides the development of an area planned for approximately 7,500 dwelling units, 19,700 residents, and 1,300 jobs planned (full build out)







Introduction of two site-specific policies related to the Romandale Farms Ltd. lands:

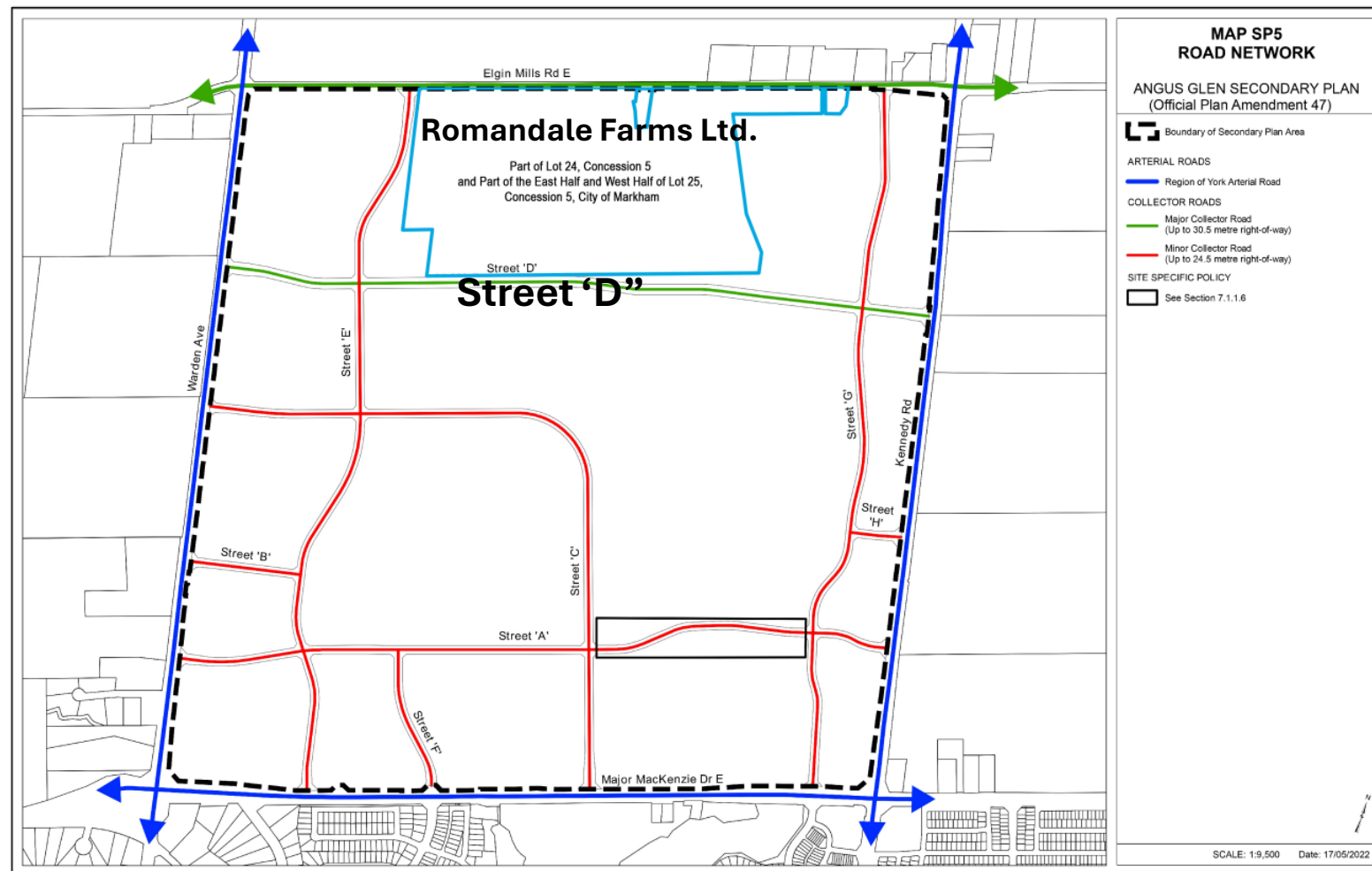
1. the location of the northern **east-west collector road**
2. the location of the northern **place of worship**



# The Proposal (1: Collector Road)

## Policy 1: Northern east-west collector road (Street 'D')

- Street 'D' is adjacent to the Romandale Lands
- It reflects the road network established by the MCEA process undertaken for the Angus Glen Block
- To provide greater certainty for the Romandale Lands, the new policy states that Street 'D' will not encroach onto, or cross over, any part of the Romandale Lands

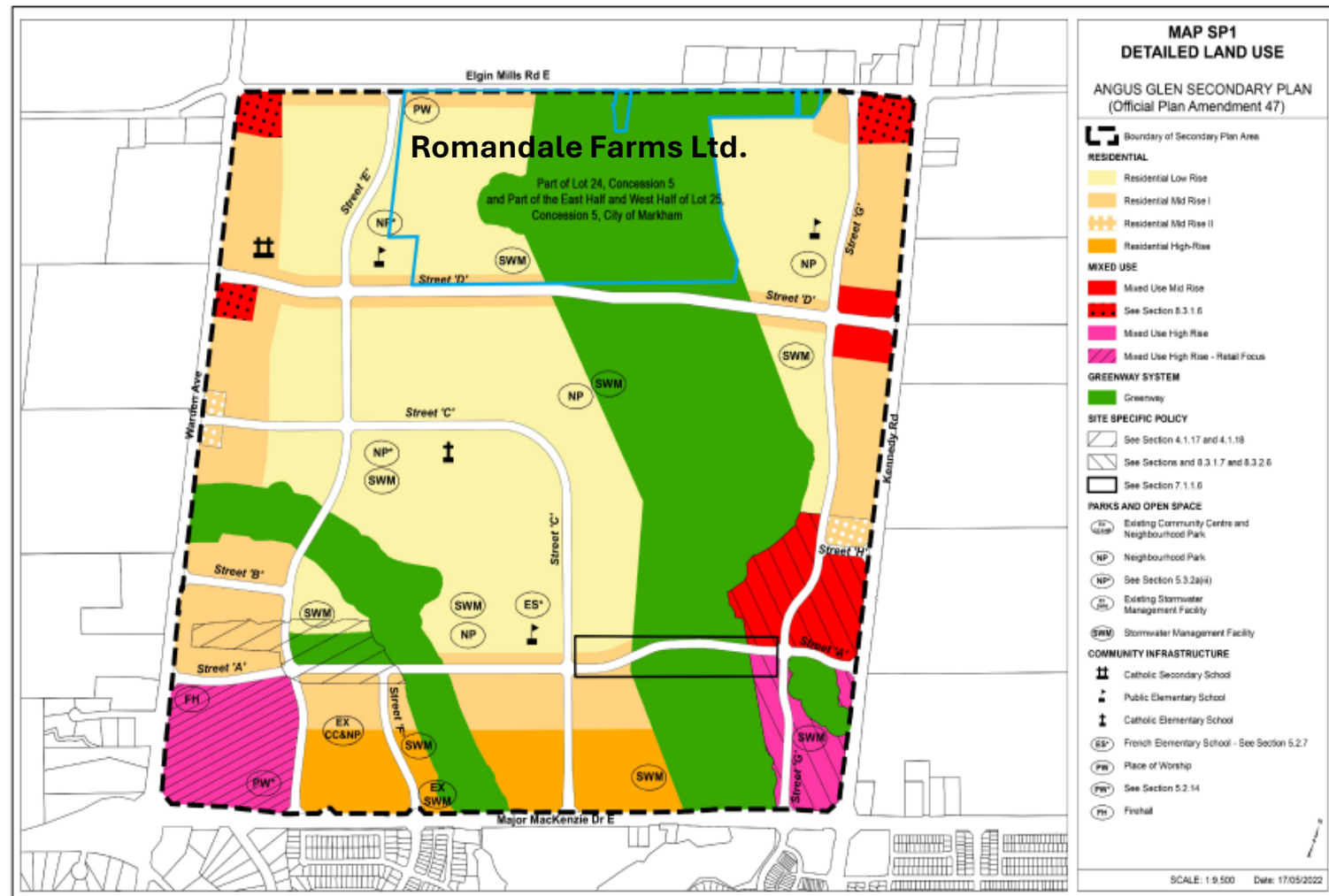




# The Proposal (2: Place of Worship)

## Policy 2: northern place of worship site

- The AGSP identifies the conceptual sites and requirements for two places of worship
- These sites may be relocated without amendment to the AGSP
- To provide greater certainty for the Romandale Lands, the new policy states that a place of worship shall not be located on the Romandale Lands





## 1. Staff will continue to review the Proposal

- Conformity and Consistency with Provincial, and York Region and City Official Plan

## 2. Committee may refer the Application back to Staff

- Staff to prepare a recommendation report for a future DSC, if required
- Conversely, staff are amenable to bringing the Official Plan Amendment instrument to a future Council date, if directed

**Thank you**





Report to: Development Services Committee

Meeting Date: October 29, 2024

**SUBJECT:** RECOMMENDATION REPORT  
Zoning By-law Amendment Application submitted by Orchardale Homes (Steeles) Inc. to facilitate the development of 17 townhouse units at 330 and 336 Steeles Avenue East, File PLAN 21 139369 (Ward 1)

**PREPARED BY:** Hailey Miller, Senior Planner, West District, Ext. 2945

**REVIEWED BY:** Rick Cefaratti, MCIP, RPP, Acting Manager, West District, Ext. 3675  
Stephen Lue, MCIP, RPP, Senior Development Manager, Ext. 2520

**RECOMMENDATION:**

1. THAT the report dated October 29, 2024, titled, “Zoning By-law Amendment Application submitted by Orchardale Homes (Steeles) Inc. to facilitate the development of 17 townhouse units at 330 and 336 Steeles Avenue East, File PLAN 21 139369 (Ward 1)”, be received;
2. THAT the Zoning By-law Amendment application be approved and that the draft site-specific Zoning By-law Amendment, attached as Appendix ‘A’, be finalized and enacted without further notice;
3. THAT servicing allocation for 17 townhouse units be assigned and that servicing allocation will be revoked or reallocated after a period of three (3) years from the date of Council Approval, should the development not proceed in a timely manner;
4. AND THAT Staff be authorized and directed to do all things necessary to give effect to this resolution.

**PURPOSE:**

This report recommends approval of the Zoning By-law Amendment application (the “Application”) submitted by Orchardale Homes (Steeles) Inc. (the “Owner”) to facilitate the development of 17 townhouse units (the “Proposed Development”) on the lands municipally known as 330 and 336 Steeles Avenue East (the “Subject Lands”).

**Process to Date**

- Staff deemed the Application complete on January 17, 2022
- The Development Services Committee (the “DSC”) received the Public Meeting Information Report on June 7, 2022
- The statutory Public Meeting was held on June 7, 2022

The 90-day period set out in the *Planning Act* before the Owner can appeal the Application to the Ontario Land Tribunal (the “OLT”) for a non-decision ended on April 16, 2022. Accordingly, the Owner can appeal the Application to the OLT.

## Next Steps

Should the DSC support the Application, the planning process would include the following next steps:

- Enactment of the site-specific Zoning By-law Amendment (“ZBA”) at the November 6, 2024, Council meeting
- Future required applications for Site Plan Control, Draft Plan of Condominium (common element), and Part Lot Control Exemption

## BACKGROUND:

### Subject Lands and Area Context

The 0.33 ha (0.82 ac) Subject Lands are located along the north side of Steeles Avenue East, east of Bayview Avenue, and are currently developed with two single detached dwellings that are proposed to be removed to accommodate the Proposed Development (see Figures 1 to 3). Figure 3 shows the surrounding land uses.

## PROPOSAL:

The Owner proposes to amend Zoning By-law 177-96 to permit the Proposed Development (see Figure 4) serviced by an internal private driveway with two accesses from Steeles Avenue East (see Table 1).

<b>TABLE 1: Proposed Development Key Statistics</b>	
<b>Number of Units</b>	17
<b>Unit Widths</b>	4.9 m to 7.1 m (16.1 ft to 23.3 ft)
<b>Building Height</b>	3 storeys - 13 m (42.7 ft)
<b>Parking Spaces</b>	<b>38</b>   34 residential (plus 4 visitor)

## PLANNING POLICY AND REGULATORY CONTEXT:

The following describes how the Application meets the planning policy framework established by the Province, York Region, and the City under the *Planning Act*, R.S.O. 1990.

### *The Proposed Development is consistent with the policies of Provincial Policy Statement, 2020 (the “2020 PPS”) and the Growth Plan for the Greater Golden Horseshoe, 2019 (the “Growth Plan”)*

The 2020 PPS provides direction on matters of Provincial interest related to land use planning and development. These matters, in-part, include building strong healthy communities with an emphasis on efficient development and land use patterns, and wise use and management of resources. The Subject Lands are designated for development in the York Region and City Official Plans.

