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**SUBJECT:** Proposed Amendments to By-law 2005-104 - *A By-law to Prohibit the Use of Land or the Erection of Buildings unless Municipal Services are Available*

**PREPARED BY:** Mansoor Ali, P. Eng.  
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**REVIEWED BY:** Reza Fani, P. Eng.  
Manager, Development Engineering, Ext. 2414

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- 1) That the report entitled “Proposed Amendments to By-law 2005-104 - *A By-law to Prohibit the Use of Land or the Erection of Buildings unless Municipal Services are Available*”, be received;
- 2) And that Staff be authorized and directed to do all things necessary to give effect to this resolution.

**EXECUTIVE SUMMARY:**

Not Applicable

**PURPOSE:**

The purpose of the report is to recommend that By-law 2005-104 (Amended by By-law 2010-113 on June 8, 2010) which prohibit the use of land or the erection of buildings unless Municipal Services are available be amended to make housekeeping changes and to add the Future Urban Area and the York Downs development area and to make minor boundary adjustments to Schedule ‘A’ to the By-law.

**BACKGROUND:**

On April 12, 2005, Council enacted By-law 2005-104 to *Prohibit the Use of Land or the Erection of Use of Buildings or Structures unless Municipal Services are Available*.

The need for By-law 2005-104 came about when the Building Code Statute Law Amendment Act and O. Reg. 305/03 removed the authority of municipalities to link certain obligations of the owner/developer to the issuance of a building permit. By-law 2005-104 was enacted under subsection 34(5) of the Planning Act, R.S.O. 1990, c.P.13, which is an applicable law under the Building Code Act. Therefore, the Chief Building Official shall not issue a building permit until the By-law is complied with.

**OPTIONS/ DISCUSSION:**

**Requirements of the By-law**

The current amended By-law requires municipal services (e.g. roads, water, storm sewer and sanitary sewer, and stormwater management facilities) to be operational to a residential unit or a multiple-unit building prior to the issuance of building permits. The

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current amendments are required for housekeeping matters and to change the boundary where this By-law is applicable because of the change in the urban boundary. The boundary change is to include the Future Urban Area, York Downs development area, and a minor change due to developable area after the Oak Ridges Moraine boundary is changed.

**Recommended Amendments to the By-law**

Staff is recommending amendments to By-law 2005-104, as outlined in Attachment 'A' to address various housekeeping matters to provide clarity, and to include the new urban lands to Schedule 'A' of the By-law.

**FINANCIAL CONSIDERATIONS:**

There are no financial implications to the City of Markham resulting from the amendments to this By-law.

**HUMAN RESOURCES CONSIDERATIONS:**

Not Applicable

**ALIGNMENT WITH STRATEGIC PRIORITIES:**

The proposed amendments to By-law 2005-104 align with the Safe, Sustainable & Complete Community goal of the City's 2020-2023 Strategic Plan.

**BUSINESS UNITS CONSULTED AND AFFECTED:**

The Planning, Fire, Waterworks, Building and Legal Departments have provided comments to this report and their comments have been incorporated.

**RECOMMENDED BY:**

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Brian Lee, P. Eng.  
Director, Engineering

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Arvin Prasad, RPP, MCIP  
Commissioner, Development Services

**ATTACHMENTS:**

Attachment 'A': Proposed Amendments to By-law 2005-104  
Attachment 'B': Schedule 'A'