



Report to: Development Service Committee

Report Date: December 11, 2017

**SUBJECT:** Proposed Deeming By-law  
York Region District School Board (YRDSB)  
150 Henderson Avenue

**FILE No:** DY 17 180180

**WARD:** 1

**PREPARED BY:** Geoff Day MCIP, RPP – Senior Planner, Zoning & Special  
Projects EXT. 3017

**REVIEWED BY:** Dave Miller MCIP, RPP - Development Manager, West District  
EXT. 4960

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**RECOMMENDATION:**

1. That Council enact a by-law to deem lots 68, 69, 70 and 67 (Lot 67 save and except for Part 1, Plan 65R-31545) Registered Plan 2368, City of Markham, Regional Municipality of York, not to be part of a registered plan of subdivision, and that Staff take appropriate action as required under Section 50 of the Planning Act.
2. And that Staff be authorized and directed to do all things necessary to give effect to this resolution.

**EXECUTIVE SUMMARY:**

Not applicable

**PURPOSE:**

The purpose of this report is to recommend enactment of a Deeming By-law under Section 50 of the Planning Act to allow title to four parcels of land, lots 68, 69, 70 and 67 (Lot 67 save and except for Part 1, Plan 65R-31545) Registered Plan 2368, to merge in order to consolidate the property title on lands owned by the York Region District School Board (YRDSB) municipally known as 150 Henderson Avenue. These lots are on a Plan of Subdivision which was registered in 1974.

**BACKGROUND:**

**Area Context**

The four lots are located on the west side of Henderson Avenue, north of Clark Avenue, south of Elgin Street in the Thornhill Community with a municipal address of 150 Henderson Avenue (Figure 1). The combined area of the four lots is approximately 1.07 ha (2.64 ac). A non-operational Woodland Public School is located on these four lots (Figures 2&3). Adjacent land uses include an established low density residential community primarily constructed over the 1960's to early 1970's.

**Purpose of a Deeming By-law**

A Deeming By-law application is applied for in order to allow for two or more neighbouring lots on a registered plan of subdivision to merge.

This is beneficial when separate lots are being used as one property. Merging the lots together would allow for development or redevelopment of the property. Deeming By-laws require Council approval. Once the by-law is approved and registered, the lots may be developed as one parcel of land.



**Planning Act**

As per Section 50(4) of the Planning Act, in order to implement a Deeming By-law, the plan of subdivision must have been registered not less than 8 years prior to the application for a Deeming By-law. This Plan of Subdivision (Plan 2368) was registered 43 years ago.

**Several meetings held between YRDSB and City Staff**

YRDSB Staff met with City of Markham Staff in December of 2015 and several times in 2016 and 2017 to discuss a proposal of demolishing the existing Woodland Public School and constructing a new school on the same lands. However, the four lots which make up this school site need to be merged on title in order for the entire site to be considered one property for the purpose of Zoning By-law and Building Code interpretation.

Staff anticipate a formal site plan application by the YRDSB in the near future.

**PROPOSAL:**

The YRDSB has made an application for a by-law to deem Lots 68, 69, 70 and 67 (Lot 67 save and except for Part 1, Plan 65R-31545) Registered Plan 2368, City of Markham, Regional Municipality of York, to no longer be lots on a registered plan of subdivision. Title to all affected lands will then merge to form a single parcel. Any future division of these lands would then require consent to sever or part lot control exemption. This will enable the YRDSB to build a school on the subject lands in accordance with the Building Code Act.

The required “Deeming By-law” is attached as Appendix “A”.

**DISCUSSION:**

The Planning Act requires the following steps to be taken after the by-law is enacted:

- A copy of the by-law is to be lodged by the Clerk with the Ministry of Municipal Affairs and Housing;
- Notice of the by-law is to be given to the YRDSB within thirty (30) days of the passing thereof. The YRDSB may then make representations respecting the by-law to Council. In this case, the by-law is being enacted to accommodate the YRDSB. Staff have requested a Waiver and Undertaking from the YRDSB waiving their right to make representations to Council (Appendix ‘B’). This would allow the City to register the by-law at the earliest possible opportunity;
- The by-law will be registered on title and the by-law will come into effect upon registration on title.

**FINANCIAL CONSIDERATIONS AND TEMPLATE: (external link)**

Not applicable.

**HUMAN RESOURCES CONSIDERATIONS**

Not applicable.



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**ALIGNMENT WITH STRATEGIC PRIORITIES:**

Not applicable.

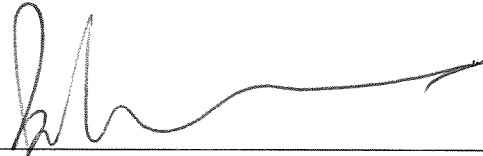
**BUSINESS UNITS CONSULTED AND AFFECTED:**

The applications have been circulated to various departments and their requirements have been incorporated in this report where applicable.