The Growth Plan provides, in-part, a framework for implementing the Province’s vision for building strong, prosperous communities within the Greater Golden Horseshoe to 2041, with building compact, vibrant and complete communities, and optimizing the use of existing and new infrastructure to support growth. The Subject Lands are located within the Growth Plan’s ‘Built-Up Area’ that specifies minimum intensification targets and the objective of achieving complete communities with a mix of land uses and housing options, expanding convenient access to a range of transportation options, and fostering a compact built form and an attractive and vibrant public realm.

### *Provincial Planning Statement, 2024 (“2024 PPS”)*

On August 20, 2024, the Province released the draft Provincial Planning Statement. The 2024 PPS came into effect on October 20, 2024, and subject to transition regulations, all planning decisions made after the

effective date will be required to be consistent with the 2024 PPS. Planning Staff have reviewed the policies of the 2024 PPS and opine the Proposed Development is consistent with its policies.

***The Proposed Development conforms to the York Region Official Plan (the “2022 ROP”)***

On June 6, 2024, Bill 185 (*Cutting Red Tape to Build More Homes Act, 2024*) (“Bill 185”) received Royal Assent, which includes amendments to the *Planning Act*. In accordance with the amendments to the *Planning Act* implemented through Bill 185, York Region became a Region without planning responsibilities effective July 1, 2024. Pursuant to subsection 70.13(2) of the *Planning Act*, 2022 ROP is deemed to constitute an official plan of the City in respect of any area in the City to which it applies and will remain in effect until the City revokes or amends it.

The 2022 ROP designates the Subject Lands ‘Urban Area’ on Map 1 - Regional Structure, which permits a wide range of land uses including residential, commercial, employment, and institutional uses. Map 1A – Land Use Designations designates the Subject Lands ‘Community Area’, which are areas where many residents, personal services, retail, arts, culture, recreational facilities, and human-services needs would be located. The Owner proposes uses that are contemplated under the ‘Community Area’ designation and are considered compatible with the surrounding area.

***The Proposed Development conforms to the 2014 Markham Official Plan (“2014 Official Plan”)***

The 2014 Official plan designates the Subject Lands “Residential Low Rise”, which permits single detached, semi-detached, townhouses excluding back-to-back townhouses, small multiplex buildings containing three to six units, all with direct frontage onto a public street, with a maximum building height of three storeys. Section 8.2.3.3 of the 2014 Official Plan further specifies that a Zoning By-law Amendment to permit a townhouse development without direct frontage on a public street would be considered where a development block has frontage on an arterial road or a major collector road (i.e., Steeles Avenue East).

In addition, the Infill Development policies for Thornhill apply to the Subject Lands. These policies require that the development of new dwellings respects and reflects the existing pattern and character of adjacent developments. The Application has been reviewed against the Official Plan policies and Staff opine the Proposed Development can be supported as it represents an appropriate intensification of the site and is compatible with the existing pattern and character of the area.

***The draft ZBA (Appendix ‘A’) zones the Subject Lands Residential Two (R2) with site-specific development standards***

Zoning By-law 1767, as amended, zones the Subject Lands “Single Family Detached Dwelling Special Residential Second Density” (SR2), as shown on Figure 2. The Owner proposes to rezone the Subject Lands to “Residential Two (R2)” under By-law 177-96, as amended, and include site-specific development standards including, but not limited to: minimum rear, front, and side yard setbacks, minimum lot frontage, maximum number of dwelling units, minimum dwelling unit width, and maximum building height.

**DISCUSSION:**

This section identifies how the matters raised through the review process for the Proposed Development, including those raised at the June 7, 2022, statutory Public Meeting, have been resolved or considered. The City received one written submission and no deputations. The following is a summary of the key comments and concerns raised at the meeting:

- Adequate tree planting to assist in replacing the trees that would be removed to accommodate the Proposed Development, particularly at the rear of the Subject Lands
- A Proposed Development developed in a way that complements existing and future development



- On-site snow storage locations
- Appropriate truck maneuvering of the City's waste vehicles through the Subject Lands
- Concern with the proposed amount of amenity space
- Concern with potential traffic along Steeles Avenue East

a) **Density and Compatibility**

The Proposed Development is generally compatible with the surrounding context consisting of a mix of building types, including an existing townhouse development to the east, a commercial garden centre directly west and adjacent to the Subject lands, and existing single detached dwellings. The Owner proposes a 5 m rear yard setback as a buffer to the existing single detached dwellings located on Huckleberry Lane. The Proposed Development represents an appropriate intensification of the Subject Lands, particularly given its location fronting Steeles Avenue East.

b) **Downstream Sanitary Sewer Capacity Constraints**

City Engineering Staff identified downstream sewer capacity constraints along Steeles Avenue East and through consultation with City Staff, the Owner agrees to contribute \$60,000 to the City towards additional flow monitoring to support future inflow and infiltration reduction in the area. This contribution will be collected through the Site Plan Control application. Engineering Staff have indicated no concerns about the approval of the Application.

c) **City of Toronto**

The Proposed Development fronts onto Steeles Avenue East, which is under the jurisdiction of the City of Toronto. Through review of the Application, the City of Toronto identified the requirement for a 4.21m road widening along Steeles Avenue East. This would be conveyed through the future Site Plan Control application. The City of Toronto indicated they have no concerns with the approval of the Application, subject to their further review through the future Site Plan Control Application.

d) **Access and Site Layout**

The City's Waste and Fire Department identified concerns with the original site layout and access design. The original design shown at the statutory Public Meeting included one access from Steeles Avenue East. In response to the Staff comments the Owner revised their proposal to include two accesses onto Steeles Avenue East to allow waste vehicles to appropriately maneuver through the site.

e) **Amenity Space and Cash-in-lieu**

In consultation with City Staff, the Owner revised their plans so that each unit will provide a minimum of 20 m<sup>2</sup> contiguous private amenity space to satisfy Planning and Urban Design requirements. The Proposed Development will also require payment of cash-in-lieu of parkland. The value of the cash-in-lieu requirement will be reviewed through the future Site Plan Control Application.

f) **Tree Protection**

Tree planting will be provided on-site to ensure sufficient screening and privacy for the existing surrounding dwellings. Final tree removals and on-site planting will be finalized through the future Site Plan Control and Tree Permit Applications.

g) **Transportation Review**

Concerns were raised by members of the public that the Proposed Development would generate increased traffic in the area. The Owner submitted a Traffic Impact Study, prepared by GHD, that indicates the traffic generated as part of the Proposed Development can be accommodated by the existing

transportation infrastructure. The City's Transportation Planning Staff commented that the submitted Traffic Impact Study in support of the Proposed Development has been reviewed to their satisfaction.

**h) Parking and Snow Storage**

The Proposed Development provides the minimum number of parking spaces for residents and visitors required by the City's Parking By-law. Moreover, the Owner identified two potential snow storage locations, which will be finalized through the future Site Plan Control Application.

**i) Lane Connection to Existing Townhouse Development at the Northwest Corner of Steeles Avenue East and Valloncliffe Road**

Planning Staff initially requested an internal laneway connection between the Proposed Development to the existing townhouse development at the northwest corner of Steeles Avenue East and Valloncliffe Road. However, through consultation with City Staff, and with the required two points of access onto Steeles Avenue East for waste and fire vehicles, this connection is not feasible. The properties located east of the Subject Lands (338-344 Steeles Avenue East) could still connect to the existing townhouse development in the future where the City had already secured a public access easement that would allow 338-344 Steeles Avenue East to connect to the existing laneway.

**CONCLUSION:**

Staff are satisfied that the proposed ZBA is appropriate and represents good planning. The Proposed Development is compatible and complementary with the surrounding area context and, therefore, Staff recommend approval of the Application, subject to the ZBA attached as Appendix 'A'.

**FINANCIAL CONSIDERATIONS:**

Not applicable

**HUMAN RESOURCES CONSIDERATIONS:**

Not applicable

**ALIGNMENT WITH STRATEGIC PRIORITIES:**

The Application is being evaluated in the context of the City's strategic priorities, including Growth Management and Municipal Services.

**BUSINESS UNITS CONSULTED AND AFFECTED:**

The Application has been circulated to various City departments and external agencies and their requirements are reflected in the implementing draft Zoning By-law Amendment (see Appendix 'A').

**RECOMMENDED BY:**

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Giulio Cescato, MCIP, RPP  
Director, Planning and Urban Design

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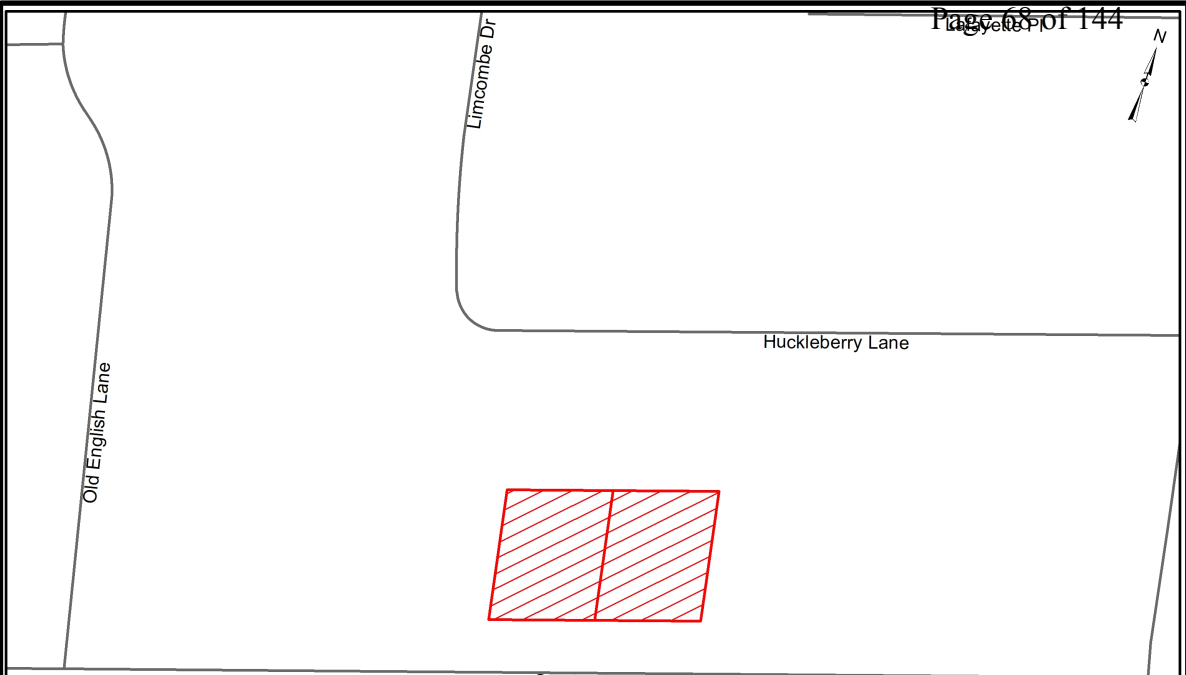
Arvin Prasad, MCIP, RPP  
Commissioner of Development Services

**ATTACHMENTS AND APPENDIX:**

Figure 1: Location Map  
Figure 2: Area Context and Zoning  
Figure 3: Aerial Photo (2023)  
Figure 4: Conceptual Site Plan  
Appendix 'A': Draft Zoning By-law Amendment

**APPLICANT:**

Malone Given Parsons  
C/O Catalina Cardenas  
140 Renfrew Drive Unit 200  
Tel: 905-513-0170



