

**Ontario Land Tribunal**  
Tribunal ontarien de l'aménagement  
du territoire



**ISSUE DATE:** May 7, 2024

**CASE NO.:** OLT-22-003176

**PROCEEDING COMMENCED UNDER** section 22(7) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Applicant/Appellant: Zonix Group Inc.  
Subject: Request to amend the Official Plan – Failure to adopt the requested amendment  
Description: To permit the development of 6-storey and 27-storey residential buildings to contain a total of 533 units  
Reference Number: 19 114290  
Property Address: 36, 38, 40, 42, 44, 46 & 48 Steeles Avenue East and 37, 39, 41, 43, 45, 47 & 49 Highland Park Avenue  
Municipality/UT: Markham/York  
OLT Case No: OLT-22-003176  
OLT Lead Case No: OLT-22-003176  
OLT Case Name: Zonix Group Inc. v. Markham (City)

**PROCEEDING COMMENCED UNDER** section 34(11) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Applicant/Appellant: Zonix Group Inc.  
Subject: Application to amend the Zoning By-law – Refusal or neglect to make a decision  
Description: To permit the development of 6-storey and 27-storey residential buildings to contain a total of 533 units  
Reference Number: 19 114290  
Property Address: 36, 38, 40, 42, 44, 46 & 48 Steeles Avenue East and 37, 39, 41, 43, 45, 47 & 49 Highland Park Avenue  
Municipality/UT: Markham/York  
OLT Case No: OLT-22-003178  
OLT Lead Case No: OLT-22-003176

BEFORE:

A. MASON	)	
MEMBER	)	Tuesday, the 7 <sup>th</sup> day of
	)	
DAVID BROWN	)	May, 2024
MEMBER	)	

**THIS MATTER** having come on for a public hearing and the Tribunal, in its Decision and Interim Order issued on October 17, 2023 (the “Decision and Interim Order”), having withheld its Final Order contingent upon confirmation of the pre-requisite matters as stipulated in Paragraph 42 of the Decision and Interim Order;

**THE TRIBUNAL ORDERS** that the appeal with respect to the Official Plan Amendment is allowed in part and the Official Plan for the City of Markham is modified as set out in Attachment “1” to this Order;

**AND THE TRIBUNAL ORDERS** that the appeal with respect to the Zoning By-law Amendment is allowed in part, and By-law 2237, as amended, and By-law 177-96, as amended, are hereby amended in the manner set out in Attachment “2” to this Order. The Tribunal authorizes the municipal clerk to assign a number to this by-law for record keeping purpose.

*“Euken Lui”*

EUKEN LUI  
ACTING REGISTRAR

**Ontario Land Tribunal**

Website: [olt.gov.on.ca](http://olt.gov.on.ca) Telephone: 416-212-6349 Toll Free: 1-866-448-2248

The Conservation Review Board, the Environmental Review Tribunal, the Local Planning Appeal Tribunal and the Mining and Lands Tribunal are amalgamated and continued as the Ontario Land Tribunal (“Tribunal”). Any reference to the preceding tribunals or the former Ontario Municipal Board is deemed to be a reference to the Tribunal.

Attachment “1”

**OFFICIAL PLAN  
of the  
CITY OF MARKHAM PLANNING AREA  
AMENDMENT NO. XXX**

To amend the Official Plan (Revised 1987), as amended,  
to incorporate Amendment **No. 18** to the Thornhill Secondary Plan (PD 3-1), as amended,  
for the Thornhill Planning District (Planning District No. 3).

*([Zonix Group Inc.] 36-48 Steeles Avenue East & 37-49 Highland Park Boulevard)*

*(April 2024)*

**OFFICIAL PLAN**  
of the  
**CITY OF MARKHAM PLANNING AREA**  
**AMENDMENT NO. XXX**

To amend the Official Plan (Revised 1987), as amended, and to incorporate Amendment No. 18 to the Thornhill Secondary Plan (PD 3-1), for the Thornhill Planning District (Planning District No. 3)

This Official Plan Amendment was adopted by the Corporation of the City of Markham, By-law No. 2024 - \_\_\_\_ in accordance with the *Planning Act*, R.S.O., 1990 c.P.13, as amended, on the XX day of Month, 2024.