**RECOMMENDED BY:**



Ron Blake, M.C.I.P., R.P.P.  
Senior Development Manager



Brian Lee, P. Eng.  
Acting Commissioner of Development Services

**ATTACHMENTS:**

Figure 1- Location Map

Figure 2 - Air Photo

Figure 3 - Street views of existing school

Appendix 'A' - Proposed Deeming By-law

Appendix 'B' - Waiver & Undertaking



Figure 1

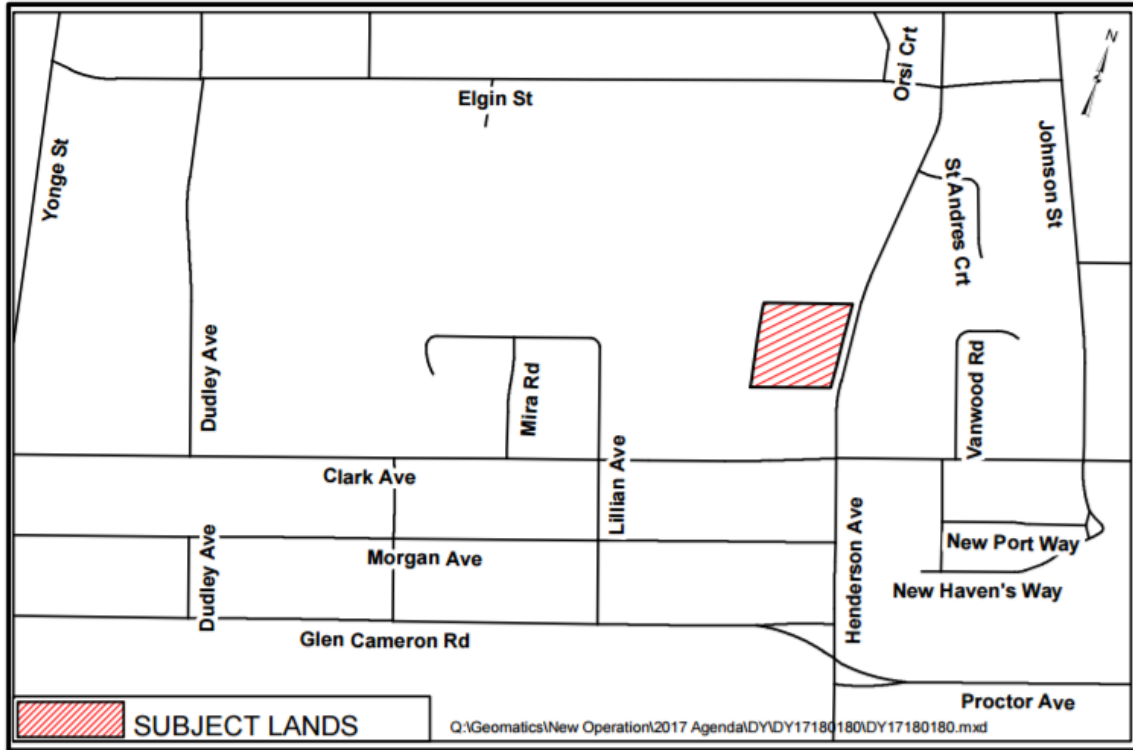




Figure 2





Figure 3 – Street views of existing school





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Appendix 'A'  
Proposed Deeming By-law



A by-law to deem certain lands not to be a  
registered plan of subdivision for the purposes of  
subsection 50(3) of the *Planning Act*  
York Region District School Board  
150 Henderson Avenue

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WHEREAS subsection 50(4) of the Planning Act permits a local municipality to designate any plan of subdivision, or part thereof, that has been registered for eight years or more, and deem it not to be a registered plan of subdivision for the purpose of subsection 50(3) of the Planning Act;

AND WHEREAS Lots 68, 69, 70 and 67 (Lot 67 save and except for Part 1, plan 65R-31545) Registered Plan 2368, City of Markham, Regional Municipality of York are within a plan of subdivision registered for more than eight years;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF MARKHAM HEREBY ENACTS AS FOLLOWS:

That the following lands are designated and deemed not to be a registered plan of subdivision for the purpose of Subsection 50(3) of the Planning Act:

Lots 68, 69, 70 and 67 (Lot 67 save and except for Part 1, plan 65R-31545) Registered Plan 2368, City of Markham, Regional Municipality of York

READ A FIRST, SECOND, AND THRID TIME AND PASSED THIS \_\_\_<sup>TH</sup> DAY OF \_\_\_\_\_, 2017.

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KIMBERLEY KITTINGHAM  
CITY CLERK

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FRANK SCARPITTI  
MAYOR



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Appendix 'B'  
**WAIVER AND UNDERTAKING**

TO: The Corporation of the City of Markham

RE: Lots 68, 69, 70 and 67 (Lot 67 save and except for Part 1, Plan 65R-31545)  
Registered Plan 2368, City of Markham, Regional Municipality of York (the  
"Property")

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WHEREAS:

- A. The undersigned is the registered owner of the Property;
- B. In order to proceed with the development of the Property, the Owner has indicated that it is desirable that the Property be one lot within the meaning and intention of the *Planning Act*, the *Building Code Act*, and the applicable Zoning By-laws of the City of Markham;
- C. The Owner of the Property has agreed that the appropriate mechanism to accomplish the goals set out in the recital B is to have the Council of the City of Markham enact a by-law pursuant to Section 50(4) of the *Planning Act* to designate the Property to be deemed not to be within a registered plan of subdivision for the purposes of Section 50(3) of the *Planning Act* (the "Deeming By-law");
- D. Section 50(29) of the *Planning Act* requires that the City give notice of passing of the deeming by-law to the Owner (the "Notice of the Deeming By-law");
- E. Section 50(30) of the *Planning Act* requires that the Council of the City shall hear the Owner if the Owner desires to make representations respecting the amendment or repeal of the Deeming By-law (the "Hearing"); and
- F. The Owner desires that the Deeming By-law be enacted and registered against title to the Property as soon as possible.

NOW THEREFORE in consideration of the enactment of the Deeming By-law by the Council of the City, the undersigned hereby:

- 1. Waives Notice of the Deeming By-law.
- 2. Waives its right to the Hearing.
- 3. Undertakes to reimburse the City for the cost of registration of the Deeming By-law against title of the property.

DATED this      day of      , 2017.

(York Region District School Board)

Per: \_\_\_\_\_

Name:

Title:

And Per: \_\_\_\_\_

Name:

Title:

I/we have authority to bind the corporation