Old English Lane

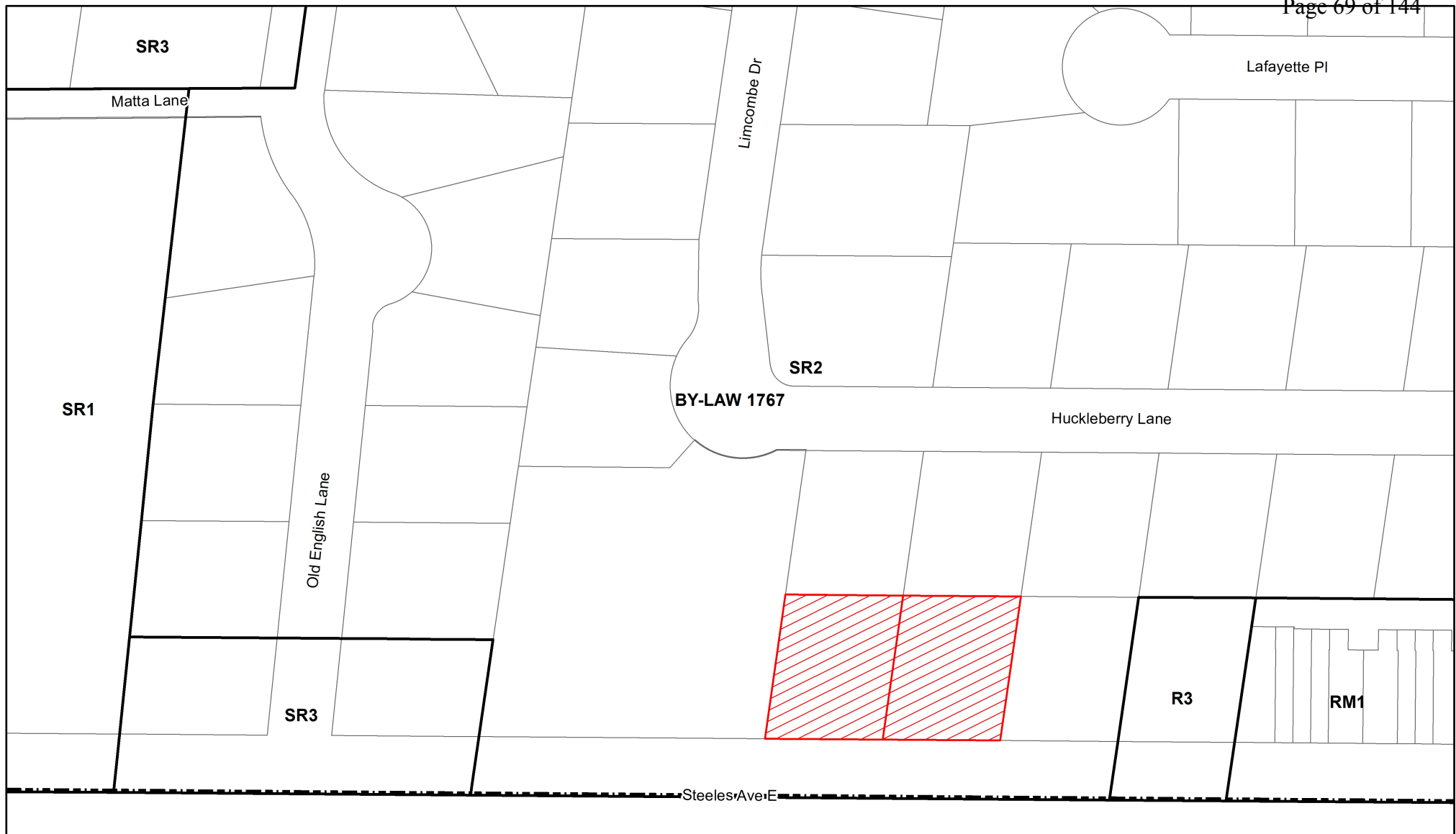
Limcombe Dr

Huckleberry Lane

Steeles Ave E




**SUBJECT LANDS**



# AREA CONTEXT / ZONING

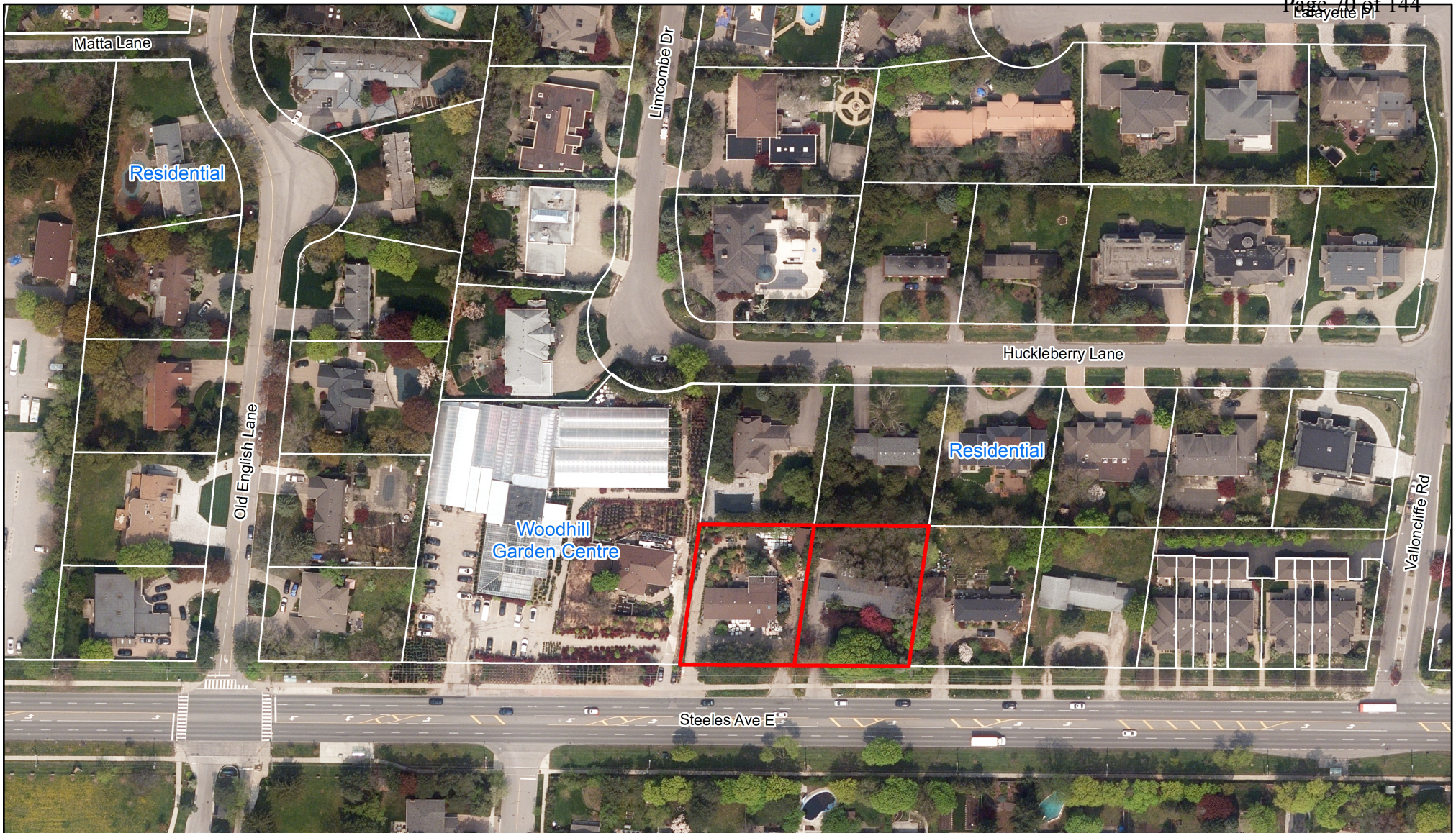
APPLICANT: Malone Given Parsons (Catalina Cardenas)  
330 & 336 Steeles Avenue East

FILE No. PLAN 21 139369

 SUBJECT LANDS








# AERIAL PHOTO (2023)

APPLICANT: Malone Given Parsons (Catalina Cardenas)

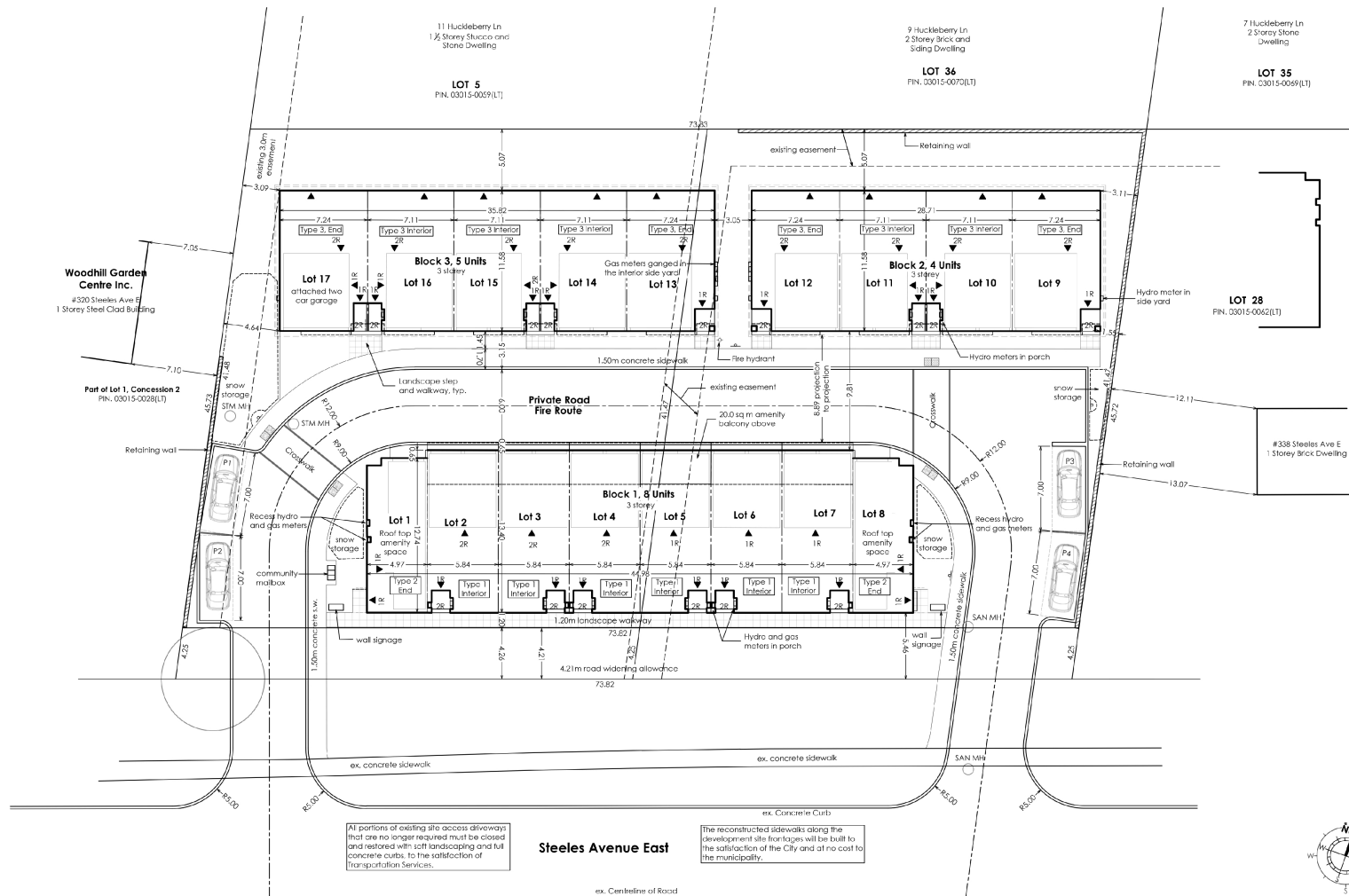
330 & 336 Steeles Avenue East

FILE No. PLAN 21 139369

 SUBJECT LANDS







All portions of existing site access driveways that are no longer required must be closed and restored with soft landscaping and full concrete curbs, to the satisfaction of Transportation Services.

The reconstructed sidewalks along the development site frontages will be built to the satisfaction of the City and at no cost to the municipality.

# CONCEPTUAL SITE PLAN

APPLICANT: Malone Given Parsons (Catalina Gardenas)  
 330 & 336 Steeles Avenue East  
 FILE No. PLAN 21 139369

Y:\Geomatics\New Operation\2024 Agenda\PLAN\PLAN 21 139369\Report Figures.mxd



## BY-LAW 2024-\_\_\_\_\_

**A By-law to amend By-law 1767, as amended**  
*(to delete lands from the designated area of By-law 1767)*  
**and to amend By-law 177-96, as amended**  
*(to incorporate lands into the designated area of By-law 177-96)*

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

1. That By-law 1767, as amended, are hereby further amended by deleting the lands shown on Schedule 'A' attached hereto, from the designated areas of By-law 1767, as amended.
2. That By-law 177-96, as amended, is hereby further amended as follows:
  - 2.1 By expanding the designated area of By-law 177-96, as amended, to include additional lands as shown on Schedule 'A' attached hereto.
  - 2.2 By zoning the lands outlined on Schedule 'A' attached hereto:
 

from:  
**Single Family Detached Dwelling Special Residential Second Density (SR2) Zone**

to:  
**Residential Two (R2)\*780 Zone**
3. By adding the following subsections to Section 7 – EXCEPTIONS:

Exception 7.780	330 and 336 Steeles Avenue East PLAN 8959 Lot 4 and PLAN M896 Lot 27	Parent Zone R2
File PLAN 21 139369		Amending By-law 2024-_____
Notwithstanding any other provisions of this By-law, the following provisions shall apply to the land denoted by the symbol *780 on the schedules to this By-law. All other provisions, unless specifically modified/amended by this section, continue to apply to the lands subject to this section.		
<b>7.757.1 Only Permitted Uses</b>		
The following are the only permitted uses:		
a)	<i>Townhouse Dwellings</i>	
b)	<i>Home Occupation</i>	
c)	<i>Home Child Care</i>	
<b>7.757.2 Special Zone Standards</b>		
The following special zone standards shall apply:		
a)	Notwithstanding any further division or partition of land subject to this Section, all lands zoned with Exception *780 shall be deemed one <i>lot</i> for the purposes of this By-law.	
b)	For the purposes of this By-law, the provisions of Table B2 shall not apply.	
c)	Minimum <i>lot frontage</i> – 70 metres	
d)	Maximum number of <i>townhouse dwelling units</i> – 17	
e)	Minimum required width of a <i>townhouse dwelling</i>	

	<ul style="list-style-type: none"> <li>i. 7.1 metres</li> <li>ii. within 18.0 metres of the <i>front lot line</i> – 4.9 metres</li> </ul>
f)	Notwithstanding e) above 10 percent of the building length can be less than the minimum required width
g)	Minimum required <i>front yard</i> – 1.2 metres
h)	Minimum required <i>rear yard</i> – 5 metres
i)	Minimum required <i>interior side yard</i> – 1.5 metres
j)	Maximum <i>building height</i> – 13.0 metres
k)	<p>Private <i>outdoor amenity space</i> shall be provided subject to the following provisions:</p> <ul style="list-style-type: none"> <li>i. Private <i>outdoor amenity space</i> shall have a minimum contiguous area of 20 square metres per unit;</li> <li>ii. Private <i>outdoor amenity space</i> may be located on a rooftop, above a <i>private garage</i> and/or be located on a <i>balcony</i>;</li> <li>iii. Private <i>outdoor amenity space</i> located at grade shall abut a <i>dwelling unit</i>.</li> </ul>
l)	Any portion of a <i>building</i> above the third <i>storey</i> shall be used for no other purpose than rooftop access or, for a mechanical room.