\_\_\_\_\_  
Martha Pettit  
Deputy Clerk

\_\_\_\_\_  
Frank Scarpitti  
MAYOR

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**PART I - INTRODUCTION**

(This is not an operative part of Official Plan Amendment No. XXX)

## **PART I - INTRODUCTION**

### **1.0 GENERAL**

- 1.1** PART I - INTRODUCTION, is included for information purposes and is not an operative part of this Official Plan Amendment.
- 1.2** PART II - THE OFFICIAL PLAN AMENDMENT, including Schedule “A” attached thereto, constitutes Official Plan Amendment **No. XXX** to the Official Plan (Revised 1987), as amended, and is required to enact Amendment No. 18 to the Thornhill Secondary Plan (PD 3-1) for the Thornhill Planning District (Planning District No. 3). Part II is an operative part of this Official Plan Amendment.
- 1.3** PART III - THE SECONDARY PLAN AMENDMENT, including Schedules “B” and “C” attached thereto, constitutes Amendment No. 18 to the Thornhill Secondary Plan (PD 3-1), for the Thornhill Planning District (Planning District No. 3). This Secondary Plan Amendment may be identified by the symbol PD 3-1-18. Part III is an operative part of this Official Plan Amendment.

### **2.0 LOCATION**

This Amendment to the Official Plan (Revised 1987), as amended, and the Thornhill Secondary Plan (PD 3-1), as amended, (the “Amendment”) applies to 0.9143 hectares (2.26 acres) of land located on the north east corner of Steeles Avenue East and Dudley Avenue, municipally known as 36-48 Steeles Avenue East and 37-49 Highland Park Boulevard (the “Subject Lands”).

### **3.0 PURPOSE**

The purpose of this Amendment is to amend the Thornhill Secondary Plan to:

- Remove the Subject Lands from “DEFERRAL NO. 1” and redesignate them from “LOW DENSITY HOUSING” and “LOW DENSITY HOUSING SPECIAL” to “HIGH DENSITY II HOUSING” as shown on Schedule “B”, and
- Incorporate site-specific height and density provisions to accommodate the proposed development.

### **4.0 BASIS OF THIS OFFICIAL PLAN AMENDMENT**

The Subject Lands are designated as “URBAN RESIDENTIAL” in the Official Plan (Revised 1987), as amended. The “URBAN RESIDENTIAL” designation is predominantly used for housing and related purposes. The Subject Lands are also subject to the Thornhill Secondary Plan, which designates the Subject Lands “LOW DENSITY RESIDENTIAL”, “LOW DENSITY HOUSING SPECIAL”, and

“DEFERRAL NO. 1”. The “LOW DENSITY HOUSING” designation predominantly permits low density forms of housing. The “LOW DENSITY HOUSING SPECIAL” designation predominantly reflects the significant transportation upgrades in this area and is generally intended to permit expanded residential uses and limited office uses. In consideration of office uses or additional residential uses, Council shall ensure a number of conditions are met as stated in Section 5.5.2 of the Thornhill Secondary Plan. The Subject Lands are further subject to a special policy as described in Section 5.5.3, which requires a comprehensive study to provide a transitional buffer block between the existing apartment to the west and the adjacent low density mature neighbourhood. Accordingly, it is intended that the overall height and density of this block be lower than those fronting Yonge Street. The Subject Lands are located within “DEFERRAL NO. 1” in the Thornhill Secondary Plan, which was intended to allow for further discussions between the City, Region, and Centrepont Mall.

This Amendment will facilitate the redevelopment of the Subject Lands with a high density apartment development with two towers with maximum heights of 40 and 44 storeys, above a 6-storey podium and a maximum density of 8.3 FSI (“the Proposed Development”).

The Proposed Development is consistent with the policies of the Provincial Policy Statement 2020 (the “PPS”) in that it would promote the efficient uses of land, resources, and infrastructure by providing residential uses, while supporting active transportation and current and future transit improvements.

The Proposed Development conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 (the “Growth Plan”) as it accommodates growth through intensification within a Major Transit Station Area (“MTSA”), and contributes to a range of housing types within the community. The Proposed Development also provides convenient access to transportation options and a new public park, and fosters a compact built form with an attractive and vibrant public realm.

The Proposed Development conforms to the York Region Official Plan, 2022 (the “YROP”). The Proposed Development is located in the delineated “Urban Area” and designated “Community Area” in the YROP, where most of the housing and population-related jobs required to accommodate the forecasted population will be located. The Subject Lands are also located within the Steeles Subway Station MTSA, and provide a scale of development and intensification that supports transit. As per the direction in the Growth Plan, MTSA’s are part of a regional strategy to align transit with growth and must be delineated by upper-tier municipalities and planned to achieve specified minimum density targets. The YROP also identifies all MTSA’s as “Protected” MTSA’s under the Planning Act to enable inclusionary zoning. The YROP identifies a minimum planned density target for the Steeles Subway Station PMTSA of 300 people and jobs per hectare.

