

October 6, 2023

File No. 311580

VIA EMAIL – clerkspublic@markham.caCity of Markham
Development Services Committee
101 Town Centre Boulevard
Markham ON L3R 9W3

Dear Sirs:

**Re: Objection to the Notice of Intention to Designate a Property under Part IV,
 Section 29 of the *Ontario Heritage Act*
 10159 McCowan Road, Markham**

Aird & Berlis LLP represents Markham MMM North Development Corporation (our “**Client**”) in respect of its lands located within the Upper Markham Village and, more specifically, known as 10159 McCowan Road. (collectively, the “**Subject Lands**”).

At its meeting on September 12, 2023, the Council of the City of Markham (“**Council**”) stated its intention to designate the Subject Lands, under Part IV, Section 29 of the *Ontario Heritage Act*, in accordance with the report presented by the Manager of Heritage Planning and Senior Development Manager, dated September 11, 2023.

On behalf of our Client, we are filing this objection in response to the Notice of Intention to Designate (the “**NOID**”) which was subsequently published on the City’s website on September 15, 2023 and issued by mail on September 18, 2023.

The Subject Lands are more than 50 acres in size with extensive frontage along McCowan Road, to the north of Major Mackenzie Road East. The Subject Lands are part of a series of holdings northeast of this important intersection which are all located within the Upper Markham Village, as designated in the Regional Official Plan which received approval by the Minister of Municipal Affairs and Housing as recently as November 2022. Our client, together with other members of the landowners’ group in the area, have already held pre-consultation meetings in September of this year Markham Staff to commence the Secondary Plan process for this area. The subject property, and the area in which it is situated, is planned for growth and development.

Our client only received notice of this matter on August 18, 2023, less than 3 weeks before a decision was to be made by Council on September 12, 2023. On September 8, 2023, we submitted correspondence on behalf of our client requesting a deferral of the decision. We attended at the September 11, 2023 meeting of the Development Services Committee where we made a deputation and again requested deferral of the decision. That request was refused. On September 12, 2023 Council stated its intention to designate the Subject Lands.

Once our client received the NOID they immediately hired a heritage planning expert to review the Statement of Significance and Reasons for Designation contained in the Notice issued by the

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City and to begin to assess the merits of the proposed designation. Since that time, our client's heritage consultant has undertaken a site visit and undertaken research with respect to the property. The initial conclusions of the heritage consultant have identified errors in the Statement of Significance and Reasons for Designation.

Accordingly, to provide a fair opportunity to continue to review the Statement of Significance and Reasons for Designation set out in the NOID and the implications of the proposed designation on its interests, our Client objects to the Notice of Intent to Designate as currently framed. We would welcome the opportunity to review this matter with Heritage staff in advance of any further consideration by Council.

We trust the enclosed is satisfactory. Should you require any further information, please do not hesitate to contact the undersigned.

Yours truly,

AIRD & BERLIS LLP



Eileen P. K. Costello
EPKC:TC