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October 18, 2011

DELIVERED BY EMAIL

Town of Markham
101 Town Centre Boulevard
Markham, ON L3R 9W3

Attention: Ms. Kimberly Kitteringham (Town Clerk), Mayor & Members of Council

Dear Ms. Kitteringham, Mayor and Members of Council:

**Re: 22 Esna Park Drive, Markham
Zoning By-law Amendment (By-law 2011-203)
Markham Free Methodist Church
ZA-11-117540**

We represent Markham Free Methodist Church, who owns the property at 22 Esna Park Drive. As you are aware, our client submitted their rezoning application on May 8, 2011. The application was subject to a public meeting, as required by the *Planning Act*, on September 13, 2011. On September 20, 2011, Council approved the Zoning By-law Amendment and that the draft Zoning By-law amendment be finalized and enacted. Council also decided that staff be authorized and directed to do all things necessary to give effect to the resolution.

Since the September 20th Council meeting, we have been working closely with Town planning staff to finalize the draft zoning by-law, which is before you tonight for consideration.

Only yesterday did we and the Town receive the letter from Ms. Pompilio of Holcim dated, October 17, 2011, requesting to defer our client's zoning matter. The reason for their request is to allow them time to further investigate their options; details of the application and hold further discussion with planning staff and the applicant.

We object to this deferral request. There has been no contact from Holcim to discuss their issues during this entire approval process. The notice signs have been posted on the property since June 17, 2011 and the public notice was mailed out August 24, 2011. Holcim was not in attendance of the statutory public meeting, nor did they attend the September 20th Council meeting, when Council approved the zoning amendment application.

The only purpose of tonight's consideration of this matter by Council is to decide whether or not the By-law reflects the Zoning amendment approval granted on September 20th. As such, we respectfully, request that Council proceed with considering our client's Zoning By-law before you and refuse the deferral, which is an attempt to undermine the decision already made by Council to approve the rezoning.

We will be in attendance tonight to speak to this matter.

If you have any questions or require any additional information, please do not hesitate to contact the undersigned or May Luong, Land Use Planner, at 416-367-6251.

Sincerely,

BORDEN LADNER GERVAIS LLP



Sean Gosnell

cc : Lucy Hau, Town of Markham
Jim Baird, Town of Markham
Michael Fry, Town of Markham
May Luong, Borden Ladner Gervais
client

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