

# Electronic Development Services Committee Meeting Minutes

**Meeting Number 4**

**February 7, 2022, 9:30 AM - 1:00 PM**

**Live streamed**

Roll Call	Mayor Frank Scarpitti	Councillor Reid McAlpine
	Deputy Mayor Don Hamilton	Councillor Karen Rea
	Regional Councillor Jack Heath	Councillor Andrew Keyes
	Regional Councillor Joe Li	Councillor Amanda Collucci
	Regional Councillor Jim Jones	Councillor Khalid Usman
	Councillor Keith Irish	Councillor Isa Lee
	Councillor Alan Ho	
Staff	Andy Taylor, Chief Administrative Officer	Sabrina Bordone, Senior Planner, Central District
	Arvin Prasad, Commissioner, Development Services	Daniel Brutto, Planner I, North District
	Morgan Jones, Commissioner, Community Services	Alain Cachola, Senior Manager, Infrastructure and Capital Projects
	Claudia Storto, City Solicitor and Director of Human Resources	Loy Cheah, Senior Manager, Transportation
	Adam Grant, Fire Chief	Stephen Lue, Acting Senior Development Manager
	Frank Clarizio, Director, Engineering	Hristina Giantsopoulos, Election & Committee Coordinator
	Biju Karumanchery, Director, Planning & Urban Design	Laura Gold, Council/Committee Coordinator
	Bryan Frois, Manager of Executive Operations & Strategic Initiatives	Clement Messere, Senior Planner
	Joel Lustig, Treasurer	Peter Wokral, Senior Planner
	Francesco Santaguida, Assistant City Solicitor	

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## **1. CALL TO ORDER**

In consideration of the ongoing public health orders, this meeting was conducted electronically to maintain physical distancing of participants. With the passage of the COVID-19 Economic Recovery Act, 2020 (Bill 197), municipal Council Members are now permitted to meet remotely and count towards quorum.

The Development Services Committee convened at 9:33 AM with Regional Councillor Jim Jones in the Chair.

Committee recessed from 11:57 AM - 12:45 PM.

## **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 current treaty holders 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 disclosures of pecuniary interests.

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

### **3.1 SPECIAL DEVELOPMENT SERVICES COMMITTEE MINUTES - JANUARY 24, 2022 (10.0)**

Moved by Councillor Alan Ho

Seconded by Regional Councillor Jack Heath

1. That the minutes of the Special Development Services Committee Meeting held on January 24, 2022, be confirmed.

**Carried**

## **4. DEPUTATIONS**

The following deputations were made regarding Agenda Item 11.1 – Dissolve Ontario Land Tribunal (OLT):

Elizabeth Brown, representing the Markham Village Sherwood Conservation Residents Association, spoke in support of the motion to dissolve the OLT. The Ontario Municipal Board (OMB) was overhauled in 2017 with the intent of reforming the system to be fairer, faster, more affordable, and to give greater weight to the decisions of local municipalities. It was wrong for the Province to reverse this decision so soon after the new model was put in place, and revert back to the rules of the OMB. The OLT allows developments to proceed that go beyond the scope of municipal plans and by-laws, and it is not accountable to the Markham residents. It is unfair that developers can appeal a decision without a specific reason, and why is Ontario the only province in Canada that has a separate tribunal to review development decisions – even if they adhere with the City’s provincially approved plans. Ms. Brown asked Markham Council to support the motion to dissolve the OLT.

Chris Rogge provided a deputation expressing concern in regards to how development applications are processed, and provided his support of the motion to dissolve the OLT.

## **5. COMMUNICATIONS**

### **5.1 COMMUNICATIONS - JOHN STREET MULTI-USE PATH IMPLEMENTATION STRATEGY (WARDS 1 & 8) (10.0)**

**Note: Please refer to Item #10.1 for report.**

Moved by Councillor Karen Rea

Seconded by Councillor Khalid Usman

1. That the communications submitted by Peter Miasek, on behalf of the Cycling and Pedestrian Advisory Committee Chairs, Elisabeth Tan, and Valerie Burke regarding the above subject matter be received.

