



Report to: Development Services Committee

Meeting Date: January 23, 2024

SUBJECT: Comments to Province on Potential Revocation or Amendments to Certain Ministers Zoning Orders

PREPARED BY: Duran Wedderburn MCIP, RPP, Manager, Policy (ext. 2109)

RECOMMENDATION:

1. That the report dated January 23, 2024 titled “Comments on Potential Revocation or Amendments of Certain Minister’s Zoning Orders” be received;
2. That O.Reg 599/21 - 3143 19th Avenue for ERO #019-7994 be maintained;
3. That O.Reg 482/22 - 3565 19th Avenue for ERO #019-7991 be maintained;
4. That this report be forwarded to the Minister of Municipal Affairs and Housing as the City of Markham’s comments;
5. That this report be forwarded to the Region of York; and
6. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

PURPOSE:

This report provides comments on the Ontario government’s consultation through the Environmental Registry of Ontario on the revocation or amendment of two Minister’s Zoning Orders (MZO) within the City of Markham. These MZOs pertain to lands at 3143 19th Avenue and 3565 19th Avenue.

BACKGROUND:

On December 13, 2023, the Province issued a [news release](#) in response to feedback from its municipal partners on steps to clarify and enhance collaborative efforts to build 1.5 million new housing units in the province by 2031, protect frontline services, and keep costs down for taxpayers.

In response to feedback from municipalities and the community, the province is proposing to:

- Pass legislation that reverses the decision to dissolve the Region of Peel
- Consult on proposed revocations, amendments and monitoring of existing minister’s zoning orders (MZOs) as part of a new “use it or lose it” approach
- Provide clarity about the application of development-related charge exemptions for attainable housing to support improved municipal budgetary planning; and

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- Consult on development-related charges and fee refund frameworks to support municipalities with sustainably building more homes faster.

On December 20, 2023, the Ministry of Municipal Affairs and Housing issued a letter (Attached as Appendix I) to the City of Markham advising that two non-housing related MZOs in the City of Markham are being considered for revocation:

- Markham [O. Reg. 599/21](#) (ERO #019-7994) - lack of water or wastewater servicing
- Markham [O. Reg. 482/22](#) (ERO #019-7991) - lack of downstream implementation

The letter further outlined that the notices are posted on the Environmental Registry of Ontario (ERO) with a 45-day period for comment from December 13, 2023, and encourages feedback on the proposal. Comments on the ERO posts are due by January 27, 2024.

Staff are awaiting further information on the timing of future consultation announced in the news release.

OPTIONS/ DISCUSSION:

The following section provides an overview of the MZOs in Markham proposed for revocation and staff recommendations.

3143 19th Avenue - [O. Reg. 599/21](#)

On July 8, 2021, a [staff report](#) was presented to Development Services Committee (DSC) on a requested MZO by Tung Kee Investment Limited Partnership for the property located at 3143 19th Avenue ([see location map](#)) to facilitate the development of a Film Production Studio.

The MZO was required as the lands are identified as Future Urban Area in the 2014 Markham Official Plan and the Official Plan policies calls for a secondary plan to be completed prior to urban development. Staff noted through the report that zoning approval would not preclude the need for additional studies and reports to address technical matters as a part of the development review process, prior to building permit issuance. These studies and reports include addressing how infrastructure such as road and servicing would be delivered.

Markham Council supported the MZO request subject to recommended revisions to the MZO. The MZO was issued by the Province on August 27, 2021.

A pre-consultation meeting was held in January 2022 on the proposal outlining the technical and study requirements. To date, a consent application was submitted to the City to sever the lands for development, but no formal site plan application has been submitted.

The province is proposing the revocation of the MZO due to a lack of water or wastewater servicing to allow advancement of the development.

On January 12, 2024, staff received a joint letter from Times Group and Pacifica about 3143 19th Avenue directed to the Minister of Municipal Affairs and Housing (Appendix II). The letter advises that in July of 2023, the lands were sold to a new owner “Times Group” and outlines the work undertaken to advance the proposal. The new landowner requests that the MZO be extended for at least 12 months. The City supports maintaining the MZO for the subject lands to allow the application to advance under new ownership.

3565 19th Avenue - [O. Reg. 482/22](#)

On March 23, 2022, Markham Council passed a resolution ([Item 13](#)) requesting the Minister of Municipal Affairs and Housing issue an MZO to permit sports and education institutions and facilities, dormitories, private schools and ancillary uses on lands located at 3565 19th avenue ([See location map](#)).

The MZO was required as the York Region Official Plan and 2014 Markham Official Plan designates the subject lands as employment area and the proposed sensitive land uses such as sports fields, private schools and dormitories would not be permitted. The MZO was issued by the Province on October 3, 2022.

The Province is proposing revocation of the MZO due to a lack of down stream implementing. The City has a shared objective with the Province to realize the uses permitted in the MZO to support the community and will actively continue to pursue their delivery. Given the unique nature of the uses contemplated in the MZO and their benefit to the community, it is recommended that this MZO be maintained to support city building objectives.

Other Matters of Interest

Further to the MZO’s identified in the letter from the Ministry of Municipal Affairs and Housing, [O.Reg 172/20](#) has been identified by the province as a housing related zoning order for enhanced monitoring due to lack of water or wastewater servicing. While this MZO is within Whitchurch-Stouffville, a portion of the subject lands are within the City of Markham. The province is recommending the MZO be added to the 18-month watch list.

The portion of the lands in Markham are part of a Draft Approved Plan of Subdivision. City legal services are drafting an agreement with the Town of Whitchurch-Stouffville to determine responsibility over maintenance of the subdivision in the long-term. The servicing matter is being addressed in consultation with Whitchurch-Stouffville and the Region including consideration of temporary servicing solutions in lieu of the timing for ultimate servicing.

A Public Information Centre is being held in Whitchurch-Stouffville on January 31st about the proposed development.

Next Steps

To provide comments in advance of the ERO deadline of January 27, 2024 it is recommended that this staff report be submitted to the Ministry of Municipal Affairs and Housing as staff level comments. Following the January 31, 2024 Council meeting, the Council resolution related to this matter can be forwarded to the Ministry of Municipal Affairs and Housing.

FINANCIAL CONSIDERATIONS

No financial implications associated with this report.

HUMAN RESOURCES CONSIDERATIONS

No human resources implications with this report.

ALIGNMENT WITH STRATEGIC PRIORITIES:

This report aligns with Goal 3.2 of Markham's Future Together, 2020-2023 (BMFT): "Build complete communities that offer a range of housing and employment opportunities, transportation options and outstanding community amenities".

BUSINESS UNITS CONSULTED AND AFFECTED:

The following departments were consulted on preparing this report Legal/Realty and Economic Development.

RECOMMENDED BY:

Darryl Lyons, MCIP, RPP
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Giulio Cescato, MCIP, RPP
Director, Planning & Urban Design

Arvin Prasad, MCIP, RPP
Commissioner, Development Services

ATTACHMENTS:

Appendix I – Municipal Services Letter to City of Markham Clerk
Appendix II – Joint Letter from Times Group and Pacifica Ventures to MMAH