Read and first, second and third time and passed on \_\_\_\_\_, 2024.

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

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

Amanda File No. PLAN 21 139369





**EXPLANATORY NOTE**

**BY-LAW 2024-\_\_\_\_**

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

**330 and 336 Steeles Avenue East  
PLAN 8959 Lot 4 and PLAN M896 Lot 27  
PLAN 21 139369**

**Lands Affected**

The proposed By-law amendment applies to two parcels of land with an approximate area of 0.33 hectares (0.83 acres), which is located north of Steeles Avenue East and east of Bayview Avenue.

**Existing Zoning**

The subject lands are zoned Single Family Detached Dwelling Special Residential Second Density (SR2) Zone under By-law 1767, as amended.

**Purpose and Effect**

The purpose and effect of this By-law is to rezone the subject lands under By-law 177-96, as amended as follows:

from:

**Single Family Detached Dwelling Special Residential Second Density (SR2) Zone;**

to:

**Residential Two (R2)\*780 Zone;**

to permit seventeen (17) townhouse dwellings on the lands.

# 330 & 336 Steeles Avenue East


Orchdale Homes (Steeles) Ltd.  
Zoning Bylaw Amendment Application

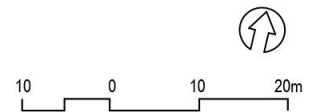
DSC Meeting: October 29<sup>th</sup>, 2024