**Carried**

### **5.2 COMMUNICATIONS - DISSOLVE ONTARIO LAND TRIBUNAL (OLT) (13.2)**

**Note: Please refer to Item #11.1 for motion.**

Moved by Councillor Karen Rea

Seconded by Councillor Khalid Usman

1. That the communications submitted by the following individuals providing comments regarding the above subject matter be received:
  - Todd Patterson
  - Margaret MacKenzie

- Valerie Burke
- Annie Kwok
- D.H. Payne

**Carried**

## **6. PETITIONS**

There were no petitions.

## **7. CONSENT REPORTS - DEVELOPMENT AND POLICY ISSUES**

### **7.1 MEMORANDUM RULAND PROPERTIES INC. REQUEST FOR THE ASSIGNMENT OF ADDITIONAL SERVICING ALLOCATION FOR MIXED-USE HIGH-RISE DEVELOPMENT LOCATED EAST OF BIRCHMOUNT ROAD IN THE FUTURE SOUTH-WEST CORNER OF VERDALE CROSSING AND ANDRE DE GRASSE STREET AT 8119 BIRCHMOUNT ROAD (HS2, SC 18 180694) (WARD 3) (10.0)**

Moved by Councillor Khalid Usman

Seconded by Councillor Andrew Keyes

1. That the memorandum titled “MEMORANDUM, Ruland Properties Inc. (The Remington Group), Request for hold removal and assignment of additional servicing allocation for a mixed-use high-rise development located east of Birchmount Road, in the future south-west corner of Verdale Crossing and Andre De Grasse Street at 8119 Birchmount Road, File Nos: HOLD 19 180694, SC 16 116738 (HS1) and SC 18 180694 (HS2) (Ward 3)” be received; and,
2. That the application submitted by Ruland Properties Inc. (The Remington Group) to remove the hold provision (HOLD 19 180694) be approved and the draft Hold Removal By-law attached hereto as Appendix A be enacted without further notice; and,
3. That servicing allocation assigned to Phase 1, HS1 (SC 16 116738) be increased from 620 dwelling units to 759 dwelling units; and,
4. That servicing allocation assigned to Phase 2, HS2 (SC 18 180694) be increased from 454 dwelling units to 506 dwelling units; and,
5. That the City reserves the right to revoke or reallocate servicing allocation should the proposed development not proceed in a timely manner; and further,

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

**Carried**

**7.2 DEVELOPMENT SERVICES PUBLIC MEETING MINUTES - JANUARY 31, 2022 (10.0)**

Moved by Councillor Khalid Usman

Seconded by Councillor Andrew Keyes

1. That the minutes of the Development Services Public Meeting held on January 31, 2022, be confirmed.

**Carried**

**7.3 MINUTES OF THE NOVEMBER 26, 2021 MILLIKEN SUB-COMMITTEE (16.0)**

Moved by Councillor Khalid Usman

Seconded by Councillor Andrew Keyes

1. That the minutes of the November 26, 2021 Milliken Sub-Committee Meeting be received for information purposes.

**Carried**

**7.4 MINUTES OF THE DECEMBER 8, 2021 HERITAGE MARKHAM COMMITTEE (16.11)**

Moved by Councillor Khalid Usman

Seconded by Councillor Andrew Keyes

1. That the minutes of the December 8, 2021 Heritage Markham Committee Meeting be received for information purposes.

**Carried**

**8. PRESENTATIONS - DEVELOPMENT AND POLICY ISSUES**

**8.1 STRATEGY TO ADDRESS CULTURAL HERITAGE RESOURCES IN THE NORTH DISTRICT EMPLOYMENT LANDS (10.0)**

Arvin Prasad, Commissioner of Development Services, introduced the item.

Regan Hutcheson, Manager of Heritage Planning, advised that the purpose of the presentation is to provide Council with the results of a study exploring options on how to address the existing cultural heritage resources located in the North District employment lands (MiX). The study took both the City's corporate and cultural heritage objectives into consideration. The next step will be to consult with the Heritage Markham Committee on the conclusions of the study and the proposed direction.

