

City of Markham
Planning and Urban Design Department
101 Town Centre Boulevard
L3R 9W3

2025.01.25
File 11263

RE: Response to Yonge Corridor Secondary Plan Study
11 Glen Cameron Road
City of Markham

Weston Consulting acts as the planning consultant for Alliance Rockliffe Limited, the registered owner of 11 Glen Cameron Road (the “Subject Property”) (Figure 1). This letter opposes the proposed extension of Dudley Avenue through the Subject Property, as illustrated in Figure 3 of the Planning Report 10.8, dated January 27, 2025, prepared by the City of Markham.



Figure 1: Subject Property

1. Site Description and Surrounding Area

The Subject Property is located along Glen Cameron Road, east of Yonge Street. It has an area of approximately 0.44 hectares (1.09 acres), with 36.71 metres of frontage on Glen Cameron Road, and is currently occupied by a two-storey commercial building. Notably, the Subject Property lies outside the TRCA-regulated area.

The site is surrounded by commercial uses to the south, east, and west, and residential uses to the north. The surrounding area is undergoing significant development activity within the proposed Secondary Plan area. For instance, the properties at 17–23 Morgan Avenue, located northwest of the Subject Property, are being redeveloped into a 33-storey residential condominium with 387 units.

The Subject Property is designated as *Corridor Employment Land* (Figure 2) in Appendix B of the Yonge Corridor Secondary Plan Interim Report and further identified as an *Employment Area with an Intensification Area Overlay* in Appendix C (Figure 3).