The Subject Lands are designated ‘Residential Mid Rise’ in the 2014 Markham Official Plan and are within the Yonge Steeles Corridor key development area. However,



Section 9.18.8.3 of the 2014 Markham Official Plan states that until the approval of an updated secondary plan for the Yonge Steeles Corridor key development area lands, the provisions of the Official Plan (Revised 1987), as amended, and Secondary Plan PD 3-1, as amended shall apply to the Subject Lands.

The Proposed Development represents good planning as it makes efficient use of underutilized parcels of land identified provincially, regionally and locally for intensification. The Subject Lands are also located within close proximity to existing and future transit routes and higher order transit stations. The Subject Lands are therefore an appropriate location for the proposed high density development.

**PART II - THE OFFICIAL PLAN AMENDMENT**

(This is an operative part of Official Plan Amendment **No. XXX**)

## PART II – THE OFFICIAL PLAN AMENDMENT

### 1.0 THE OFFICIAL PLAN AMENDMENT

- 1.1. Section 1.1.2 of Part II of the Official Plan (Revised 1987), as amended, is hereby amended by the addition of the number XXX to the list of amendments, to be placed in numerical order including any required grammatical and punctuation changes.
- 1.2. Section 1.1.3 c) of Part II of the Official Plan (Revised 1987), as amended, is hereby amended by the addition of the number XXX to the list of amendments listed in the second sentence of the bullet item dealing with the Thornhill Secondary Plan (PD-3-1), for the Thornhill Planning District (Planning District No. 3), to be placed in numerical order including any required grammatical and punctuation changes prior to the words “to this Plan”.
- 1.3. Section 9.2.25 of Part II of the Official Plan (Revised 1987), as amended, is hereby amended by the addition of the number XXX to the list of amendments, to be placed in numerical order including any required grammatical and punctuation changes prior to the words “to this Plan”.
- 1.4. Schedule ‘G’ - SITE PLAN CONTROL, is amended by removing the Subject Lands from the “Area subject to special study to determine right-of-way widths and intersection improvements (Section 7.12.4.b)” as shown on Schedule “A” attached hereto.
- 1.5. No additional changes to the text or schedules of the Official Plan (Revised 1987), as amended, are being made by this Amendment. This Amendment is also being made to incorporate changes to Schedule “AA” – LAND USE PLAN and the text of the Thornhill Secondary Plan (PD 3-1) for the Thornhill Planning District (Planning District No. 3). These changes are outlined in Part III which comprises Amendment No. 18 to the Thornhill Secondary Plan (PD 3-1).

### 2.0 IMPLEMENTATION AND INTERPRETATION

The provisions of the Official Plan, as amended, regarding the implementation and interpretation of the Plan, shall apply in regard to this Amendment, except as specifically provided for in this Amendment.

This Amendment shall be implemented by an amendment to the Zoning By-law and Site Plan approval and other *Planning Act* approvals, in conformity with the provisions of this Amendment.

**PART III - THE SECONDARY PLAN AMENDMENT (PD 3-1-18)**

(This is an operative part of Official Plan Amendment No. XXX)

## PART III – THE SECONDARY PLAN AMENDMENT (PD 3-1-18)

### 1.0 THE SECONDARY PLAN AMENDMENT

(Amendment No. 18 to the Thornhill Secondary Plan PD 3-1)

The Thornhill Secondary Plan (PD 3-1) for the Thornhill Planning District (Planning District No. 3) is hereby amended as follows:

- 1.1. Schedule ‘AA’ – LAND USE PLAN, is amended by removing the Subject Lands from “DEFERRAL NO. 1” and redesignating the Subject Lands from “LOW DENSITY HOUSING” and “LOW DENSITY HOUSING SPECIAL to “HIGH DENSITY II HOUSING” as shown on Schedule “B” attached hereto.
- 1.2. Section 5.8 “HIGH DENSITY II HOUSING” is amended by adding a new subsection (l) to Section 5.8.3 as follows, to be appropriately placed on the first page following Section 5.8.3 (k):

**“5.8.3 (l)**

The following additional provisions shall apply to the lands designated as “HIGH DENSITY II HOUSING”, located at the north-east corner of Steeles Avenue East and Dudley Avenue, municipally known as 36-48 Steeles Avenue and 37-49 Highland Park Boulevard, as shown on Figure 3-1-18:

- a. The maximum tower heights shall be 44 and 40 storeys;
- b. The maximum density shall be 8.75 FSI (gross, prior to any public land takings);
- c. A private underground parking structure shall also be permitted beneath a public park, as well as Privately-Owned Publicly Accessible Spaces (POPS); and
- d. The development plan will be required to protect and demonstrate that a future vehicular and pedestrian interconnection will be provided to the east. This road will be required to connect as a condition of Site Plan Approval.

