

PARENTE, BOREAN LLP

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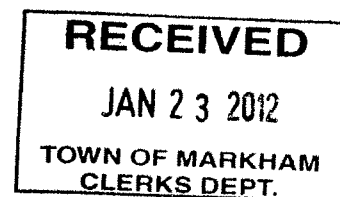
January 23, 2012

Our File No. 110523

HAND DELIVER

Corporate Services Department
Town of Markham
101 Town Centre Boulevard
Markham, Ontario
L3R 9W3

Attention: Kimberly Kitteringham
Town Clerk



Dear Madam:

RE: PROPOSED ZONING BY-LAW AMENDMENT
MALVERN CHINESE FREE METHODIST CHURCH – 22 ESNA PARK DRIVE
(the “Applicant’s Property”)

As you are aware, I am the solicitor for Davencourt Investments Inc. (“Davencourt”), the owner of the property municipally known as 15 Riviera Drive, Markham, Ontario (the “Davencourt Property”) and for the tenant of the Davencourt Property, Descor Limited Partnership (“Descor”).

The Davencourt Property is located to the rear of the Applicant’s Property. My clients’ concerns are similar to those that have been raised by an adjacent land owner, Holcim (Canada) Inc. (“Holcim”); including, but not limited to, the lack of any written communication from the Ministry of Environment and the failure of the Applicant to provide a noise study for the future phases of the development of the Applicant’s Property.

In lieu of same, my clients have retained professional consultants for the purpose of conducting an analysis with respect to both noise concerns and particulate/emissions concerns; as of today’s date, the consultants have raised preliminary concerns that the proposed development shall have an adverse impact upon the Davencourt Property; including, Descor’s operations. Final report(s) are anticipated in short order; however, same may require further information from the Ministry of Environment.

As of today's date, my clients have not been provided with written confirmation that the Ministry of Environment's written confirmation that the Applicant's development would not be considered a Point of Reception should sealed windows and associated ventilated air conditioning systems be required and outdoor amenity space be prohibited; notwithstanding same, this in itself, may not be sufficient to address the adverse impact on my clients' property and operations.

Given that as of late last week I have been advised that this matter may be returning before Council tomorrow evening, I believe that this date is premature given the lack of information available at this time. Accordingly, I respectfully submit that this matter should be deferred pending receipt of written confirmation from the Ministry of Environment, receipt of the Applicant's further noise study (re – future phases) and the completion of my clients' consultants reports (which are dependent upon the further information required).

I have provided copies of this correspondence for circulation to the Mayor and Members of Council, the Town's solicitor and the Town's planner of record.

Yours very truly,

PARENTE, BOREAN LLP

Per:

A handwritten signature in black ink, appearing to be 'GCB', written over a horizontal line.

Gerard C. Borean

GCB/md

cc: client

cc: Mayor and Members of Council – (hand deliver)

cc: Catherine Conrad, Town Solicitor – (hand deliver)

cc: Michael Fry, Town Planner – (hand deliver)

cc: Quinto Anibale – deliver via facsimile 416-746-8319

cc: Sean Gosnell – deliver via facsimile- 416-361-2711