The study lead consultants, Dan Currie and Nick Bogaert, MHBC Planning, Urban Design & Landscape Architecture, provided a presentation entitled "City of Markham, Culture Heritage Resources Strategy – North District Employment Lands (MiX)". They noted that the study also explored the economic impact of retaining cultural resources in employment lands through the work of their sub-consultant urbanMetrics led by land economist. The consultants indicated that the ten properties had cultural heritage value, that they were not necessarily a detriment to the end use of the land from a development and economic perspective and that the policy affecting heritage resources in this area needed to be more flexible to allow adaptive re-use and if necessary, relocation without having to demonstrate the resource was under threat of loss.

Committee discussed the following relative to the consultant's presentation:

- The location and condition of the cultural heritage resources located within the MiX;
- Designating a specific area within the MiX for the possible re-location of the cultural heritage resources located on the lands;
- The possibility of creating a second Heritage Estates subdivision and other relocation opportunities in the City;
- The background and qualifications of the researchers and consultants that conducted the study;
- Developers frequently wishing to re-locate heritage houses outside of their development site;
- The City's success with integrating cultural heritage resources into developments;
- Situations when a cultural heritage resource has been deemed threatened and has been moved to Heritage Estates in the past (i.e. for construction of the Highway 407, or the development of a big box retail complex);

- The diminishing interest in acquiring a heritage house to restore and possibly relocate, likely due to the cost of relocation and acquiring a lot;
- Legislative changes that provided the City with more tools to successfully protect cultural heritage resources in-situ;
- How creating a more flexible policy for culture heritage resources located in the MiX that prioritizes adaptable uses and relocation can lead to better outcomes than the City's existing policy, which priorities retaining the cultural heritage resource in its original use and site;
- Whether all of the City's heritage conservation policies need to be more flexible;
- The need to assess the current condition of the 10 cultural heritage resources located within MiX to ensure they are protected and that no further damage to the resources occurs (By-law Enforcement);
- The need for an agreement between the City and the owner of the cultural heritage resource to provide financial assistance to a person willing to relocate and restore the resource elsewhere;
- The need to evaluate on a case by case basis whether the cultural heritage resources located in the MiX need to be relocated;
- The need to do more to protect accessory buildings possessing cultural heritage value, such as barns;
- The importance of educating the public in regards to the history of the cultural heritage resource that is being retained and restored (i.e. including a plaque);
- The effectiveness of restoring only a portion of the a cultural heritage resource and incorporating it into a building;
- Recognized that many of the business typically found in a residential or commercial area that could utilize a cultural heritage resource would also be needed in an employment district (i.e. daycare, offices and restaurants).

Mr. Currie and Mr. Hutcheson provided clarification to inquiries from the Committee.

The Committee requested that successful examples of cultural heritage resources being restored and used for adaptive purposes in employment districts be provided to the Heritage Markham Committee when presenting this item to the committee.

Moved by Mayor Frank Scarpitti  
 Seconded by Regional Councillor Jack Heath

1. That the presentation by MHBC on the "Strategy to Address Cultural Heritage Resources in the North District Employment Lands", be received; and,
2. That the matter be referred to the Heritage Markham Committee to obtain feedback on the recommended strategy.

**Carried**

## **9. REGULAR REPORTS - DEVELOPMENT AND POLICY ISSUES**

### **9.1 PRELIMINARY REPORT 10616389 CANADA LIMITED AND WEYCLIFFE INTERNATIONAL DEVELOPMENT INC. APPLICATIONS FOR DRAFT PLAN OF SUBDIVISION AND ZONING BY-LAW AMENDMENT TO PERMIT 76 TOWNHOUSE UNITS AT 7810, 7822, 7834, AND 7846 MCCOWAN ROAD (WARD 8)**

**FILE NO.: PLAN 21 129900 (10.5, 10.7)**

Arvin Prasad, Commissioner of Development Services, advised that the purpose of this report is to provide preliminary information on applications for Draft Plan of Subdivision and Zoning By-Law Amendment submitted by 10616389 Canada Limited and Weycliffe International Development Inc., to permit for 76 townhouses units at 7810, 7822, 7834, and 7846 McCowan Road (Ward 8). Mr. Prasad advised that the owner is able to appeal the applications to Ontario Land Tribunal, as the periods set forth in the *Planning Act* to appeal these applications have passed.

Kate Cooper, Bousfields Inc., provided a presentation on the proposed development.