### 2.0 IMPLEMENTATION AND INTERPRETATION

The provisions of the Official Plan (Revised 1987), as amended, regarding the implementation and interpretation of the Plan, shall apply in regards to this Amendment, except as specifically provided for in this Amendment.

This Amendment shall be implemented by an amendment to the Zoning By-law and Site Plan Approval in conformity with the provisions of this Amendment.



**MARKHAM**  
**BY-LAW 2024-\_\_\_\_\_**

**A By-law to amend By-law 2237, as amended  
 And By-law 177-96, as amended**

The Council of The Corporation of the City of Markham hereby enacts as follows:

1. That By-law 2237, as amended, is hereby further amended by deleting the lands shown on Schedule ‘A’ attached hereto, from the designated area of By-law 2237, as amended.
  
2. That By-law 177-96, as amended, is hereby further amended as follows:
  - 2.1 By expanding the designated area of By-law 177-96, as amended, to include the lands shown on Schedule ‘A’ attached hereto.
  
  - 2.2. By rezoning the lands outlined on Schedule ‘A’ attached hereto as follows:
 

from:

**Fourth Density Single Family Residential (R4) Zone** under By-law 2237, as amended

to:

**Residential Four \*752 (R4 \*752) Zone;** and,  
**Open Space One \*753 (OS1 \*753) Zone** under By-law 177-96, as amended
  
3. By adding the following subsections to Section 7 – EXCEPTIONS:

<b>Exception *7.752</b>	<b>Zonix Homes Inc.</b>	<b>Parent Zone R4</b>
File PLAN 19.114290	36-48 Steeles Avenue East and 37-49 Highland Park Boulevard High Rise Residential Block	Amending By-law 2024-XX

Notwithstanding any other provisions of this By-law, the following provisions shall apply to the lands denoted on Schedule ‘A’ to this By-law. All other provisions,

unless specifically modified/amended by this section, continue to apply to the lands subject to this section.

### **7.752.1 Special Zone Standards**

The following zone standards shall apply:

a)	<p>Notwithstanding any further division or partition of lands, all lands zoned R4*752 and OS1*753 shall be deemed to be one <i>lot</i> for the purposes of this By-law.</p> <p>Notwithstanding the above, any lands conveyed to the City of Toronto for road widening purposes shall not be deemed to form part of the lot.</p>
b)	<p>For the purpose of this by-law, the provisions of table B6 shall not apply</p>
c)	<p><i>Amenity Area</i> means indoor or outdoor space on a <i>lot</i> that is designed for and available for use by the occupants of a <i>building</i> on the <i>lot</i> for recreational or social activities.</p> <p><i>Bicycle Parking Space</i> means a space that is equipped with a rack or stand designed to lock the wheel and frame of a bicycle.</p> <p><i>Podium</i> means the base or lower portion of a multi-storey <i>building</i>, which is located above <i>average grade level</i>, and is measured from <i>average grade level</i> to the maximum <i>podium height</i> as prescribed. A <i>podium</i> may or may not have a <i>point tower</i> projecting above it.</p> <p><i>Point Tower</i> means portions of a <i>building</i> that projects above a <i>podium</i>.</p>
d)	<p>For the purposes of this By-law, the <i>front lot line</i> shall be the <i>streetline</i> adjacent to Steeles Avenue East.</p>
e)	<p>Maximum <i>gross floor area</i> – 79,800 square metres</p>
f)	<p>Minimum setback</p> <ul style="list-style-type: none"> <li>i) Front yard – 2.0 metres</li> <li>ii) Westerly side yard – 3.0 metres</li> <li>iii) Easterly side yard – 8.0</li> <li>iv) To the Highland Park streetline – 30 metres</li> </ul>
g)	<p>Maximum <i>Building Height</i>:</p> <ul style="list-style-type: none"> <li>i) Podium: The greater of 7 storeys or 230 metres above sea level, geodetic datum (CGS)</li> <li>ii) Point Tower: The lesser of 44 storeys or 350 metres above sea level, geodetic datum (CGS)</li> </ul>
h)	<p>Maximum <i>gross floor area</i> of each floor plate of a <i>point tower</i> – 850 square metres.</p>
i)	<p>Minimum separation between the exterior walls of a <i>point tower</i> – 25 metres, exclusive of balcony areas</p>

