

Special Council Minutes

Meeting Number: 14
July 26, 2019, 11:00 AM
Council Chamber

Roll Call	Mayor Frank Scarpitti Regional Councillor Jack Heath Regional Councillor Joe Li Regional Councillor Jim Jones Councillor Keith Irish Councillor Alan Ho	Councillor Reid McAlpine Councillor Karen Rea Councillor Andrew Keyes Councillor Amanda Collucci Councillor Khalid Usman Councillor Isa Lee
Regrets	Deputy Mayor Don Hamilton	
Staff	Andy Taylor, Chief Administrative Officer Trinela Cane, Commissioner, Corporate Services Brenda Librecz, Commissioner, Community & Fire Services Arvin Prasad, Commissioner, Development Services Claudia Storto, City Solicitor and Director of Human Resources Joel Lustig, Treasurer Bryan Frois, Chief of Staff Kimberley Kitteringham, City Clerk Martha Pettit, Deputy City Clerk	John Wong, Technology Support Specialist II Ronald Blake, Senior Manager, Development, Planning & Urban Design John Yeh, Manager, Strategy & Innovation Mark Visser, Sr Manager Strategy Innovation & Investments Kevin Ross, Manager, Development Finance & Payroll Margaret Wouters, Senior Manager, Policy & Research Francesco Santaguida, Assistant City Solicitor Geoff Day, Senior Planner

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1. CALL TO ORDER

INDIGENOUS LAND ACKNOWLEDGEMENT

We begin today by acknowledging that we walk upon the traditional territories of Indigenous Peoples and we recognize their history, spirituality, culture, and stewardship of the land. We are grateful to all Indigenous groups for their commitment to protect the land and its resources and we are committed to reconciliation, partnership and enhanced understanding.

The Special Council meeting convened at 11:06 AM on July 26, 2019 in the Council Chamber with Regional Councillor Joe Li presiding as Chair. Mayor Frank Scarpitti assumed the Chair at 11:16 AM.

Council recessed at 1:22 PM and reconvened at 2:10 PM.

2. DISCLOSURE OF PECUNIARY INTEREST

None disclosed.

3. DEPUTATIONS

There were no deputations.

4. UPDATE ON BILL 108, MORE HOMES, MORE CHOICE ACT, 2019

4.1 CITY OF MARKHAM COMMENTS ON CERTAIN PROPOSED REGULATIONS UNDER THE PLANNING ACT AND LOCAL PLANNING APPEAL TRIBUNAL ACT RELATED TO BILL 108, MORE HOMES, MORE CHOICE ACT, 2019 (10.0)

Moved by Regional Councillor Jim Jones

Seconded by Councillor Keith Irish

Whereas the City of Markham recognizes that the More Homes, More Choice Act 2019, (Bill 108) received Royal Assent on June 6, 2019; and,

Whereas the City of Markham reaffirms its concerns with Bill 108 as outlined in the May 28, 2019 Council resolution submitted to the Province of Ontario prior to the commenting deadline, and in particular, the following clauses:

“That the Province of Ontario leave development charges as the tool to recover the costs of hard and soft services as currently obtained, and that if a

community benefits charge is being considered, that it be restricted to section 37 and parkland dedication as it relates to providing affordable housing in municipalities across Ontario.” and,

“That the proposed Local Planning Appeal Tribunal process that reverts back to a “de novo” hearing process is not supported. The Province should carry forward the current test for the appeal of a Planning Act application requiring the Local Planning Appeal Tribunal to evaluate a municipal decision on a planning application based on its consistency with the Provincial Policy Statement, and conformity with Provincial Plans, as well as Regional and local Official Plans, or if the Province is unwilling to restore the appeal test, the Province should revise Bill 108 to provide for more deference to Council’s decisions.”