The Committee discussed the following relative to the proposed development:

- The importance of proceeding with the development as soon as possible;
- The missed opportunity in regards to connecting the proposed development with the community to the west;
- Tools that can be used to encourage developments to proceed in a timely manner (i.e. lapsing of site plan endorsement and revoking servicing allocation if development does not proceed in a timely manner);



- Integration of the lands to the east of the proposed development that are owned by York Region;
- Future residents being able to access 14<sup>th</sup> Avenue from the private road network in Phase 1 of the proposed development;
- Questioned the plans for Old McCowan Road and suggested using it as a buffer or for parkland;
- Questioned the width of the townhouses and if underground parking was being proposed for the townhouses;
- Questioned who would be responsible for plowing of Street ‘A’ and Old McCowan Road.

Ms. Cooper advised that the Applicant would like to proceed with the proposed development as soon as possible, and that there is currently no plans for the proposed development to connect to the community to the west. Ms. Cooper advised that the townhouses will be 3 stories in height (with a basement), and will range from 5.8 - 6.3 metres in width. Ms. Cooper further advised that the townhouses will have single or double car garages and driveways (depending on the unit type). Ms. Cooper clarified that underground parking has not been considered at this time, but could be explored. Ms. Cooper noted that the Applicant is committed to integrating age friendly features into the design of townhouses.

Frank Clarizio, Director of Engineering, advised that the applications are still in the preliminary stages and that discussions on how the new intersection (Street ‘A’ & McCowan Road) will align with the existing intersection (Old McCowan Road and McCowan Road) are still underway. Mr. Clarizio clarified that it would be the City’s responsibility to plow Street ‘A’ and York Region’s responsibility to plow Old McCowan Road, as it is a Regional road.

Committee recessed from 11:57 AM - 12:45 PM.

Moved by Councillor Isa Lee

Seconded by Councillor Khalid Usman

1. That the report titled “PRELIMINARY REPORT, 10616389 Canada Limited and Weycliffe International Development Inc., Applications for Draft Plan of Subdivision and Zoning By-law Amendment to permit 76 townhouse units at 7810, 7822, 7834, and 7846 McCowan Road (Ward 8), File No. PLAN 21 129900”, be received.

**Carried**

**9.2 PRELIMINARY REPORT KENNETH VOPNI & ANDREA CONLON C/O GREGORY DESIGN GROUP (SHANE GREGORY) ZONING BY-LAW AMENDMENT 36 WASHINGTON STREET (WARD 4) TO PERMIT THE SEVERANCE OF THE LAND TO CREATE A NEW BUILDING LOT AND THE CONSTRUCTION OF A NEW DETACHED INFILL DWELLING FILE NO.: PLAN 21 127477 (10.5)**

Arvin Prasad, Commissioner of Development Services, advised that the purpose of this report is to provide preliminary information on the Zoning By-Law Amendment Application for 36 Washington Street, submitted by Kenneth Vopni and Andrea Conlon, c/o Shane Gregory to permit for the future severance of the property to create a new building lot to construct a new detached infill dwelling.

Russ Gregory, Gregory Design Group, advised that Applicant is seeking permission to build a new single detached dwelling that will be complementary to the Markham District Conservation area. Mr. Gregory explained that in order to build the new detached dwelling, the lot will need to be severed and rezoned from commercial to residential, and that site specific development standards will be required to permit the proposed front and rear yard setbacks of the proposed conceptual site plan.

Councillor Rea, Peter Wokral, and Russ Gregory agreed to meet prior to the Statutory Public meeting to discuss the nature of the second residential units on both the proposed new and retained lot, and whether a two car garage was warranted due to the high amount of hard surfacing it requires in the rear yard.

Moved by Councillor Karen Rea

Seconded by Regional Councillor Jack Heath

1. That the report titled “PRELIMINARY REPORT, Kenneth Vopni & Andrea Conlon c/o Gregory Design Group (Shane Gregory), Zoning By-law Amendment, 36 Washington Street (Ward 4) to permit the Severance of the Land to create a new Building Lot, and the Construction of a new Detached Infill Dwelling”, dated February 7, 2022, be received.