Presented By:  
Lauren Capilongo, MCIP, RPP  
Principal

# Location Map



 **SUBJECT LANDS**  
330, 336 Steeles Ave. E.  
Markham, ON



Google Earth, July 2018

# Zoning Bylaw Amendment



## ZONING BY-LAW AMENDMENT

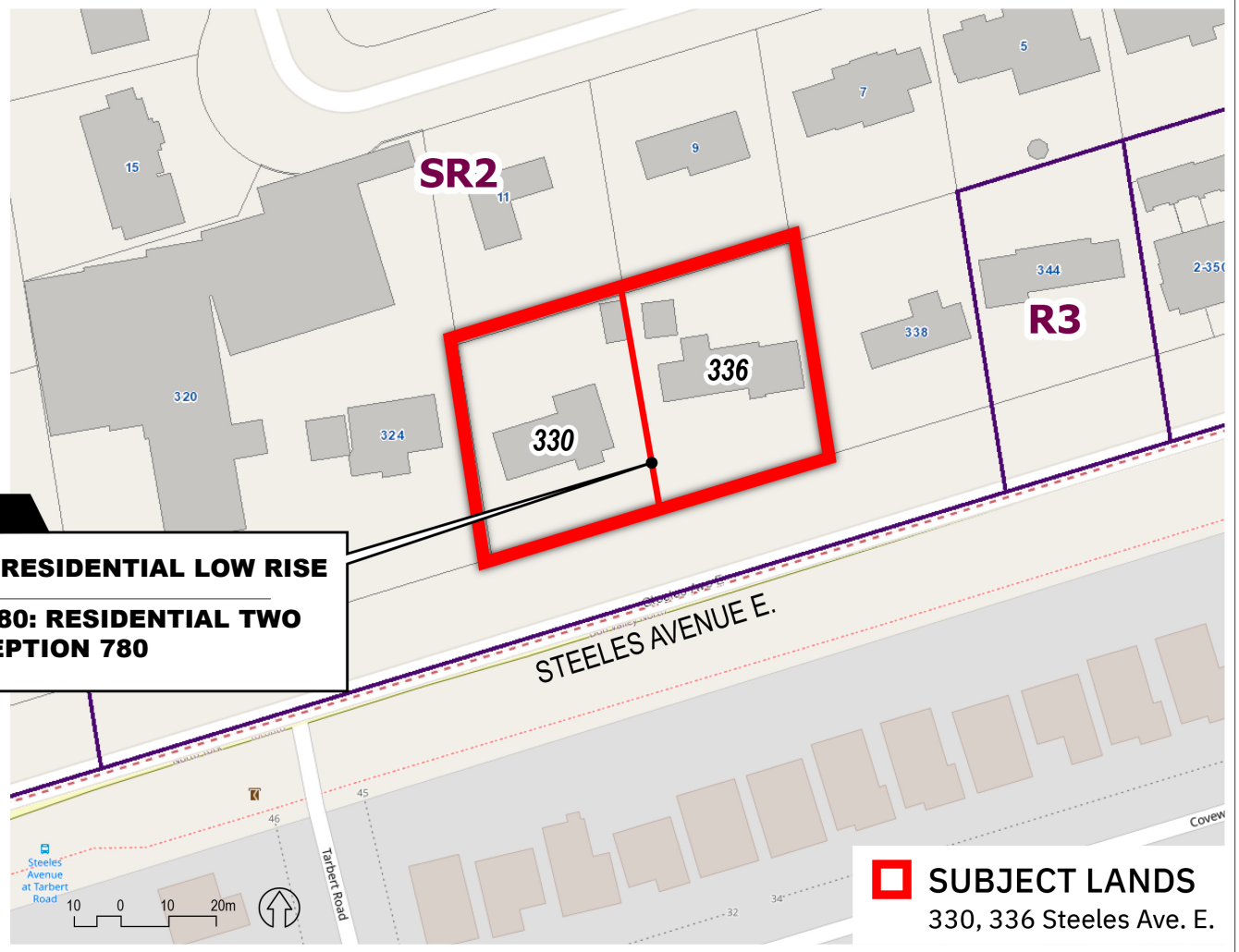
**SR2** Residential Low Rise

**R3** Residential Low Rise

### REZONE

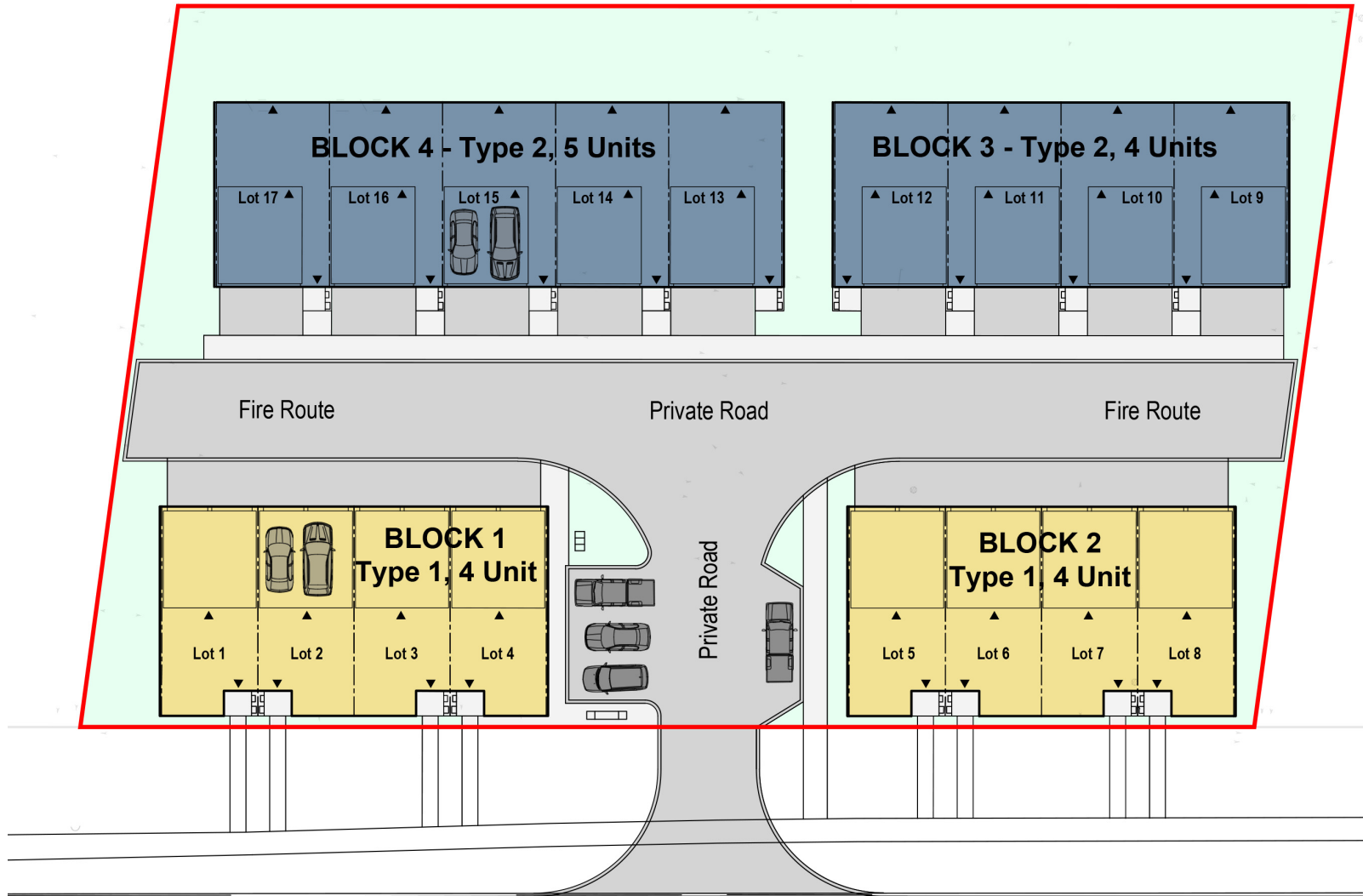
FROM **SR2: RESIDENTIAL LOW RISE**

TO **R2\*780: RESIDENTIAL TWO EXCEPTION 780**

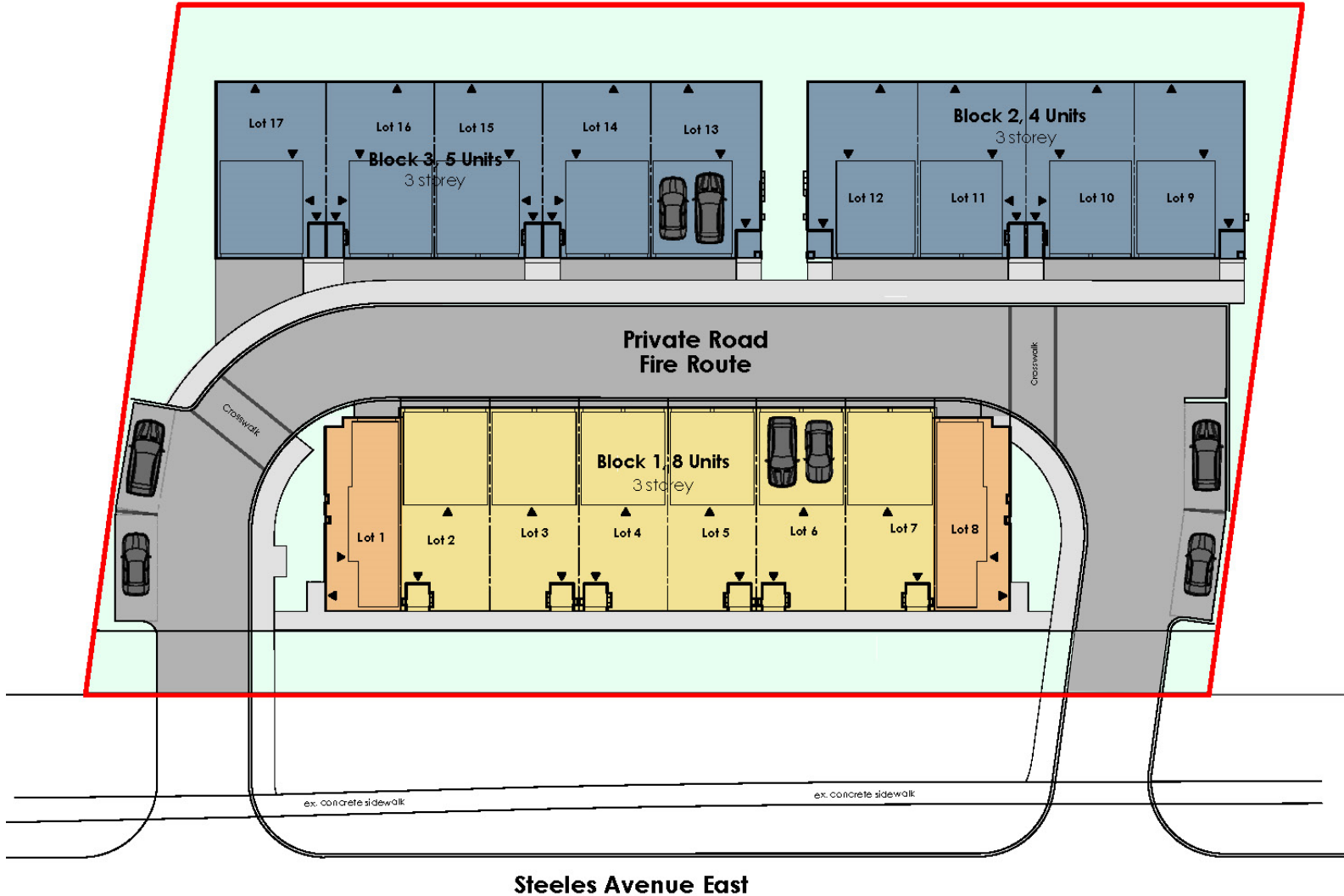




# Conceptual Site Plan – 1<sup>st</sup> Submission



# Conceptual Site Plan – Latest Submission



# Conceptual Elevations

## Rear Lane Townhouse (Fronting Steeles)



## Townhouse with Backyard Condition (at Rear)





**ANY QUESTIONS?**







Report to: General Committee

Meeting Date: November 5, 2024

**SUBJECT:** Award of Proposal 220-R-23 - Consulting Services, Supply, Implementation and Ongoing Support of an Automatic Vehicle Location (AVL) System

**PREPARED BY:** June Fry, Ext 2539  
Ned Sirry, Ext. 4885  
Rosemarie, Patano, Ext. 2990

**RECOMMENDATION:**

1. THAT the report entitled “Award of Proposal 220-R-23 - Consulting Services, Supply, Implementation and Ongoing Support of an Automatic Vehicle Location (AVL) System” be received; and
2. THAT the contract 220-R-23 - Consulting Services, Supply, Implementation and Ongoing Support of an Automatic Vehicle Location (AVL) System (One time - hardware, implementation and training costs) (Recurring - software licenses, ongoing support and maintenance) be awarded to the highest ranked/lowest priced bidder, Air Automotive Tracking Inc. (AAT) in the amount of \$326,580.40 inclusive of HST; and,
3. THAT a contingency in the amount of \$32,658.04 inclusive of HST be established to cover any additional project costs be approved, and that authorization be granted to approve expenditures of this contingency amount up to the specified limit in accordance with the Expenditure Control Policy; and,
4. THAT the capital costs be funded from capital project GL account 049-6150-23133-005, with available budget of \$458,700.00; and,
5. THAT the remaining budget in the amount of \$99,461.56 (\$458,700 - \$326,580.40-\$32,658.04) be returned to the original funding source; and,
6. THAT the contract for software licenses, ongoing support and maintenance costs for 9 years be awarded to Air Automotive Tracking Inc. (AAT) in the amount of \$980,315.14, inclusive of HST (\$510,428.16 fee for 5 years + \$469,886.98 fee for the 4 renewal options) to be funded from 400-400-5361, and subject to adoption of the annual operating budget from 2025 to 2033, in the amounts of:
  - a. Year 2 (2025) - \$ 102,085.63
  - b. Year 3 (2026) - \$ 102,085.63
  - c. Year 4 (2027) - \$ 102,085.63
  - d. Year 5 (2028) - \$ 102,085.63
  - e. Year 6 (2029) - \$ 102,085.63
  - f. Year 7 (2030) - \$ 117,471.74 \*
  - g. Year 8 (2031) - \$ 117,471.74 \*

- h. Year 9 (2032) - \$ 117,471.74 \*
- i. Year 10 (2033) - \$ 117,471.74 \*
- Total - \$ 980,315.14

\* Optional Year Renewal

7. THAT the Chief Administrative Officer and Commissioner, Corporate Services be authorized to approve the additional renewal years (Years 7 to 10) on behalf of the City (in its sole discretion), and execute any required documentation in a form satisfactory to the City Solicitor; and,
8. THAT Air Automotive Tracking Inc. (AAT) be designated as the preferred vendor for the City's Automatic Vehicle Location (AVL) System service needs at the sole discretion of the City and for Air Automotive Tracking Inc. (AAT) software products for the term of this contract; and,
9. THAT the Chief Administrative Officer and Commissioner, Corporate Services be authorized to approve any new purchases related to this contract needed due to growth and/or future Automatic Vehicle Location (AVL) System upgrades due to change in technology or system integration with other applications related to the project during the term of this contract, subject to the Expenditure Control Policy and budget approval, in a form satisfactory to the City Solicitor and at the sole discretion of the City; and further,
10. THAT Staff be authorized and directed to do all things necessary to give effect to this resolution.

**PURPOSE:**

The purpose of this report is to obtain approval to award the contract 220-R-23 - Consulting Services, Supply, Implementation and Ongoing Support of an Automatic Vehicle Location (AVL) System

**BACKGROUND:**

In 2013, the City implemented a corporate wide AVL system which is a Software as Service (SaaS) solution, comprising of the following components:

- Internal view: Authenticated City users with rights/privileges can locate all vehicles using the internal view. Users can also run various reports.
- Admin view: The system admin can create additional users and assign rights to those users in the admin view
- Winter Maintenance Application: The City portal ([www.markham.ca](http://www.markham.ca)) has a link to this application. Using this public facing application, citizens of Markham can learn about weather conditions, road classification, snow plowing status for roads and sidewalks, service level agreement etc. during winter season.
- Mobile Application: The winter maintenance application also has a mobile version. "Access Markham" is the City's mobile application and the mobile version of the winter maintenance application is embedded in the "Access Markham" application.

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With the current AVL system being over 10 years old, the City of Markham issued RFP 220-R-23 - Consulting Services, Supply, Implementation and Ongoing Support of an Automatic Vehicle Location (AVL) System, for software and services to deliver and implement an AVL system for winter and summer vehicles with the following variety of functions including (at a minimum), but not limited to the provision of:

- The corporate vehicles that will be tracked on the proposed AVL System shall include:
  - Heavy-Duty Vehicles such as trucks and heavy-duty equipment;
  - Medium-Duty Vehicles such as cargo vans, and pickup trucks;
  - Light-Duty Vehicles such as passenger vehicles, SUV's and pick-up trucks; and,
  - Other assets- off-road equipment (including but not limited to sidewalk machines, tractors and loaders), trailers and trailer equipment.
- The proposed AVL System shall support the maintenance of the corporate fleet by:
  - Providing information to staff;
  - Increasing the situational awareness of the status of vehicles within the fleet;
  - Reducing the time and overhead in managing the fleet vehicles by providing information that would have otherwise been done manually;
  - Providing a key fob system for the purpose of associating and linking the vehicle data to a key fob for driver/operator tracking; and,
  - Providing a modern user interface that is well-designed, intuitive, and easy to use.
- The proposed AVL System shall be able to process data provided by 3<sup>rd</sup> party AVL systems and display vehicles on the public facing and internal map:

The scope of this initiative also includes:

- Installation, configuration, customization and implementation of the Automatic Vehicle Location (AVL) System based on industry best practices for 126 winter maintenance vehicles and equipment for existing City contracts with Crupi, VTA and De Ferrari; and, 355 City owned vehicles: total of 481 vehicles and equipment (126 + 355).
- Implementation of infrastructure components that provide: inter-application communication (integration); high availability / fail-over capabilities; security, auditing and notification services; and, disaster recovery;
- Data conversion, data migration and/or data archival as agreed to with the business and in accordance with defined data retention policies;
- Ensure that business process controls and security assignments continue to comply with appropriate control standards.
- Work with City Staff to understand existing business processes and identify process changes required to support project objectives;
- Recommend other necessary hardware/peripheral requirements to support a complete end-to-end;
- Training and knowledge transfer services; and,
- Warranty, maintenance and on-going support services

**BID INFORMATION:**

Bid closing date	November 30, 2023
Number picking up documents	16
Number responding to bid	4

**PROPOSAL EVALUATION**

The bid evaluation team was comprised of staff from the ITS Department, and the Operations Department (Fleet Management), with staff from Procurement acting as the facilitator. Staff evaluated four proposal submissions.

The Stage 1 technical proposals were evaluated against the pre-established evaluation criteria as outlined in the RFP: 10 points for Experience and Qualification of the Bidder and Project Team; 25 points for Project Understanding, Methodology and Delivery Management; 35 points for Technical Requirements; and 30 points for Price, totaling 100 points. Based on the results from Stage 1, two of the four bidders received the required minimum percentage or points and proceeded to Stage 2. As part of the evaluation process, the top 2-ranked proposals were invited for demo/interview sessions.

<b>Bidder</b>	<b>Total Score Technical and Financial (out of 100)</b>	<b>Score for Demo (Out of 10)</b>	<b>Final Score (Out of 110)</b>
Air Automotive Tracking Inc. (AAT)	87.05	8.40	95.45

Air Automotive Tracking Inc. (AAT) was the highest ranked, lowest priced bidder. Scoring second highest on its technical submission, AAT demonstrated an understanding of the project and its requirements via the demo session. The City is receiving a complete solution including installation and support to ensure a successful deployment. AAT proposed solution includes: full implementation and training services, full support model of the entire solution for 10 years; local and dedicated sales and support teams.

The AAT solution is web-based and provides information in real time via communication with installed hardware on the vehicles and equipment. The vendor will provide a full warranty and support model with a local and dedicated customer service assigned to our account with phone and email access; all parts and labour; software customization, setup and programming; remote software updates, and an articulated service level agreement (SLA) relating to customer service timing solutions for ten (10) years; and special discounting being presented as part of this award.

**OPTIONS/ DISCUSSION:**

AAT Inc. (incumbent), incorporated in 2005 to specialize in Telematic GPS Solutions, is a division of WH Electronics Inc. (established in 1990). AAT's main customer base is made up of local municipalities that chose AAT because of its specialization in reporting custom data and creating custom solutions by integrating with other third-party hardware such as Rexroth, Dickey-John, Force-America and more. Other municipalities that utilize the AAT system include the Government of Newfoundland, Town of Grimsby, & City of Thunder Bay.

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AAT Inc. has proposed a technology platform (AXON) fully developed in-house to communicate with vehicles through a vehicle on-board computer, which has been further integrated to communicate with in-vehicle devices such as salt-spreaders, proximity switches, pressure, Radio Frequency Identification (RFID) Readers, Power Take-Offs (PTOs), Proactive Driving Assist (PDA), and more. Their solution also includes a back-end service with specialized report to meet customer requirements. AAT develops every aspect of their solutions themselves, making them a uniquely flexible partner.

The Corporate AVL system recommended in this report provides a number of benefits. The system provides quick access to information that assists with mapping out streets where vehicles and equipment were unable to navigate due to obstruction. It also easily allows staff and resident to track the status of the winter maintenance operations progress.

It is important for an AVL system to be able to integrate with existing City systems to drive efficiency and allow easy access to information. For example, the Corporate AVL System can be integrated with the Fire vehicle dispatch system to map out fire vehicles. It can also be integrated with vehicle diagnostic system, various salt spreader control systems etc. The system can even help other systems achieve further efficiency. For example: as Waterworks expands & updates the Mobile Work Management System, the new AVL system can potentially integrate with this system and map out the locations of the mobile operators, providing the ability to dispatch the closest operators to the worksite. The City maintaining the ownership of the data provides opportunity for other uses in the future. Furthermore, the proposed AVL system will facilitate production of reports that will be beneficial to all business units where it is deployed and help in decision making.