Now therefore be it resolved:

1. That the report entitled “City of Markham Comments on Certain Proposed Regulations Under the *Planning Act* and *Local Planning Appeal Tribunal Act* related to Bill 108, *More Homes, More Choice Act, 2019*”, dated July 26, 2019, be received; and,
2. That this report, with recommendations from the City of Markham on certain proposed regulations to the *Planning Act* and the *Local Planning Appeal Tribunal Act* related to Bill 108, *More Homes, More Choice Act, 2019*, (Environmental Registry of Ontario Proposal No. 019-00181 and Proposal No. 19-MAG007) be forwarded to the Minister of Municipal Affairs and Housing, and York Region; and,
3. That the proposed transition rules under the *Local Planning Appeal Tribunal Act, 2017* apply to *Planning Act* appeals where the Tribunal has not provided written notice that an appeal is valid, and that appeals which have received a Notice of Validation proceed under the Bill 139 requirements; and,
4. That the Province maintain the ability to appeal a community planning permit system implementing by-law from Ontario Regulation 173/16 “Community Planning Permits” when the Minister issues an order to require a local municipality to adopt or establish a system; and,
5. That the City of Markham supports the proposed Regulations pertaining to additional residential units as long as they do not preclude the ability of the City to restrict through the zoning by-law where additional units are permitted, in accordance with the Regulations; and further,

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

Carried as Amended

4.2 CITY OF MARKHAM COMMENTS ON PROPOSED REGULATIONS - DEVELOPMENT CHARGES ACT, 1997 AND COMMUNITY BENEFITS CHARGE AUTHORITY (10.0)

Moved by Councillor Andrew Keyes

Seconded by Councillor Amanda Collucci

1. **That the report entitled, "City of Markham Comments on Proposed Regulations - Development Charges Act, 1997 and Community Benefits Charge Authority" be received; and,**
2. **That this report, with the recommendations from the City of Markham on the proposed regulations to the Development Charges Act, 1997 and the Community Benefits Authority, be forwarded to the Premier of Ontario, Minister of Municipal Affairs and Housing, all York Region MPPs and the Regional Municipality of York; and,**
3. **That the City of Markham strongly urges the Province of Ontario to ensure that the implementation of the Community Benefits Charge will result in revenue neutrality for municipalities; and,**
4. That the City of Markham supports the following:
 - a. **The Province's efforts to increase the affordable housing supply in Ontario communities and encourages the Province to work with local municipalities and other government agencies to develop mechanisms toward that goal; and,**
 - b. **The Provincial implementation timeline of January 1, 2021 to transition to the Community Benefits Charge regime; and,**
 - c. **The Province's recommendation under Section 26.1 of the Development Charges Act, 1997, and,**
 - d. **The community benefits reporting requirements as proposed by the Province; and,**
 - e. **The parkland reporting requirements as proposed by the Province; and,**

- f. **The proposed list of developments included in the community benefits exemptions, to the extent that they are applicable to non-profit developments only; and,**
 - g. **The Minister of Municipal Affairs and Housing's proposal not to establish a maximum interest rate to be applied during the deferral and freeze of development charges; and,**
5. That the City of Markham request the Province:
- a. **Authorize municipalities to register a priority lien on the tax roll of properties with mandatory development charge deferrals to protect the municipality against losses in the event of bankruptcy or land ownership changes; and,**
 - b. **Allow municipalities to use additional tools, other than a priority lien, to ensure that mandatory development charge deferrals are secured in a manner that protects municipal interests; and,**
 - c. **Specify that the date for which development charges are to be determined/frozen under Section 26.2 of the Development Charges Act, 1997 begins when an application for a zoning by-law amendment is deemed complete pursuant to section 34(10.4) of the Planning Act, and further, that a provision be made for municipalities to determine what constitutes acceptance of a site plan application for the purposes of determining development charges; and,**
 - d. **Mandate that any major revisions to an application require a recalculation of the applicable development charges from the date the major revision is accepted by the municipality, or the date such revision is deemed major by the municipality; and,**
 - e. **Clarify the proposed regulations related to secondary dwelling units in new residential buildings to indicate that a secondary dwelling unit is subordinate to, or accessory to, a main residential building in order to be identifiably differentiated from other residential development such as multi-unit buildings (e.g. multi-plexes, stacked townhouses); and,**
 - f. **Amend the Community Benefits Charge to reflect a fixed per capita charge in addition to a percentage of land value; and,**
 - g. **Set the Community Benefits Charge cap percentage for low density development at a minimum of 20% of land value (if it is solely linked**

to a percentage of land value) in order to maintain revenue neutrality for the City of Markham; and,

