

**2015776 ONTARIO INC
3601 HIGHWAY 7, SUITE 401
MARKHAM, ON L3R 0M3**

February 29, 2024

*Delivered by email to
clerkspublic@markham.ca*

Chair and Members of the Development Services Committee
City of Markham
101 Town Centre Blvd.
Markham, ON L3R 9W3

Dear Chairman Jones and Members of Council:

**RE: DEVELOPMENT SERVICES MTG. MARCH 5, 2024, AGENDA ITEM 13.1.2
OLT APPEAL BY HILTON MARKHAM SUITES HOTEL LIMITED, 8500 WARDEN AVE.**

We are writing on behalf of 2015776 Ontario Inc. Attached are two letters previously filed with the City in connection with the above noted lands.

2015776 Ontario Inc. has entered into an agreement with the Owners of the above noted property for the reimbursement of funds for certain infrastructure that was put in place by 2015776 Ontario Inc. which benefits the redevelopment of the 8500 Warden lands.

We have been notified that an appeal was launched by the Owners and that a case management conference is scheduled for March 15, 2024. We are not a party nor a participant in this appeal.

We are asking the City if there is any mechanism that can be put in place in the planning instruments for 8500 Warden along with the existing Agreement between the two landowners, that would provide for and require the repayment for the front-ended services, by Hilton Markham Suites Limited.

Your consideration of our request is appreciated. We would be pleased to discuss this further if necessary.

Yours truly,

Per: Lezlie Phillips

SENT VIA EMAIL
bpatel@markham.ca

May 7, 2021

City of Markham
Development Services Committee
Markham Civic Centre
101 Town Centre Boulevard
Markham, ON L3R 9W3

Attention: **B. Patel**

Dear Ms./Mr. Patel:

**Re: Notice of Public Meeting – May 11, 2021, Development Services Committee
Official Plan and Zoning By-Law Amendments submitted by Bousfields
Inc. on behalf of Hilton Markham suites Limited for lands located on the southwest
corner of Highway 7 and Warden Avenue, municipally known as
8500 Warden Avenue - PLAN 20 128653 – File No. ZA 12 111347
Public meeting date at the City – May 11, 2021 at 7 pm**

We are the development managers for 2015776 Ontario Inc. (“201Co”).

My client advises that it is in receipt of notice of Official Plan Amendment and Zoning By-law Amendment Applications submitted to the City of Markham by the Applicant above.

Attached to this email is a copy of a letter issued to the City of Markham dated September 18, 2012, to reserve its rights regarding a reimbursement owed by the Applicant to 201Co for significant front ending done at the Applicant’s demand in 2005 and 2006. This reservation was lodged with the City previously, and is now being resurrected and re-presented as a result of the trigger that has been engaged by the Applicant to seek approval for development in excess of 30,000 square feet, which qualifies 201Co to a reimbursement of its front ending, plus other costs. Accordingly, this letter of today’s date is a further reservation of rights on notice to the City of Markham that any such approvals sought by the Applicant are subject to a prior right of 201Co for a reimbursement before the issuance of a building permit by the City of Markham. We ask that you therefore make the reimbursement to 201Co a condition of building permit issuance for any construction of the proposed development on the Applicant’s lands.

We confirm this letter acts as a written submission in the public process and statutory public meeting of this Application under the Planning Act and the Rules of the City of Markham and requirements of the Province of Ontario.

We also request a right to be informed, notified and included in discussions regarding the Application herein; we continue to manage for 201Co remainder property in the adjacent block and this Application may affect the rights of such ownership and tenants and leases therein.

Thank-you for your attention to this matter. If you have any questions, please feel free to contact me directly.

Sincerely,

M. Filice

M. Filice, SVP
Liberty Development Corp.
For and on behalf of 2015776 Ontario Inc.

/Encls.