Based on these factors, staff recommends that AAT be awarded the contract 220-R-23 - Consulting Services, Supply, Implementation and Ongoing Support of an Automatic Vehicle Location (AVL) System

## **CONCLUSION**

The Corporate AVL solution covering all City and winter maintenance contractors' vehicles and equipment (481) by the end of the project will:

- Provide a consistent approach to in-field analytics gathering;
- Assist Operations staff in efficiently managing their Winter Maintenance activities - the system will provide real-time location of every vehicle, the speed at which it traveled, how the salt is being applied to the road and whether the plow is up or down etc.
- Assist By-law Services staff to ensure effective and efficient coverage of the City;
- Provide vehicle diagnostic reports and monitor/record mechanical events;
- Provide information critical for claims management and liability protection;
- Enhance staff safety in the field;
- Operator behavior/speed/seat belt usage monitoring;
- Vehicle utilization records such as hours and mileage of operations;
- Provide an enterprise solution with optimized cost to the organization.

## FINANCIAL CONSIDERATIONS

The cost of award includes 2 components:

- one-time costs for acquisition of hardware, software, licenses, training, implementation, project resources, and first year of support and maintenance
- recurring operating costs for licenses, software and ongoing support and maintenance for 5 years, with an option to renew the contract for additional 4 years

### Capital Costs

The one-time cost for the acquisition, implementation and first year support is \$326,580.40, inclusive of HST impact. These costs will be funded from Capital Project 23133, GPS/AVL Replacement, with an available budget of \$458,700.00.

Project	Amount	
23133 - GPS/AVL Replacement	\$ <u>458,700.00</u>	(A)
Budget Available	458,700.00	(B)=(A)
One-Time Acquisition, Implementation and First Year Support Cost	326,580.40	(C)
Contingency (10%)	<u>32,658.04</u>	(D)*
Total Capital Costs	359,238.44	(E)=(C)+(D)
 <b>Surplus Budget to be Returned to Sources</b>	 <b>99,461.56</b>	 (F) = (B)-(E)

\*A 10% contingency in the amount of 32,658.04 inclusive of HST impact will be established to cover any additional project costs be approved and that authorization be granted to approve expenditures of this contingency amount up to the specified limit in accordance with the Expenditure Control Policy.

### Operating Costs

The award includes software licenses, ongoing support and maintenance costs for 9 years, from 2025 to 2033, for a total amount of \$980,315.14 inclusive of HST impact, to be funded from GL account 400-400-5361, Computer Software Service Agreements, subject to adoption of the annual operating budget from 2025 to 2033.

Year of Term	Year	Maintenance Costs		
		Annual	Total Over Term	
Year 2 to 6	2025 – 2029	\$ 102,085.63	\$ 510,428.16	(G)
Year 7 to 10	2030 - 2033	117,471.74	<u>469,886.98</u>	(H)
<b>Maintenance Costs over the Term</b>			<b>980,315.14</b>	(I) = (G) + (H)

The year 2 (2025) annual maintenance cost is \$102,085.63. The current annual operating budget for AVL software maintenance is \$140,682. The unused funds will remain in the account for other software maintenance/license service agreements as required.

## HUMAN RESOURCES CONSIDERATIONS

Not applicable

**ALIGNMENT WITH STRATEGIC PRIORITIES:**

Not applicable

**BUSINESS UNITS CONSULTED AND AFFECTED:**

Financial Services, Fire Services, Animal Services, Waterworks, Waste Management, Operations and By-law Services

**RECOMMENDED BY:**

Sumon Acharjee  
Chief Information Officer, ITS

Trinela Cane  
Commissioner, Corporate Services

Alice Lam  
Director, Operations

Morgan Jones  
Commissioner, Community Services

**ATTACHMENTS:**

None



Report to: General Committee

Meeting Date: November 5, 2024

**SUBJECT:** Update to the Markham Council Code of Conduct

**PREPARED BY:** Kimberley Kitteringham, City Clerk and Director of  
Legislative Services  
Martha Pettit, Deputy City Clerk

**RECOMMENDATION:**

- 1) That the report entitled “Update to the Markham Council Code of Conduct” be received;
- 2) That Council adopt the revised Markham Council Code of Conduct included as **Appendix “B”** to this report; and further,
- 3) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**PURPOSE:**

The purpose of this report is to recommend changes to Section 10 of the Markham Council Code of Conduct relating to gifts, hospitality and benefits as well as other minor administrative amendments.

**BACKGROUND:**

The Markham Council Code of Conduct was first adopted in 2014 and later revised in 2019. It outlines the City’s expectations for Council Members’ behavior and provides guidelines for appropriate conduct. A copy of the current Code is included as **Appendix “A”**.

As part of the Legislative Services ongoing review of various policies, staff have reviewed the Code and have conducted a comparative analysis of Codes found in other municipalities. Staff have also consulted with Charles Harnick, ADR Chambers - the City’s Integrity Commissioner - who is responsible for providing advice to Members of Council on the application of the Code and for investigating alleged contraventions of the Code. As a result of this process, staff are recommending changes to the Markham Council Code of Conduct.

**OPTIONS/ DISCUSSION:**

The proposed Revised Markham Council Code of Conduct is attached as **Appendix “B”** – with changes noted in bold. As you will note, the primary change being proposed to the Code relates to Section 10.1(j). The proposed changes will create more transparency and establish guidelines to ensure an efficient process governing sponsorships, donations and gifts-in-kind for community events or initiatives organized or run by a Member of Council or a third-party on behalf of a Member of Council.



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Staff propose to add two additional clauses to the Code – 8.4 and 11.4. Clause 8.4 clarifies that individual Members of Council are not permitted to provide any endorsements on behalf of the City of Markham. Section 11.4 stipulates that Members of Council are required to seek approval from the Manager of Corporate Communications prior to making use of the corporate logo or any City communications assets. Lastly, a minor amendment was also made to 8.3 of the Code.

Legislative Services staff have reviewed the proposed changes with the City's Integrity Commissioner and he is supportive of the changes to the Code.

**FINANCIAL CONSIDERATIONS**

Not applicable.

**PEOPLE SERVICE CONSIDERATIONS**

Not applicable.

**ALIGNMENT WITH STRATEGIC PRIORITIES:**

Not applicable.

**BUSINESS UNITS CONSULTED AND AFFECTED:**

The Financial Services Department has been consulted in the preparation of this report.

**RECOMMENDED BY:**

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Kimberley Kitteringham  
Clerk and Director of Legislative Services

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Trinela Cane  
Commissioner, Corporate Services

**ATTACHMENTS:**

**Appendix "A"** – Current Markham Council Code of Conduct

**Appendix "B"** – Revised Markham Council Code of Conduct



# COUNCIL CODE OF CONDUCT



Adopted on February 14, 2014, and  
amended on February 26, 2019.

**City of Markham Council Code of Conduct**

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## 1. General Introduction and Purpose

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

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

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

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

## 2. Framework and Interpretation

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

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

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

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

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

The following principles of conduct apply to all Members.

- 3.1. Members are expected to:
- a) serve and be seen to serve their constituents in a conscientious and diligent manner;
  - b) be committed to performing their functions with integrity and transparency;
  - c) perform official duties and arrange their public affairs in a manner that promotes public confidence and respect, and will withstand close public scrutiny; and
  - d) respect the role of Staff in the administration of the business affairs of the City.
- 3.2. Members will:
- a) abide by the policies and by-laws of the City;
  - b) avoid the improper use of the influence of their office, and conflicts of interest;
  - c) seek to serve the public interest by upholding both the letter and the spirit of the laws, regulations, and policies established by the Government of Canada, Government of Ontario and Markham City Council; and
  - d) fulfill their roles as set out in the *Municipal Act*.

### 4. Definitions

In the *Council Code of Conduct*:

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

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

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

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

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

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

“Council” means the Council of the City.

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

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

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

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

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

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

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

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

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

“Member” means a member of Council.

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

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

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

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

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

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

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

## 5. Roles and Obligations

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

## 6. Confidentiality

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

- 6.1 Members will not disclose or release any Confidential Information, in either oral or written form, acquired by virtue of their office, except when authorized by Council. Council may not authorize the disclosure of Confidential Information which the City is prohibited from disclosing under MFIPPA.
- 6.2 Members will not disclose Confidential Information that may benefit themselves or others, including Confidential Information regarding the bidding or procurement of City property, services or assets.
- 6.3 Members will not disclose the content of any matter, or the substance of discussions, individually or collectively, at a Confidential Meeting until the Council or Committee discusses the information at a meeting that is open to the public or releases the information to the public.
- 6.4 Members will not permit any persons other than those who are entitled thereto to have access to Confidential Information.
- 6.5 Members will keep confidential information confidential. This is a continuing obligation even if the Member ceases to be a Member.

## 7. Personal Information

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



- 7.1 While it is noted that Constituent Records are not covered by MFIPPA, Members will treat Personal Information contained in Constituent Records in accordance with the principles of MFIPPA.
- 7.2 Members will not disclose Personal Information without the consent of the individual, or the City Clerk in the case of Personal Information contained in City Records.
- 7.3 Members will not permit any persons, other than those who are entitled thereto, to have access to Personal Information.
- 7.4 Members will not use Personal Information for personal or private gain, or for the gain of their Family or any other person or corporation.
- 7.5 Members will not access, or attempt to gain access to, Personal Information in the custody of the City unless it is necessary for the performance of their duties and not prohibited by Council policy or MFIPPA.

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

- 8.1 Members, when communicating with the public and media, are expected to accurately communicate the decisions of Council, even where a Member disagreed with the decision of Council, so that there is respect for and integrity in the decision making process of Council.
- 8.2 In all media communications, including Social Media, Members will treat each other, Staff and members of the public with respect and shall avoid messaging that amounts to abuse, bullying or intimidation.

## **9. Relations with Staff**

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

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

- 10.1 Members are permitted to accept Gifts that meet the following criteria, subject to the reporting requirements outlined in 10.3:
  - a) where authorized by law;
  - b) would normally accompany the responsibilities of a political office and are received as an incident of protocol or social obligation;

- c) political contributions reported in accordance with applicable law;
  - d) services provided without compensation by persons volunteering their time to a Member;
  - e) suitable mementos from a function honouring the Member;
  - f) food, lodging, transportation and entertainment provided by provincial, regional and local governments or political subdivisions of them, by the federal government or by a foreign government within a foreign country or by a conference, seminar or event organizer where the Member is either speaking or attending in an official capacity at an official event;
  - g) tickets or admission to banquets, receptions, sporting events, cultural events, performances or similar events, for charitable, not-for-profit or community purposes, if:
    - i. Attendance is open and transparent and serves a legitimate charity fundraising or community purpose; and
    - ii. The value and venue location are reasonable;
  - h) business meals that serve a legitimate public duty purpose;
  - i) communications to the offices of a Member, including subscriptions to newspapers and periodicals related to the duties of Office; and
  - j) sponsorships and donations for community events or initiatives organized or run by a Member, or a third party on behalf of a Member, where Council has authorized or endorsed the event or initiative.
- 10.2 Members are not permitted to accept any Gifts that are not listed in this Code connected directly or indirectly with the performance of their duties.
- 10.3 Members will maintain a list of all Gifts received in a calendar year, where the value of a single Gift, or the cumulative value of Gifts from a single source, exceeds \$350. This list must be available upon request by the Integrity Commissioner for the purposes of determining if the Gift is appropriate. Gifts described in clause 10.1(g) are exempt from the reporting requirement.
- 10.4 The IC may call upon a Member to justify receipt of any Gift.
- 10.5 Members will not accept Gifts that would, to a reasonable member of the public, appear to be in gratitude or compensation for exerting their influence, to induce the Member to exercise their influence, or otherwise to go beyond necessary and appropriate public actions.

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

- 11.1 Members will not use for personal purposes, any City property, equipment, services or supplies, (for example, agency, board, or City-owned materials or website and City transportation delivery services, and any Member's expense budget), of any material consequence, other than for the purposes connected with the discharge of City duties.
- 11.2 Members will not obtain or attempt to obtain financial gain from the use of City developed intellectual property, including but not limited to computer programs, technological innovations or other patentable items, while they are a

Member or thereafter. All such property remains the exclusive property of the City.

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

## **12. Election Campaign work**

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

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

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

## **14. Business Relations**

- 14.1 Members will not, either personally or through a company they own or control, borrow money from any person that regularly does business with the City unless such person is regularly in the business of lending money. Members will not, either personally or through a company they own or control, borrow money

from any entity that regularly does business with the City unless such entity is regularly in the business of lending money.

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

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

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

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

## **16. Conduct at Meetings**

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

## **17. Conduct of Members**

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

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

## **18. Harassment & Discrimination**

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

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

## 19. Compliance with Code of Conduct

- 19.1 Members are accountable to the public throughout the four-year Council term. Between elections they may become disqualified and lose their seat, for example, if they were to lose their eligibility under the *Municipal Act*, or for failing to declare a conflict of interest under the *Municipal Conflict of Interest Act*.
- 19.2 The *Municipal Act* authorizes Council to impose one or more of the penalties listed below, if so desired, on a Member following a report by the Integrity Commissioner that, in their opinion, the Member has contravened the *Council Code of Conduct*.
- a) A reprimand; or
  - b) Suspension of the remuneration paid to the Member in respect of their services as a Member of Council for a period of up to 90 days.
- 19.3 The *Municipal Act* does not authorize Council to impose an offence or administrative penalty other than those provided for under section 19.2.