Figure 2: Appendix B of the Yonge Corridor Secondary Plan Interim Report

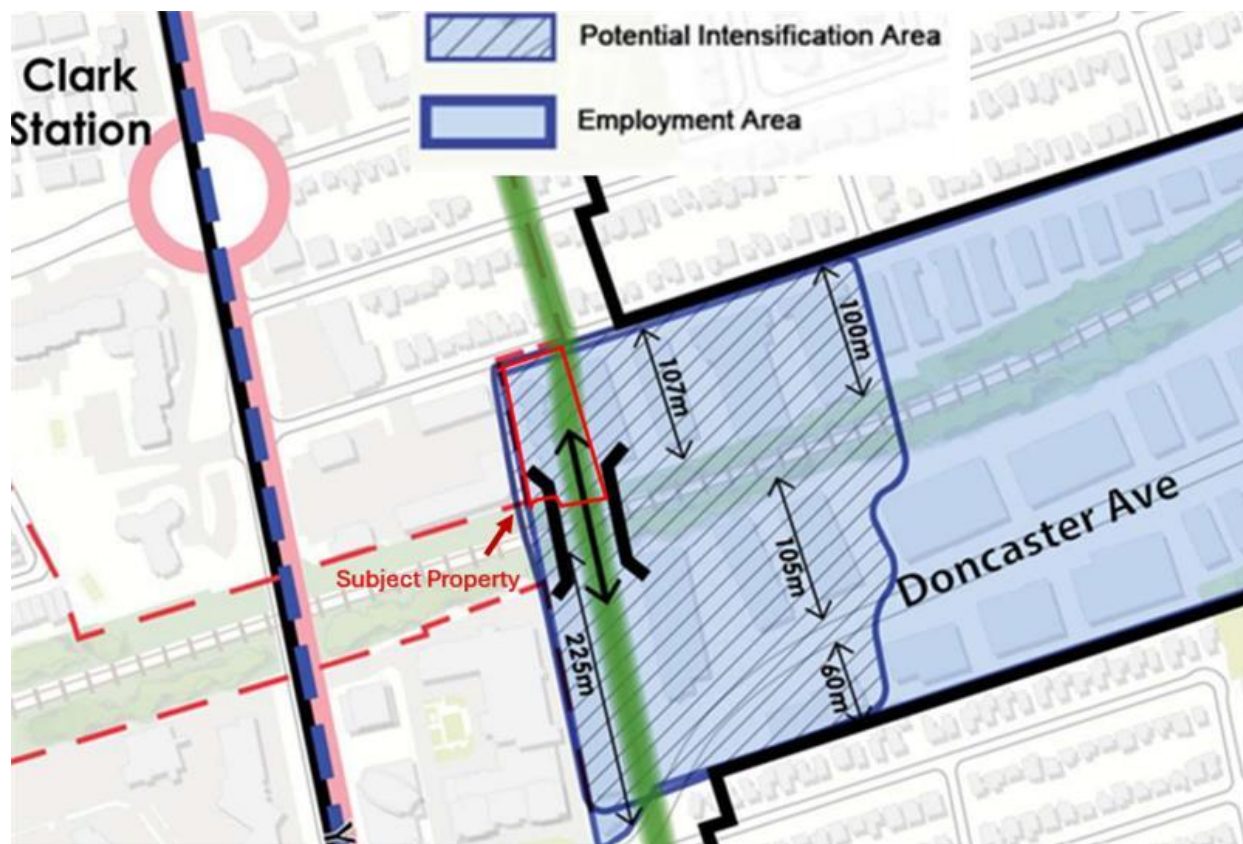


Figure 3: Appendix C of the Yonge Corridor Secondary Plan Interim Report

2. Concern

This memorandum questions the City's authority under the Planning Act to require the conveyance of the Subject Property for the Dudley Avenue extension. I have reviewed the City's Report and have outlined my concerns regarding the proposed road extension through the subject property in the context of relevant planning policies.

3. Statutory Planning Policy Framework

3.1 Planning Act, R.S.O. 1990, c. P. 13

The **Planning Act**, establishes the regulatory framework for land use planning in Ontario. It sets out how land uses may be controlled and regulated by plans, by-laws, and regulations. The Act provides the foundation for considering matters of provincial interest, establishing local planning administration, and preparing official plans and planning policies to guide future development. It also outlines various tools for municipalities to achieve planning and community priorities.

Land use planning decisions must have regard for matters of Provincial Interest under **Section 2 of the Planning Act**.

Section 2 of the Planning Act states that: “The Minister, the council of a municipality, a local board, a planning board and the Municipal Board, in carrying out their responsibilities under this Act, shall have regard to, among other matters, matters of provincial interest such as,

- f. the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;*
- h. the orderly development of safe and healthy communities;*
- j. the adequate provision of a full range of housing, including affordable housing;*
- l. the protection of the financial and economic well-being of the Province and its municipalities;*
- o. the protection of public health and safety;*
- p. the appropriate location of growth and development;*
- q. the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;*
- r. the promotion of built form that,*
 - i. is well-designed,*
 - ii. encourages a sense of place, and*
 - iii. provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;*
- s. the mitigation of greenhouse gas emissions and adaptation to a changing climate.”*

Comment: In my opinion, and in accordance with Sections 2(f) and 2(h) of the Planning Act, the adequate provision of transportation systems and the orderly development of safe and healthy communities necessitate a thorough evaluation of how the proposed road alignment—particularly the north-south alignment—affects the surrounding properties’ ability to advance matters of provincial interest.

The City’s proposed alignment, in my view, fails to appropriately regard the principles of orderly development and safe, healthy communities. Specifically, it imposes unnecessary and inequitable impacts on the development potential of 11 Glen Cameron Road, thereby restricting its ability to meaningfully contribute to matters of public interest.

I recommend that an alternative, improved alignment be considered. Such an alignment would:

- Demonstrate appropriate regard for matters of provincial interest, as outlined in the Planning Act;
- Facilitate a more orderly development of the subject property and surrounding lands; and
- Enhance the ability of the subject property to advance provincial interests in a manner that aligns with broader planning objectives.

Section 41 of the Planning Act.

Definition of Public Highway :

The term "**public highway**" refers to a public thoroughfare where individuals have the inherent right to travel, pass, and repass, irrespective of land ownership. This definition has been firmly established in legal precedents, including *Toronto (City) v. Consumers' Gas Co. (1940)*. Consequently, for the purposes of interpretation under the Planning Act, Dudley Avenue would be considered as a public highway.

Section 41(7) of the **Planning Act** outlines the conditions municipalities can impose for site plan approvals. However, it does not authorize municipalities to secure lands for the creation or extension of a public highway, such as the Dudley Avenue extension.

The only provision under Section 41(7) that allows a municipality to obtain an interest in land for a public highway is Subsection 41(7)(a), paragraph 1, which states:

(7) As a condition to the approval of the plans and drawings referred to in subsection (4), a municipality may require the owner of the land to,

(a) provide to the satisfaction of and at no expense to the municipality any or all of the following:

1. Subject to the provisions of subsections (8) and (9), widenings of highways that abut on the land.

Permission to obtain land for a "road widening" would not capture the Dudley Extension, which is proposed by the City to create a new road, by extending an existing road, rather than widening an extension of the road is the limit of the City's power under Section 41(7) of the Planning Act. Further, the Dudley Extension is not identified as a highway to be widened in the City's Official Plan, 2014, Schedule 10, Road Network. Should the City wish to proceed with the Dudley Avenue extension, it must purchase or expropriate the lands, with compensation owed to the owner of 11 Glen Cameron Road.