**Carried**

**9.3 RECOMMENDATION REPORT MINOTAR HOLDINGS INC. AND HAL-VAN 5.5 INVESTMENTS LTD. APPLICATIONS FOR A DRAFT PLAN OF SUBDIVISION AND ZONING BY-LAW AMENDMENT TO PERMIT APPROXIMATELY 823 DWELLING UNITS (756 GROUND RELATED AND 67 IN A MIXED-USE BLOCK) ON**

***PART OF LOTS 23 AND 24, CONCESSION 6 (EAST SIDE OF KENNEDY ROAD NORTH OF MAJOR MACKENZIE DRIVE) (WARD 6) FILE NO.: PLAN 20 133038 (10.5, 10.7)***

Arvin Prasad, Commissioner of Development Services, advised that this report recommends approval of Draft Plan of Subdivision and Zoning By-law Amendment applications to facilitate the creation of approximately 756 ground oriented dwelling units (comprised of detached, semi detached and townhouses), a mixed-use block, a neighbourhood park, a parkette, stormwater management facilities and the supporting road network on the Subject Lands. The property is located in the Future Urban Area within the Robinson Glen Secondary Plan Area. The subject lands contain two heritage structures known as the George Henry Sommerfeldt Homestead (10379 Kennedy Road), and the George Sommerfeldt Sr. House (10411 Kennedy Road), which the Applicant proposes to re-locate in close proximity to Kennedy Road.

Elizabeth Howson provided a presentation on the development proposal.

The Committee provided its sincere appreciation to the Applicant for highlighting the cultural heritage resources in the proposed development, offering age friendly features, and for the design of the proposed development.

The following response was provided to an inquiry from the Committee:

Clay Leibel, Applicant, advised that there are a number of low impact development measures that are being put in place throughout the development (i.e. the proposal for an underwater stormwater management facilities, which leads to thermal mitigation and the cooling of the water that will help protect the habitat of redbreasted dace, and adding extra topsoil). Mr. Leibel noted that the low impact development measures will be implemented as part of the technical review process.

Frank Clarizio, Director of Engineering, advised that staff endeavor to review each application while considering the issues, constraints, and type of development. Mr. Clarizio clarified that staff are exploring the use of underground stormwater management facilities to minimize the impact on

stormwater management, and flooding for this proposed development. Mr. Clarizio noted that staff are also looking at opportunities for infrastructure that can recharge the groundwater, and minimize impact on hard services.

Moved by Councillor Amanda Collucci

Seconded by Mayor Frank Scarpitti

1. That the staff report dated February 7, 2022 titled “Recommendation Report, Minotar Holdings Inc. and Hal-Van 5.5 Investments Ltd., Applications for a Draft Plan of Subdivision and Zoning By-law Amendment to permit approximately 823 dwelling units (756 ground related and 67 in a mixed-use block) on Part of Lots 23 and 24, Concession 6 (East side of Kennedy Road north of Major Mackenzie Drive) (Ward 6), File No.: PLAN 20 133038,” be received; and,
2. That in accordance with the provisions of subsections 45 (1.4) of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, the Owners shall through this Resolution, be permitted to apply to the Committee of Adjustment for a variance from the provisions of the accompanying Zoning By-law, before the second anniversary of the day on which the by-law was approved by Council; and,
3. That the application submitted by Minotar Holdings Inc. and Hal-Van 5.5 Investments Ltd. to amend Zoning By-law 304-87, as amended, be approved and the draft Zoning By-law attached hereto as Appendix ‘A’, be finalized and brought forward to a future Council meeting to be enacted without further notice’; and,
4. That Draft Plan of Subdivision 19TM-20010 be approved in principle, subject to the conditions set out in Appendix ‘B’ of this report and be brought forward to a future Council meeting once all outstanding matters have been resolved to staff’s satisfaction; and,
5. That the Director of Planning and Urban Design or his designate, be delegated authority to issue Draft Plan Approval, subject to the conditions set out in Appendix ‘B’, as may be amended by the Director of Planning and Urban Design or his designate; and,
6. That Draft Plan Approval for Draft Plan of Subdivision 19TM-20010 will lapse after a period of three (3) years from the date of Council approval in the event that a subdivision agreement is not executed within that period; and,
7. That servicing allocation for 756 units be assigned to Draft Plan of Subdivision 19TM-20010; and further,

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

**Carried**

## **10. REGULAR REPORTS - TRANSPORTATION AND INFRASTRUCTURE ISSUES**

### **10.1 JOHN STREET MULTI-USE PATH IMPLEMENTATION STRATEGY (WARDS 1 & 8) (10.0)**

Arvin Prasad, Commissioner of Development Services, advised that the purpose of this report is to seek Council's endorsement on the Revised John Street Multi-Use Path (MUP) Implementation Strategy.