- h. **Set the Community Benefits Charge cap percentage for high density development at a minimum of 85% of land value (if it is solely linked to a percentage of land value) with the percentage increasing as intensification increases in order to maintain revenue neutrality for the City of Markham; and,**
 - i. **Establish the proposed range of the Community Benefits Charge cap based on building type (low density vs high density) and geographic location; and,**
 - j. **Allow municipalities to establish a fee as part of the proposed process for land appraisals to offset the additional administrative costs; and,**
 - k. **Authorize municipalities to levy a Community Benefits Charge in a Community Planning Permit area (without a cap); and,**
 - l. **Permit municipalities, where the Minister designates an area subject to a Community Planning Permit System, to enter into cost-sharing agreements with multiple landowners to provide community services to those areas; and further,**
6. **That staff be authorized and directed to do all things necessary to give effect to this resolution.**

Carried as Amended

Council consented to vote separately on the original Recommendation No. 8 contained in the staff report.

Moved by Regional Councillor Jack Heath
Seconded by Councillor Karen Rea

- 1. That the City of Markham does not support equal installments under Section 26.1 of the Development Charges Act, 1997 for industrial and commercial development.

Lost

Council consented to amend the original Recommendation No. 8 contained in the staff report as follows:

Moved by Councillor Alan Ho

Seconded by Regional Councillor Jim Jones

1. That the City of Markham supports the Province's recommendation under Section 26.1 of the Development Charges Act, 1997.

Carried as Amended

Council had before it the following original 24 recommendations contained in the staff report for consideration:

1. That the report entitled, "City of Markham Comments on Proposed Regulations - Development Charges Act, 1997 and Community Benefits Charge Authority" be received; and,
2. That this report, with the recommendations from the City of Markham on the proposed regulations to the *Development Charges Act, 1997* and the Community Benefits Authority, be forwarded to the Minister of Municipal Affairs and Housing and to York Region; and,
3. That the City of Markham supports the Province's intent to ensure that the implementation of the Community Benefits Charge will result in municipalities like the City of Markham remaining revenue neutral; and,
4. That the City of Markham supports the Province's efforts to bring more affordable housing to our communities; and,
5. That the City of Markham supports the implementation timeline of January 1, 2021 to transition to the Community Benefits Authority; and,
6. That municipalities be allowed to register a priority lien on the tax roll of properties with mandatory development charge deferrals to protect the municipality against losses in the event of bankruptcy or land ownership changes; and,
7. That municipalities be allowed to use additional tools, other than a priority lien, to ensure that mandatory development charge deferrals are secured in a manner that protects municipal interests; and,

8. That the Commercial Development subject to payments in equal installments under Section 26.1 of the *Development Charges Act, 1997* should not include retail development; and,
9. That Section 26.2 of the *Development Charges Act, 1997* regarding when development charges are to be determined/frozen specify that for zoning by-law amendment applications, that the date that an application is deemed complete pursuant to section 34(10.4) of the Planning Act be the date upon which development charges are determined and, further that a provision be made for municipalities to determine what constitutes acceptance of a site plan application for the purposes of determining development charges; and,
10. That any major revisions to an application require a recalculation of the applicable development charges from the date the major revision is accepted by the municipality, or the date such revision is deemed major by the municipality; and,
11. That the City of Markham supports the Minister's proposal not to establish a maximum interest rate to be applied during the deferral and freeze of development charges; and,
12. That the proposed regulations related to secondary dwelling units in new residential buildings should be clarified to indicate that a secondary dwelling unit is subordinate to, or accessory to, a main residential building in order to be identifiably differentiated from other residential development such as multi-unit buildings (e.g. multi-plexes, stacked townhouses); and,
13. That the City of Markham supports the community benefits reporting requirements as proposed; and,
14. That the City of Markham supports the parkland reporting requirements as proposed; and,
15. That the City of Markham support the proposed list of developments included in the community benefits exemptions, to the extent that they are applicable to non-profit developments only; and,
16. That the Province add a fixed component to the Community Benefits Charge formula to account for the costs of building growth-related infrastructure; and,
17. That if the Community Benefits Charge cap is solely linked to a percentage of land value, that the percentage for low density development be a minimum of 20% of land value in order to maintain revenue neutrality for the City of Markham; and,