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LIBERTY for all

BY FACSIMILE & EMAIL

September 18, 2012

City of Markham
Planning Department
101 Town Centre Boulevard
Markham, ON L3R 9W3
Attn: **Judy Carroll, City Clerk**

Dear Ms. Carroll:

**Re: 8500 Warden Avenue, Markham - File No. ZA 12 111347
Public Meeting, September 24, 2012**

We are writing on behalf of 2015776 Ontario Inc., landowners adjacent to the proposed development ("201Co"). As we cannot be attendance at the public meeting, we are writing to voice our concerns with the proposed redevelopment located at 8500 Warden Avenue. They are as follows:

1. The height of the proposed 21 storey towers appears to be excessive for this location. It was our understanding that the height limits in this area were dictated by the current height of the existing hotel, and that no development would be permitted in excess of that height. We would like to get a better understanding of this issue.
2. We have concerns with the number of additional units that are being proposed, especially when compared to earlier concepts prepared in 2005, in terms of increased traffic congestion and impact on community facilities. We would be interested in reviewing the updated modeling forecasts for the Warden West Precinct to understand the impact of the additional units, including for traffic and infrastructure services such as sanitary, water and storm systems.
3. 201Co confirms there are substantial monies owing to them, as they front-ended certain costs for the benefit of Markham Suites Nominee Inc. and payment has not been made nor sufficiently secured. The amount owing by Markham Suites Nominee is \$1,774,650.50 plus interest since 2006. Until these monies are paid, 201Co objects to zoning or OPA approvals being given by the City of Markham for this proposed development.
4. There is also a concern about 'overflow' parking from this proposed development, with significantly increased densities than originally proposed in 2005, onto lands owned by 201Co to the detriment of tenants and users of such property.

We confirm this letter acts as written submissions of 201Co in the public process and the statutory public meeting for the above referenced application.

We reserve the right to amend or supplement these concerns.

Sincerely,
LIBERTY DEVELOPMENT CORPORATION
For and on behalf of 2015776 Ontario Inc.



Per:
M. Filice





PUBLIC MEETING

RECEIVED

APR 22 2021

NOTICE OF MEETING

You are invited to attend an Electronic Public Meeting to be held by the Development Services Committee of the City of Markham to consider applications for Official Plan and Zoning By-law Amendments submitted by Bousfields Inc. on behalf of Hilton Markham Suites Limited for lands located on the southwest corner of Highway 7 and Warden Avenue, municipally known as 8500 Warden Avenue, as outlined on the attached map.

DATE: Tuesday, May 11, 2021

TIME: 7:00 p.m.

PLACE:

Members of the Development Services Committee will be participating in the meeting remotely. Due to the ongoing COVID-19 emergency, our facilities are closed to the public. Access is not permitted to the Markham Civic Centre and Council Chamber.

Members of the public may submit written deputations by email to hpatel@markham.ca

For members of the public who wish to speak at the electronic Public Meeting through a virtual deputation, please do so by completing the online Request to Speak form located online at www.markham.ca or by emailing the Clerk's Office at clerkspublic@markham.ca or by calling (905) 479-7760 prior to the meeting. Please provide a full name, contact information and identify the item you wish to speak to so that information can be provided on how you can make a virtual deputation.

All meetings are video and audio streamed on the City's website at: <https://pub-markham.escribemeetings.com/>

Please note that all proceedings of the Public Meeting are recorded.

BACKGROUND

The 4.12 ha (10.18 ac) subject lands are located on the southwest corner of Warden Avenue and Highway 7 and have approximate frontages of 219.9 m (721.5 ft) along Highway 7 and 193.3 m (634.2 ft) along Warden Avenue. To complete the overall development of the lands, the Owner proposes to include the approximately 2,105 m² (22,659 ft²) City-owned surplus lands along the south side of the Highway 7 right-of-way.

The Hilton Markham Suites hotel, conference centre and spa and its 650 space surface parking lot currently occupies the subject lands, which includes the 10-storey main hotel building and an ancillary five-storey building along Warden Avenue (long-term stay). A fifth storey enclosed bridge connects both buildings.