## 20. Requests for Advice from the IC

- 20.1 All requests by a Member for advice from the IC shall be made in writing.
- 20.2 Advice provided by the IC to a Member shall be in writing.
- 20.3 Where a Member requests advice from the Integrity Commissioner (IC) and the Member discloses all relevant information to the IC for the purpose of obtaining the advice, the Member may rely on the written advice provided by the IC. The IC will be bound by the advice given to the Member, as long as the information, facts and circumstances remain unchanged, in the event that the IC is asked to investigate a complaint.
- 20.4 If the IC provides educational information to the public, the IC may summarize advice they have provided in their Annual Report to the City but shall not disclose Confidential Information that could identify a person concerned.

## 21. Investigations

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

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

## 22. Conclusion

22.1 The *Council Code of Conduct* is to be given broad, liberal interpretation in accordance with applicable legislation and the definitions set out herein. As a living document, the *Council Code of Conduct* will be brought forward for review to ensure that it remains current and continues to be a useful guide to Members, Staff and the public:

- at the beginning of each term of Council, or
- when relevant legislation is amended, or
- at other times when appropriate, in the discretion of the City Clerk, or
- on the instructions of Council.

22.2 This Code of Conduct comes into effect on the date it is approved by Markham Council and may be amended at any time by Council.





“Appendix A”

*Council Code of  
Conduct*

Investigation Protocol

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

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

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

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

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

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

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

### 3. Integrity Commissioner Investigations

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

### 4. Investigation & Settlement

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

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

## 5. Final Report

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

## 6. Member Not Blameworthy

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

## 7. Copies

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

## 8. Report to Council

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

## 9. Council Review

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

## 10. Confidentiality

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

# “Appendix B”

## Conflict of Interest

### Investigation Protocol

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

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

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

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

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

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

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

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

- III. If the complaint, including any supporting affidavit, is not on its face, a complaint with respect to non-compliance with Section 5, 5.1 or 5.2 of the *Municipal Conflict of Interest Act* or the complaint is covered by other legislation or a complaint procedure under another Council policy, the IC shall instruct the City Clerk to advise the Complainant in writing as follows:
- a. If the complaint is, on its face, an allegation of a contravention of the *Council Code of Conduct*, the IC will investigate it as outlined in **Appendix “A”**.
  - b. If the complaint on its face is an allegation of a criminal nature consistent with the *Criminal Code of Canada*, the Integrity Commissioner shall refer it to the appropriate authorities and advise the complainant that if the complainant wishes to pursue any such allegation, the complainant must pursue it with the appropriate police service;
  - b. If the complaint on its face relates to non-compliance with the *Municipal Freedom of Information and Protection of Privacy Act*, the complainant shall be advised that the matter will be referred to the City Clerk for review.
  - d. If the complaint on its face is with respect to non-compliance with a different Council policy , with a separate complaint procedure, the complainant shall be advised that the matter will be processed under that procedure; and
  - e. In other cases, the complainant shall be advised that the matter, or part of the matter, is not within the jurisdiction of the IC to process, with any additional reasons and referrals as the IC considers appropriate.
- IV. The IC shall report annually to Council on complaints made that were determined not to be within the jurisdiction of the IC, but shall not disclose information that could identify a person concerned.

### 3. Integrity Commissioner Investigations

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



#### 4. Investigation & Settlement

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

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

## 5. Final Report

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

## 6. Confidentiality

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



# COUNCIL CODE OF CONDUCT



Adopted on February 14, 2014, and  
amended on February 26, 2019.

**City of Markham Council Code of Conduct**

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## 1. General Introduction and Purpose

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

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

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

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

## 2. Framework and Interpretation

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

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

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

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

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

The following principles of conduct apply to all Members.

- 3.1. Members are expected to:

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

### 3.2 Members will:

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

## 4. Definitions

In the *Council Code of Conduct*:

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

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

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

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

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

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

“Council” means the Council of the City.

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

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

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

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

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

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

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

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

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

“Member” means a member of Council.

“Personal Information”, as defined in *Municipal Freedom of Information and Protection of*

*Privacy Act* (MFIPPA), means information about an identifiable individual, including but not limited to:

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

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

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

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

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

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



## 5. Roles and Obligations

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

## 6. Confidentiality

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

- 6.1 Members will not disclose or release any Confidential Information, in either oral or written form, acquired by virtue of their office, except when authorized by Council. Council may not authorize the disclosure of Confidential Information which the City is prohibited from disclosing under MFIPPA.
- 6.2 Members will not disclose Confidential Information that may benefit themselves or others, including Confidential Information regarding the bidding or procurement of City property, services or assets.
- 6.3 Members will not disclose the content of any matter, or the substance of discussions, individually or collectively, at a Confidential Meeting until the Council or Committee discusses the information at a meeting that is open to the public or releases the information to the public.
- 6.4 Members will not permit any persons other than those who are entitled thereto to have access to Confidential Information.
- 6.5 Members will keep confidential information confidential. This is a continuing obligation even if the Member ceases to be a Member.

## 7. Personal Information

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

- 7.1 While it is noted that Constituent Records are not covered by MFIPPA, Members will treat Personal Information contained in Constituent Records in accordance with the principles of MFIPPA.
- 7.2 Members will not disclose Personal Information without the consent of the individual, or the City Clerk in the case of Personal Information contained in City Records.
- 7.3 Members will not permit any persons, other than those who are entitled thereto, to have access to Personal Information.
- 7.4 Members will not use Personal Information for personal or private gain, or for the gain of their Family or any other person or corporation.
- 7.5 Members will not access, or attempt to gain access to, Personal Information in the custody of the City unless it is necessary for the performance of their duties and not prohibited by Council policy or MFIPPA.

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

- 8.1 Members, when communicating with the public and media, are expected to accurately communicate the decisions of Council, even where a Member disagrees with the decision of Council, so that there is respect for and integrity in the decision making process of Council.
- 8.2 In all media communications, including Social Media, Members will treat each other, Staff and members of the public with respect and shall avoid messaging that amounts to abuse, bullying or intimidation.

8.3 The Mayor or the Mayor's designate acts as the official spokesperson for the City.

8.4 Individual Members of Council shall not provide any official endorsement on behalf of the City.

## **9. Relations with Staff**

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

## 10. Gifts, Hospitality and Benefits

- 10.1 Members are permitted to accept Gifts that meet the following criteria, subject to the reporting requirements outlined in 10.3:
- a) where authorized by law;
  - b) would normally accompany the responsibilities of a political office and are received as an incident of protocol or social obligation;
  - c) political contributions reported in accordance with applicable law;
  - d) services provided without compensation by persons volunteering their time to a Member;
  - e) suitable mementos from a function honouring the Member;
  - f) food, lodging, transportation and entertainment provided by provincial, regional and local governments or political subdivisions of them, by the federal government or by a foreign government within a foreign country or by a conference, seminar or event organizer where the Member is either speaking or attending in an official capacity at an official event;
  - g) tickets or admission to banquets, receptions, sporting events, cultural events, performances or similar events, for charitable, not-for-profit or community purposes, if:
    - i. Attendance is open and transparent and serves a legitimate charity fundraising or community purpose; and
    - ii. The value and venue location are reasonable;
  - h) business meals that serve a legitimate public duty purpose;
  - i) communications to the offices of a Member, including subscriptions to newspapers and periodicals related to the duties of Office; and
  - j) sponsorships, donations, and gifts-in-kind for community events or initiatives organized or run by a Member, or a third party on behalf of a Member, where formal Council approval has been received via a Council resolution; Members of Council shall:
    - i. Be responsible to track and report on donations, sponsorships and gifts-in-kind received.
    - ii. Maintain sponsorships, donations, gifts-in-kind received by Council Members for a specific event or initiative in a specific designated City account identified and maintained by the Treasurer.
    - iii. Comply with financial controllership processes as required by the Treasurer.
    - iv. Make all sponsorships, donations, gifts-in-kind received payable to the City of Markham.
    - v. Not receive cash donations or sponsorships
    - vi. Have an annual fundraising limit of \$30,000 for the Mayor and Regional Councillors and \$20,000 for Local Ward Councillors.
    - vii. Not exceed \$5,000 in donations, sponsorships and gifts-in-kind from any one source in a calendar year.
    - viii. Seek Council authorization via a Council resolution for exemptions for large scale community events and initiatives from sections 10.1(j) (vi, vii).
    - ix. Use any surplus funds from a specific event for any future community events or initiatives hosted by the Council Member within a 15-month

period. Surplus funds beyond this point shall be transferred to the City's general accounts.

- x. Not seek, sponsorships, donations, and gifts-in-kind for any new community event or initiative in an election year, until the end of the Council term. Members of Council may seek sponsorships, donations, and gifts-in-kind for an existing event or initiative that has been staged in the previous two years, from the start of the year until the date nominations open for the municipal election.
- xi. Ensure a zero balance for all Event and Initiative Accounts associated with Members of Council at the end of each Term of Council should a Member of Council not seek or be unsuccessful in re-election. In such case, remaining funds shall be transferred to the City's general accounts. Members of Council who are re-elected may use remaining balances, in accordance with section 10.1 (j) (ix).
- xii. Charitable foundations for which a Member of Council has set up to receive sponsorships, donations, and gifts-in-kind are exempt from section 10.1 (j), with exception of section 10.1 (j) (x).
- xiii. Consult the Integrity Commissioner in circumstances where application of this policy for specific community events or initiatives is unclear. Members of Council shall refer to section 20 of this policy with respect to requests for advice from the Integrity Commissioner.

- 10.2 Members are not permitted to accept any Gifts that are not listed in this Code connected directly or indirectly with the performance of their duties.
- 10.3 Members will maintain a list of all Gifts received in a calendar year, where the value of a single Gift, or the cumulative value of Gifts from a single source, exceeds \$350. This list must be available upon request by the Integrity Commissioner for the purposes of determining if the Gift is appropriate. Gifts described in clause 10.1(g) are exempt from the reporting requirement.
- 10.4 The IC may call upon a Member to justify receipt of any Gift.
- 10.5 Members will not accept Gifts that would, to a reasonable member of the public, appear to be in gratitude or compensation for exerting their influence, to induce the Member to exercise their influence, or otherwise to go beyond necessary and appropriate public actions.

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

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

- 11.2 Members will not obtain or attempt to obtain financial gain from the use of City developed intellectual property, including but not limited to computer programs, technological innovations or other patentable items, while they are a Member or thereafter. All such property remains the exclusive property of the City.
- 11.3 Members will not use information gained in the execution of their duties that is not available to the general public for any purposes other than their official duties.
- 11.4 Members of Council shall not use, distribute for use or grant approval to a third-party to make use of the corporate logo or any City communications assets unless receiving written approval from the Manager of Corporate Communications.

## 12. Election Campaign work

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

## 13. Improper Use of Influence

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

- c) that concerns the determination of the remuneration or benefits for Members as a whole.

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

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

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

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

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

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

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

- 17.1 Members are expected to conduct themselves with appropriate decorum at all times and ensure that their behaviour does not bring the reputation of the City into disrepute.
- 17.2 Members are expected to be respectful of other Members, Staff and the public and their views and encourage others to do the same.

## 18. Harassment & Discrimination

- 18.1 Harassment of another Member, Staff or any member of the public is prohibited under the *Ontario Human Rights Code*. Harassment, whether it occurs inside or outside the workplace, or whether it is related to the work environment or other activities of a Member, is inappropriate behaviour for the purpose of this *Council Code of Conduct*.
- 18.2 Members will not engage in workplace discrimination (as defined by the *Ontario Human Rights Code*), harassment (as defined by the *Ontario Human Rights Code* and the *Ontario Occupational Health and Safety Act*), or violence (as defined by the *Ontario Occupational Health and Safety Act*) when dealing with other Members, Staff, residents or other members of the public.

## 19. Compliance with Code of Conduct

- 19.1 Members are accountable to the public throughout the four-year Council term. Between elections they may become disqualified and lose their seat, for example, if they were to lose their eligibility under the *Municipal Act*, or for failing to declare a conflict of interest under the *Municipal Conflict of Interest Act*.
- 19.2 The *Municipal Act* authorizes Council to impose one or more of the penalties listed below, if so desired, on a Member following a report by the Integrity Commissioner that, in their opinion, the Member has contravened the *Council Code of Conduct*.
- a) A reprimand; or
  - b) Suspension of the remuneration paid to the Member in respect of their services as a Member of Council for a period of up to 90 days.
- 19.3 The *Municipal Act* does not authorize Council to impose an offence or administrative penalty other than those provided for under section 19.2.