Frank Clarizio, Director of Engineer provided a brief presentation on the Revised John Street MUP Implementation Strategy.

The following deputations were made on the Revised John Street Multi-Use Path (MUP) Implementation Strategy:

Alena Gotz, representing the Aileen Willowbrook Ratepayers Association, questioned if there was a plan for the western portion of the John Street MUP, suggesting that this portion of the MUP is needed and should include separate pedestrian and cycling facilities. Ms. Gotz advised that the John Street MUP is needed between Leslie Street and Bayview Avenue for the following reasons: 1) biking on John Street between Leslie Street and Bayview Avenue is dangerous due to the amount of traffic; 2) traffic will increase on John Street between Leslie Street and Bayview Avenue as a result of development that will be occurring in the area; 3) to connect Thornhill to Markham's bike trails; 4) to invest in active transportation in preparation for new development planned for the area and due to there being no plans to widen Bayview Avenue in the near future; 6) to connect the Thornhill Community Centre to active transportation. Ms. Gotz spoke in opposition to the revised John Street MUP if there are no future plans to extend it to Bayview Avenue in the future, and in support to making investments that will improve the quality of life for Thornhill residents.

Evelin Ellison advised that the John Street MUP is part of the City's 2010 Cycling Master Plan, and 2021 Active Transportation Plan. Ms. Ellison suggested that the MUP ideally will consist of separate cycling and pedestrian facilities, and that it should be integrated with Markham's existing trail system so that it can be used as an alternative mode of transportation. Ms. Ellison spoke in support of investing in safe active transportation in Thornhill to address all the new development

occurring in the community. Ms. Ellison suggested that the width of John Street be reduced to encourage active transportation on the road.

Committee discussed the following relative to the Revised John Street Multi-Use Path (MUP) Implementation Strategy:

- The importance of maximizing safety and minimizing the impact to vehicular traffic;
- Opportunities to enhance the safety of the proposed John Street MUP (i.e. adding signs and pavement markings);
- Ensuring the John Street MUP is built with the opportunity to be extended in the future;
- Questioned how the John Street MUP will be built on the bridge going over the 404;
- Questioned if the John Street MUP will be connected to the Lake to Lake Trail;
- The need to rethink the City's strategy with respect to MUPs, as many streets do not have enough space for separate cycling and pedestrian facilities.

Mr. Clarizio committed to implementing safety measures that will enhance the safety of the John Street MUP, such as increased signage and pavement markings. Mr. Clarizio clarified that the revised John Street MUP will be connected to the Lake to Lake Trail and that there is nothing in the current plan that precludes the MUP from being extended to Bayview Avenue in the future. Mr. Clarizio advised that there is enough room on the bridge going over the 404 on John Street to build the MUP on the north side of the road (only) without having to reduce the number of lanes on the road.

Committee amended the motion to include that additional safety measures be implemented to enhance the safety of the John Street MUP.

Moved by Councillor Keith Irish

Seconded by Councillor Karen Rea

1. That the report entitled “ Revised John Street Multi-Use Path Implementation Strategy (Wards 1 & 8)” be received; and,
2. That Council endorse the revised implementation strategy for the John Street Multi-Use Path project and the revised scope for the project as outlined in Attachment “B”, **on the condition that staff implement additional safety measures**, and,

3. That Council direct staff to issue the construction tender and delegate authority to the Chief Administrative Officer to award the construction contract for the implementation of the revised John Street Multi-Use Path project; and further,
4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**Carried**

## **11. MOTIONS**

### **11.1 DISSOLVE ONTARIO LAND TRIBUNAL (OLT) (13.2)**

**Note: The original notice of this motion was given to Development Services Committee at its meeting held on February 2, 2022.**

Councillor Karen Rea spoke in support of dissolving the Ontario Land Tribunal, as municipalities need to regain authority to plan their communities and landowners shall be required to work with staff on their development applications. Councillor Rea noted that Ontario Municipal Board was dissolved by the Province after an extensive two year review and questioned why a similar body would be reinstated.