OFFICIAL PLAN AND ZONING

The subject lands are designated "Mixed Use High Rise" in the City's 2014 Official Plan. The policies of the City's 2014 Official Plan identify that until an updated secondary plan is approved for the Regional Centre - Markham Centre lands, the provisions of the 1987 Town of Markham Official Plan, as amended, and the Markham Centre Secondary Plan ("OPA 21"), as amended, shall apply to the subject lands.

The subject lands are designated "Commercial - Community Amenity Area" in the 1987 Official Plan and "Community Amenity Area - Major Urban Place in OPA 21. Lands designated "Community Amenity Area - Major Urban Place" are intended to be developed with a high concentration and intensity of residential, commercial, employment and supporting uses.

The subject lands are zoned "Markham Centre Downtown Two *20" (MC-D2*20), "Markham Centre Downtown Two *20 (Hold)" [MC-D2*20(H10)] and "Markham Centre Downtown Two *21 (Hold)" [MC-D2*20(H11)] under By-law 2004-196, as amended by By-laws 2013-65 and 2013-67.

PROPOSAL

The Owner proposes to demolish the hotel's existing conference centre and five-storey long-term stay building, but retain the 10-storey main hotel building. The Owner also proposes to construct a new three-storey conference centre at the northeast portion of the subject lands and redevelop the remaining subject lands with a high-density, mixed-use development consisting of approximately 3,552 units. A publicly accessible amenity space in front of the hotel along Highway 7 and a 0.2 ha (0.48 ac) public park at the northwest corner of Courtyard Lane and Clegg Road are also proposed.



Parking for the proposed development (2,651 spaces) is to be accommodated in 2½ levels of underground parking.

The Applicant is seeking to amend the Official Plan and Zoning By-law to permit an increase in height and density, as well as to amend other zoning provisions, as necessary, to permit the proposed development.

PURPOSE AND EFFECT OF THE PROPOSED AMENDMENTS

The purpose and effect of the proposed amendments are to permit the redevelopment of the subject lands with five 55-storey and one 45-storey mixed-use towers containing approximately 3,552 residential units and a 3-storey conference centre. The proposal includes retention of the existing 10-storey Hilton Markham Suites Hotel, a new public park and 2½ levels of underground parking.

NOTE REGARDING THE APPLICATIONS

- i) If a person or public body does not make oral submissions (namely, an electronic deputation) at a public meeting, if one is held, or make written submissions to the City of Markham before the proposed official plan amendment is adopted or before the by-law is passed, the person or public body is not entitled to appeal the decision of the City of Markham to the Local Planning Appeal Tribunal.
- ii) If a person or public body does not make oral submissions (namely, an electronic deputation) at a public meeting or make written submission to the City of Markham before the proposed official plan amendment is adopted or before the proposed zoning by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Local Planning Appeal Tribunal, there are reasonable grounds to add a person or public body as a party.
- iii) If you wish to be notified of the adoption of the proposed official plan amendment, or of the refusal of a request to amend the official plan, you must make a written request to the Clerk's Department at the address noted above or by email to hpatel@markham.ca

LANDS CONTAINING SEVEN (7) OR MORE RESIDENTIAL UNITS

A copy of this notice must be posted by the owner of any land that contains seven or more residential units in a location that is visible to all of the residents.

ADDITIONAL INFORMATION

Copies of the proposed Official Plan and Zoning By-law Amendments are available by contacting Sabrina Bordone, Senior Planner at sbordone@markham.ca

For more information about this matter, including information about preserving your appeal rights, contact Sabrina Bordone, Senior Planner at sbordone@markham.ca quoting file number PLAN 20 128653.

Written submissions may be emailed to hpatel@markham.ca by not later than 4:00 p.m. on May 10, 2021. Personal information collected in response to this planning notice will be used to assist City staff and Council to process these applications and will be made public.

DATED: Wednesday, April 21, 2021

Arvin Prasad, MPA, MCIP, RPP
Commissioner of Development Services

Jim Jones
Chair