18. That if the Community Benefits Charge cap is solely linked to a percentage of land value, that the percentage for high density development be a minimum of 85% of land value, with the percentage increasing as intensification increases in order to maintain revenue neutrality for the City of Markham; and,
19. That the proposed range of the Community Benefits Charge cap be based on building type (low density vs high density) and geographic location within Ontario; and,
20. That the proposed process for land appraisals will add additional costs to the administrative process that should be recoverable through a fee; and,
21. That the City of Markham supports the proposed list of services to be excluded from the Community Benefits Charge; and,
22. That municipalities be granted authority to levy a Community Benefits Charge in a Community Planning Permit area, which should not be subject to any proposed cap; and,
23. That where the Minister designates an area subject to a Community Planning Permit System, the municipality may be allowed to enter into cost-sharing agreements with multiple landowners to provide community services to those areas; and further,
24. That staff be authorized and directed to do all things necessary to give effect to this resolution.

5. CONFIDENTIAL ITEM

Council consented to add a confidential item to the Special Council meeting agenda for consideration.

Moved by Councillor Karen Rea

Seconded by Regional Councillor Jack Heath

That the following confidential item be placed on the July 26, 2019 Special Council meeting agenda for consideration:

1. PERSONAL MATTERS ABOUT AN IDENTIFIABLE INDIVIDUAL,
INCLUDING MUNICIPAL OR LOCAL BOARD EMPLOYEES (6.7) [Section 239
(2) (b)]

Carried by a Two Thirds Vote

Moved by Councillor Alan Ho
 Seconded by Councillor Reid McAlpine

That, in accordance with Section 239 (2) of the Municipal Act, Council resolve into a confidential session at 4:03 p.m. to discuss the following matter:

1. PERSONAL MATTERS ABOUT AN IDENTIFIABLE INDIVIDUAL,
 INCLUDING MUNICIPAL OR LOCAL BOARD EMPLOYEES (6.7) [Section 239
 (2) (b)]

Carried

Moved by Councillor Khalid Usman
 Seconded by Regional Councillor Jack Heath

That Council rise from confidential session at 4:06 pm.

Carried

The Confidential item was approved by Council as follows:

- 5.1 PERSONAL MATTERS ABOUT AN IDENTIFIABLE INDIVIDUAL,
 INCLUDING MUNICIPAL OR LOCAL BOARD EMPLOYEES (6.7) [Section
 239 (2) (b)]

Moved by Councillor Karen Rea
 Seconded by Councillor Andrew Keyes

1. That on the personal matter about an identifiable individual, including
 municipal or local board employees, staff proceed as directed by Council.

Carried

6. CONFIRMATORY BY-LAW

- 6.1 BY-LAW 2019-84 A BY-LAW TO CONFIRM THE PROCEEDINGS OF THE
 SPECIAL COUNCIL MEETING OF JULY 26, 2019

Moved by Councillor Isa Lee
 Seconded by Councillor Keith Irish

That By-law 2019-84 be given three readings and enacted.

Three Readings

BY-LAW 2019-84 A BY-LAW TO CONFIRM THE PROCEEDINGS OF THE
SPECIAL COUNCIL MEETING OF JULY 26, 2019

Carried

7. ADJOURNMENT

Moved by Councillor Isa Lee
Seconded by Councillor Keith Irish

1. That the Special Council meeting be adjourned at 4:07 PM.

Carried

Kimberley Kitteringham
City Clerk

Frank Scarpitti
Mayor