j)	Maximum Number of <i>Dwelling Units</i> – 1,075
k)	Minimum number of required <i>Parking Spaces</i> i) 0.38 <i>parking spaces</i> per <i>apartment dwelling unit</i> ; plus ii) 0.1 <i>parking spaces</i> per <i>apartment dwelling unit</i> for visitor parking iii) 5% of the required parking spaces shall be provided as accessible parking space
l)	Total required <i>bicycle parking spaces</i> – 0.7 <i>bicycle parking spaces</i> per <i>dwelling unit</i>
m)	Minimum <i>amenity area</i> – 4.0 square metres per <i>dwelling unit</i>
n)	Notwithstanding any other provision within this by-law, <i>amenity area</i> can be provided on balconies
o)	Minimum setback to a <i>lot line</i> for a <i>parking garage</i> located completely below <i>grade</i> - 0.3 metres
p)	In the case of a <i>corner lot</i> with a daylighting triangle or a rounding, the <i>exterior side lot line</i> shall be deemed to extend to its hypothetical point of intersection with the extension of <i>the front lot line</i> for the purposes of calculating minimum and maximum setbacks from <i>streetlines</i> . Notwithstanding the above, in no case shall any <i>building</i> or <i>structure</i> extend into the <i>public street</i> right of way.

Exception <b>*7.753</b>	Zonix Homes Inc. 36-48 Steeles Avenue East and 37-49 Highland Park Boulevard High Rise Residential Block	Parent Zone <b>177-96</b>
File PLAN 19.114290		Amending By-law 2024-XX
Notwithstanding any other provisions of this By-law, the following provisions shall apply to the lands denoted on Schedule 'A' to this By-law. All other provisions, unless specifically modified/amended by this section, continue to apply to the lands subject to this section.		
<b>7.753.1 Additional Permitted Uses</b>		
The following additional uses are permitted:		
a)	<i>Parking garage</i>	
<b>7.753.2 Special Zone Standards</b>		
The following zone standards shall apply:		
a)	Notwithstanding any further division or partition of lands, all lands zoned R4*752 and OS1*753 shall be deemed to be one <i>lot</i> for the purposes of this By-law.	
b)	<i>Parking garages</i> are only permitted below <i>established grade</i>	
c)	Notwithstanding b) above, ventilation shafts and housings, stairways, portions of the <i>parking garage</i> projecting 1.8 metres above <i>established</i>	



*grade*, and other similar facilities associated with *parking garages* are permitted above *established grade*.

Read and first, second and third time and passed on \_\_\_\_\_, 2024.

\_\_\_\_\_  
Kimberley Kitteringham  
City Clerk

\_\_\_\_\_  
Frank Scarpitti  
Mayor



## EXPLANATORY NOTE

### BY-LAW 2024-\_\_\_\_\_

### A By-law to amend By-laws 2237 and 177-96, as amended

#### Zonix Homes Inc.

36-48 Steeles Avenue and 37-49 Highland Park Boulevard.

#### Lands Affected

The proposed by-law amendment applies to a parcel of land with an approximate area of 0.9143 ha (2.26 ac), located at the north-east corner of Steeles Avenue and Dudley Avenue, east of the intersection of Steeles Avenue and Yonge Street.

#### Existing Zoning

The subject lands are currently zoned Fourth Density Single Family Residential (R4) Zone by By-law 2337, as amended.

#### Purpose of the By-law

The purpose of this By-law amendment is to remove the lands from By-law 2237, as amended, and to incorporate them into By-law 177-96, as amended, and re-zone the lands, as follows:

From: **Fourth Density Single Family Residential (R4) Zone** under By-law 2237, as amended

To: **Residential Four \*752 (R4 \*752) Zone** and **Open Space One \*753 (OS1 \*753) Zone** under By-law 177-96, as amended, with site-specific development standards to implement a residential apartment building.

#### Effect of the By-law

The effect of this By-law amendment is to permit the majority of the property to be developed with a high-density residential development. A portion of the Subject Land is to be conveyed to the City of Markham as a stratified public park (with private underground parking).