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City File No.: 22.114368.000.00.PLAN  
Regional File No: SUBP.22.M.0015

September 9, 2022

Mr. Arvin Prasad  
Commissioner of Development Services  
Planning and Urban Design Department  
City of Markham  
101 Town Centre Boulevard  
Markham, ON L3R 9W3

**Re: Draft Plan of Subdivision  
SUBP.22.M.0015 / PLAN 22 114368  
Part of Lot 31, Concession 7  
5474 and 5662 19<sup>th</sup> Avenue  
(Flato Upper Markham Village Inc.)  
City of Markham**

We understand that a recommendation report to conditionally approve the above subdivision application will be considered by Development Services Committee at their meeting on September 12<sup>th</sup> and that the Region's pre-condition requiring the owner to enter into a no pre-sales agreement with the City will not be included. We would like to reiterate and expand upon the purpose and importance of our condition (pre-condition No. 1 in our August 19, 2022, letter enclosed) and request you reconsider its inclusion in the draft approval.

Our August 19<sup>th</sup> letter indicates that proceeding with draft approval to facilitate a mixed-use development, which includes 900 residential units, in advance of an approved Master Environmental Servicing Plan (MESP) is premature. The Toronto and Region Conservation Authority agrees. It is important that the MESP be finalized and approved prior to the advancement or conditional approval of the proposed plan of subdivision. If a finalized MESP is not being provided prior to draft-approval, it is imperative to have thorough pre-conditions.

The MESP has identified insufficient water and wastewater servicing to support the proposed development. With the recently approved Regional Water and Wastewater Master Plan, Regional services are anticipated to be available to the proposed development in the mid-2030s, with additional significant local infrastructure also to be constructed to help service the development. The proposed 'interim' sewage pumping station located in Markham will convey sewage through Whitchurch-Stouffville to the Regional 9<sup>th</sup> Line YDSS. This interim solution is well in advance of local and Regional infrastructure plans and would likely remain 'interim' for over a decade. There are also jurisdiction and capacity concerns that need to be resolved with the Town of Whitchurch-Stouffville. These solutions for water and wastewater services need be resolved prior to draft approval and emphasizes the need for a no pre-sales condition, as there is presently no proposal for an interim water supply solution.

It is because of this long delay in availability of adequate servicing capacity that a no pre-sale condition is imperative to protect the public interest, which includes non-end users and end-users (homebuyers). With the MESP outstanding and without a no pre-sales condition, there is high risk the landowner/developer will not be able to provide a servicing solution in a timely manner which would impact the ultimate users. The other protection mechanism would be a holding provision, but this cannot be applied until servicing is available since the site has already been zoned through the Minister's Zoning Order. Homebuyers unwittingly could end up purchasing homes that cannot be built for a significant amount of time. Recent examples of longer delays than anticipated to complete housing construction or potential for developers cancelling projects when there is significant time between purchase and construction isn't in the public interest. The no pre-sales condition avoids this.

The Region applies its standard pre-conditions, including no pre-sales, consistently in instances where municipalities, or specific areas within it, are constrained by servicing availability. This includes the Towns of Aurora, Newmarket and East Gwillimbury who are awaiting an Upper York Servicing solution, and it is also consistently applied to areas within the Township of King and Nobleton where servicing availability is limited. The no pre-sale conditions are widely accepted without hesitation by these municipalities and developers as a means to protect the public interest.

The no pre-sales condition could be avoided if the MESP were to be completed with an acceptable servicing solution, funded appropriately and then Markham reserves the servicing capacity.

I trust this provides further explanation and reasoning behind the appropriateness and importance of applying the no pre-sales condition as a means of protecting the public interest.

Sincerely,



Paul Freeman, MCIP, RPP  
Chief Planner  
Corporate Services Department



Laura McDowell, P.Eng.  
General Manager, Interim Transition - Environment,  
Public Works Department

DM/

Attachments: August 19, 2022 Regional Comment/Condition Letter

Copy to: Shakir Rehmatullah, Flato Upper Markham Village Inc. ([shakir@flatogroup.com](mailto:shakir@flatogroup.com))  
Stacia Muradali, Manager, East District, City of Markham ([SMuradali@markham.ca](mailto:SMuradali@markham.ca))  
Wendy Kemp, Director, Infrastructure Asset Management

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