## 20. Requests for Advice from the IC

- 20.1 All requests by a Member for advice from the IC shall be made in writing.
- 20.2 Advice provided by the IC to a Member shall be in writing.
- 20.3 Where a Member requests advice from the Integrity Commissioner (IC) and the Member discloses all relevant information to the IC for the purpose of obtaining the advice, the Member may rely on the written advice provided by the IC. The IC will be bound by the advice given to the Member, as long as the information, facts and circumstances remain unchanged, in the event that the IC is asked to investigate a complaint.
- 20.4 If the IC provides educational information to the public, the IC may summarize advice

they have provided in their Annual Report to the City but shall not disclose Confidential Information that could identify a person concerned.

## 21. Investigations

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

## 22. Conclusion

- 22.1 The *Council Code of Conduct* is to be given broad, liberal interpretation in accordance with applicable legislation and the definitions set out herein. As a living document, the *Council Code of Conduct* will be brought forward for review to ensure that it remains current and continues to be a useful guide to Members, Staff and the public:
- at the beginning of each term of Council, or
  - when relevant legislation is amended, or
  - at other times when appropriate, in the discretion of the City Clerk, or
  - on the instructions of Council.
- 22.2 This Code of Conduct comes into effect on the date it is approved by Markham Council and may be amended at any time by Council.





“Appendix A”

*Council Code of  
Conduct*

Investigation Protocol

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

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

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

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

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

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

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

### 3. Integrity Commissioner Investigations

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

### 4. Investigation & Settlement

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

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

## 5. Final Report

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

## 6. Member Not Blameworthy

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

## 7. Copies

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

## 8. Report to Council

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

## 9. Council Review

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

## 10. Confidentiality

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

**“Appendix B”**

**Conflict of Interest**

**Investigation Protocol**

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

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

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

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

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

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

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

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



- III. If the complaint, including any supporting affidavit, is not on its face, a complaint with respect to non-compliance with Section 5, 5.1 or 5.2 of the *Municipal Conflict of Interest Act* or the complaint is covered by other legislation or a complaint procedure under another Council policy, the IC shall instruct the City Clerk to advise the Complainant in writing as follows:
- a. If the complaint is, on its face, an allegation of a contravention of the *Council Code of Conduct*, the IC will investigate it as outlined in **Appendix “A”**.
  - b. If the complaint on its face is an allegation of a criminal nature consistent with the *Criminal Code of Canada*, the Integrity Commissioner shall refer it to the appropriate authorities and advise the complainant that if the complainant wishes to pursue any such allegation, the complainant must pursue it with the appropriate police service;
  - b. If the complaint on its face relates to non-compliance with the *Municipal Freedom of Information and Protection of Privacy Act*, the complainant shall be advised that the matter will be referred to the City Clerk for review.
  - d. If the complaint on its face is with respect to non-compliance with a different Council policy , with a separate complaint procedure, the complainant shall be advised that the matter will be processed under that procedure; and
  - e. In other cases, the complainant shall be advised that the matter, or part of the matter, is not within the jurisdiction of the IC to process, with any additional reasons and referrals as the IC considers appropriate.
- IV. The IC shall report annually to Council on complaints made that were determined not to be within the jurisdiction of the IC, but shall not disclose information that could identify a person concerned.

### 3. Integrity Commissioner Investigations

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

#### 4. Investigation & Settlement

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

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

## 5. Final Report

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

## 6. Confidentiality

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



## BY-LAW 2024-\_\_\_\_\_

**A By-law to amend By-law 1767, as amended**  
*(to delete lands from the designated area of By-law 1767)*  
**and to amend By-law 177-96, as amended**  
*(to incorporate lands into the designated area of By-law 177-96)*

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

1. That By-law 1767, as amended, are hereby further amended by deleting the lands shown on Schedule 'A' attached hereto, from the designated areas of By-law 1767, as amended.
2. That By-law 177-96, as amended, is hereby further amended as follows:
  - 2.1 By expanding the designated area of By-law 177-96, as amended, to include additional lands as shown on Schedule 'A' attached hereto.
  - 2.2 By zoning the lands outlined on Schedule 'A' attached hereto:
 

from:  
**Single Family Detached Dwelling Special Residential Second Density (SR2) Zone**

to:  
**Residential Two (R2)\*780 Zone**
3. By adding the following subsections to Section 7 – EXCEPTIONS:

Exception 7.780	330 and 336 Steeles Avenue East PLAN 8959 Lot 4 and PLAN M896 Lot 27	Parent Zone R2
File PLAN 21 139369		Amending By-law 2024-_____
Notwithstanding any other provisions of this By-law, the following provisions shall apply to the land denoted by the symbol *780 on the schedules to this By-law. All other provisions, unless specifically modified/amended by this section, continue to apply to the lands subject to this section.		
<b>7.757.1 Only Permitted Uses</b>		
The following are the only permitted uses:		
a)	<i>Townhouse Dwellings</i>	
b)	<i>Home Occupation</i>	
c)	<i>Home Child Care</i>	
<b>7.757.2 Special Zone Standards</b>		
The following special zone standards shall apply:		
a)	Notwithstanding any further division or partition of land subject to this Section, all lands zoned with Exception *780 shall be deemed one <i>lot</i> for the purposes of this By-law.	
b)	For the purposes of this By-law, the provisions of Table B2 shall not apply.	
c)	Minimum <i>lot frontage</i> – 70 metres	
d)	Maximum number of <i>townhouse dwelling units</i> – 17	
e)	Minimum required width of a <i>townhouse dwelling</i>	

	<ul style="list-style-type: none"> <li>i. 7.1 metres</li> <li>ii. within 18.0 metres of the <i>front lot line</i> – 4.9 metres</li> </ul>
f)	Notwithstanding e) above 10 percent of the building length can be less than the minimum required width
g)	Minimum required <i>front yard</i> – 1.2 metres
h)	Minimum required <i>rear yard</i> – 5 metres
i)	Minimum required <i>interior side yard</i> – 1.5 metres
j)	Maximum <i>building height</i> – 13.0 metres
k)	<p>Private <i>outdoor amenity space</i> shall be provided subject to the following provisions:</p> <ul style="list-style-type: none"> <li>i. Private <i>outdoor amenity space</i> shall have a minimum contiguous area of 20 square metres per unit;</li> <li>ii. Private <i>outdoor amenity space</i> may be located on a rooftop, above a <i>private garage</i> and/or be located on a <i>balcony</i>;</li> <li>iii. Private <i>outdoor amenity space</i> located at grade shall abut a <i>dwelling unit</i>.</li> </ul>
l)	Any portion of a <i>building</i> above the third <i>storey</i> shall be used for no other purpose than rooftop access or, for a mechanical room.

Read and first, second and third time and passed on \_\_\_\_\_, 2024.

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

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

Amanda File No. PLAN 21 139369



## EXPLANATORY NOTE

### **BY-LAW 2024-\_\_\_\_**

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

**330 and 336 Steeles Avenue East  
PLAN 8959 Lot 4 and PLAN M896 Lot 27  
PLAN 21 139369**

### **Lands Affected**

The proposed By-law amendment applies to two parcels of land with an approximate area of 0.33 hectares (0.83 acres), which is located north of Steeles Avenue East and east of Bayview Avenue.

### **Existing Zoning**

The subject lands are zoned Single Family Detached Dwelling Special Residential Second Density (SR2) Zone under By-law 1767, as amended.

### **Purpose and Effect**

The purpose and effect of this By-law is to rezone the subject lands under By-law 177-96, as amended as follows:

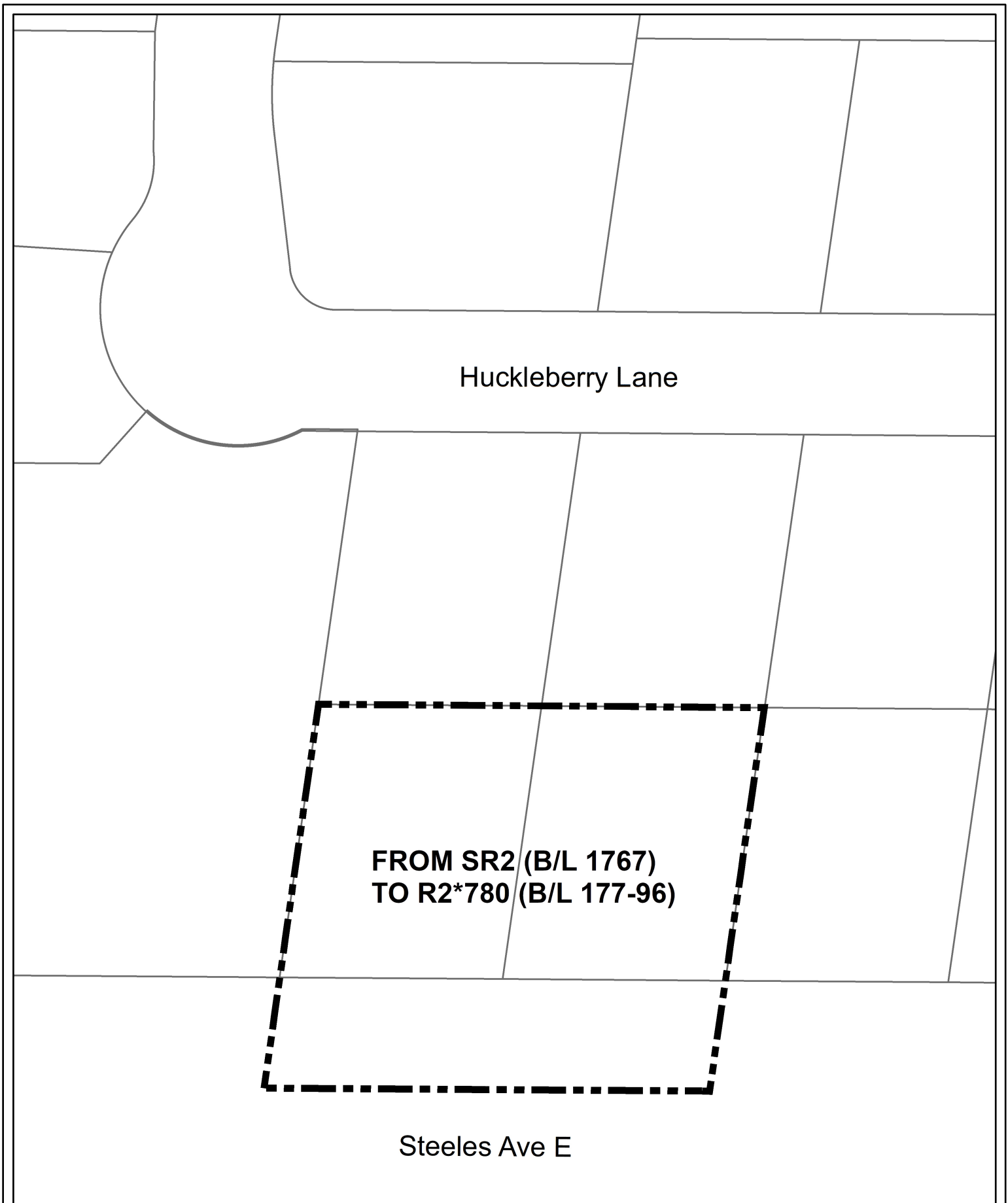
from:

**Single Family Detached Dwelling Special Residential Second Density (SR2) Zone;**



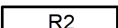
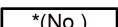
to:

**Residential Two (R2)\*780 Zone;**

to permit seventeen (17) townhouse dwellings on the lands.



## SCHEDULE 'A' TO BY-LAW AMENDING BY-LAWS 1767 AND 177-96

-  BOUNDARY OF AREA COVERED BY THIS AMENDMENT
-  SR2 SINGLE FAMILY DETACHED DWELLING SPECIAL RESIDENTIAL SECOND DENSITY
-  R2 RESIDENTIAL TWO
-  \*(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.

Y:\Geomatics\New Operation\2024 Agenda\PLAN\PLAN 21 139369\Schedule A.mxd



## By-law 2024-199

A By-law to confirm the proceedings of the Council Meeting held on  
November 6, 2024.

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

1. That the action of the Council Meeting held on November 6, 2024 in respect to each motion, resolution and other action passed and taken by the Council at the said meeting is, except where prior approval of the Local Planning Appeal Tribunal is required, hereby adopted ratified and confirmed.
2. That the Mayor and the proper officers of the City are hereby authorized and directed to do all things necessary to give effect to the said action or to obtain approvals where required and to execute all documents as may be necessary in that behalf and the Clerk is hereby authorized and directed to affix The Corporate Seal to all such documents.

Read a first, second, and third time and passed November 6, 2024.

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Kimberley Kitteringham  
City Clerk

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Frank Scarpitti  
Mayor