Committee discussed the following relative to the notice of motion regarding dissolving the OLT:

- Suggested that it may be more appropriate to advocate for reform of the OLT rather than for it to be dissolved, as there is still a need for an appeal process outside of the judicial system;
- Suggested that more information is needed on other provinces' systems for appealing a municipal decision on development applications;
- The need to streamline existing processes, like permitting developments to proceed without a Statutory Public Meeting if they comply with City's Secondary Plan;
- The importance of municipal governments having the authority to approve development applications based on the provisions set forth in their Official Plan, and Secondary Plans;
- The importance of municipal governments having the authority to approve development applications, as they are the level of government that is accountable to their constituents for local matters;

- Suggested that appeals of development application in other province's that go through the judicial system must be made based on a point of law, unlike in Ontario where a development application can be appealed to the OLT for any reason.
- Noted that the City would need to keep its Secondary Plan and By-Laws up-to-date if the OLT was dissolved.

Councillor Rea noted that this motion will be brought forward to the February 23, 2022, Council meeting, and encouraged Members of Committee to conduct any required research prior to this time. Councillor Rea spoke to the importance of sending a strong message to the Province in regards to dissolving the OLT.

Moved by Councillor Karen Rea

Seconded by Councillor Keith Irish

Whereas Municipalities across this province collectively spend millions of dollars of taxpayer money and municipal resources developing Official Plans that meet current Provincial Planning Policy; and,

Whereas an Official Plan is developed through months of public consultation to ensure, "that future planning and development will meet the specific needs of our community"; and,

Whereas our Official Plan includes zoning provisions that encourage development of the "missing middle" or "gentle density" to meet the need for attainable housing in our community; and,

Whereas our Official Plan is ultimately approved by the province; and,

Whereas it is within the legislative purview of Municipal Council to approve Official Plan amendments or Zoning By-law changes that better the community or fit within the vision of the City of Markham Official Plan; and,

Whereas it is also within the legislative purview of Municipal Council to deny Official Plan amendments or Zoning By-law changes that do not better the community or do not fit within the vision of the City of Markham Official Plan; and

Whereas municipal planning decisions may be appealed to the Ontario Land Tribunal (OLT; formerly the Ontario Municipal Board or "OMB"), an unelected, appointed body that is not accountable to the residents of the City of Markham; and,



Whereas the OLT has the authority to make a final decision on planning matters based on a “best planning outcome” and not whether the proposed development is in compliance with municipal Official Plans and Provincial Planning Policy; and,

Whereas Ontario is the only province in Canada that empowers a separate adjudicative tribunal to review and overrule local decisions applying provincially approved plans; and,

Whereas towns and cities across this Province are repeatedly forced to spend millions of dollars defending Official Plans that have already been approved by the province in expensive, time consuming and ultimately futile OLT hearings; and,

Whereas lengthy, costly OLT hearings act as a barrier to the development of all housing and commercial properties.

1. Now Therefore Be It Resolved That the City of Markham requests the Government of Ontario to instruct the OLT to immediately cease accepting new cases and then dissolve the OLT once its current caseload has been addressed, thereby eliminating one of the most significant sources of red tape delaying the development of housing in Ontario; and,
2. Be It Further Resolved That a copy of this Motion be sent to the Honourable Doug Ford, Premier of Ontario, the Minister of Municipal Affairs and Housing, the Leader of the Opposition, the Leaders of the Liberal and Green Party, all MPPs in the Province of Ontario; the Large Urban Mayors’ Caucus of Ontario, the Small Urban GTHA Mayors and Regional Chairs of Ontario; and,
3. Be It Further Resolved That a copy of this Motion be sent to the Association of Municipalities of Ontario (AMO) and all Ontario municipalities for their consideration.

**Carried**

## **12. NOTICES OF MOTION**

There were no notices of motion.

## **13. NEW/OTHER BUSINESS**

There was no new or other business.

## **14. ANNOUNCEMENTS**

There were no announcements.

**15. ADJOURNMENT**

Moved by Councillor Keith Irish

Seconded by Councillor Isa Lee

That the Development Services Committee adjourn at 2:49 PM.

**Carried**