3.2. City Official Plan, 2014

Section 10.8.3.2 of the **City's Official Plan (2014)** requires that the development costs for all infrastructure be shared **equitably** and **fairly** among stakeholders.

The current proposal, which places the entire burden of the Dudley Avenue extension on **our property**, does not align with these principles. Specifically:

1. **Creation of a Bend:** Designing the extension with a bend entirely on our land exacerbates the inequitable burden, further limiting the potential and efficient development of the property.

This approach fails to meet the fairness and equity provisions outlined in the **Official Plan** and sets a problematic precedent for future infrastructure projects.

4. Concern Regarding Dudley Alignment Staggering

In the Yonge Corridor Study Report prepared by Urban Strategies Inc., dated June 13, 2022, on page 10, the proposed alignment for Dudley Avenue is shown as staggering rather than taking a straight alignment.

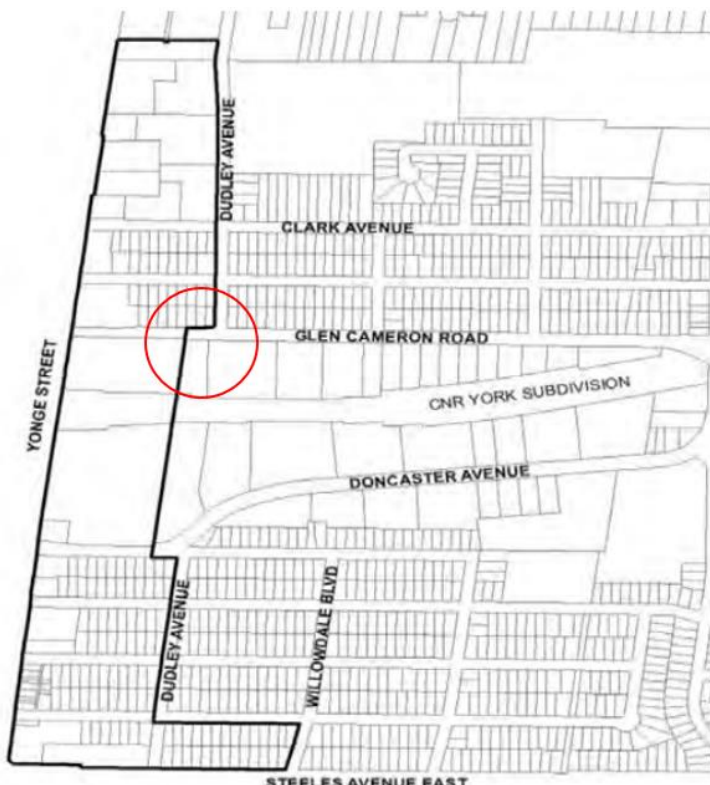


Figure 4: Excerpt from the Yonge Corridor Study Report prepared by Urban Strategies Inc., dated June 13, 2022

It is unclear why this staggering is being proposed, as a straight alignment would likely result in:

1. Improved Efficiency: A straight alignment would streamline traffic flow and optimize connectivity.
2. Minimized Impacts: It would reduce unnecessary design complexities and lessen the disproportionate impact on individual properties, including ours.
3. Cost-Effectiveness: A straightforward design would be more economical in terms of construction and land acquisition.

Without additional justification provided in the report, the rationale for staggering remains unclear, especially when a straight alignment seems more practical and equitable.

5. Conclusion

We appreciate the opportunity to provide our input and respectfully request to be notified of future reports, public meetings, and decisions related to this matter. Should you have any questions, please contact the undersigned at 647-261-4254.

We thank you for the opportunity to provide our thoughts and we look forward to participating further in the Yonge Corridor Secondary Plan process. We respectfully request to be notified of any future reports, public meetings and decision in relation to this matter.

Yours Truly,
Weston Consulting
Per:



Katie Pandey, MAES, MCIP, RPP
Associate

c. Collin Craig, Alliance Rockliffe Limited