

# TOWNSEND AND ASSOCIATES

BARRISTERS AND SOLICITORS

LYNDA J. TOWNSEND PROFESSIONAL CORPORATION

PLEASE REFER TO:

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May 20, 2011

## **SENT BY EMAIL**

Town of Markham  
Markham Civic Centre  
101 Town Centre Boulevard  
Markham, Ontario  
L3R 9W3

Attention: Ms. Kimberley Kitteringham, Town Clerk  
Ms. Judy Carroll, Notifications Officer

Dear Ms. Kitteringham and Ms. Carroll:

**Re: Tools to Promote Economic Development within Markham Centre  
Aryeh Construction Limited**

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We are solicitors for Aryeh Construction Limited, owners of land within Markham Centre. We are in receipt of a notice of public meeting for May 31, 2011, to consider an amendment to the zoning by-law and the implementation of a Community Improvement Plan for Markham Centre (the "CIP"). Associated and intertwined with these initiatives is the creation of the Markham Centre Services Corporation.

We have reviewed the reports prepared in support of these matters and are unclear as to the underlying reason for these initiatives. To the extent that they might allow the Town to offer financial incentives and grants to landowners which would assist in achieving the planning objectives for Markham Centre, our clients would support this initiative provided it did not result any added financial burden on landowners or developers. However, until we are clear as to the details of the proposed initiatives, we respectfully offer the following comments for your consideration.

Reference is made in the staff report to infrastructure requirements for Markham Centre which will be brought forward over time under the auspices of the Corporation. There are references to private sector investment, alternative financial instruments and incentives being used to achieve LEED standards, Markham District Energy and the Markham Centre Performance Measures. The reports seem to infer that the corporation may be used for purposes of imposing additional obligations on development in Markham Centre through the use of this tool. Clarification is respectfully requested.

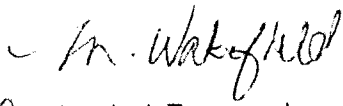
We understand that pursuant to section 203 of the Municipal Act and Ontario Regulation 599/06, a business case study with full public consultation must be undertaken as a part of the creation of a for profit municipal corporation. This has yet to occur, as the Preliminary Business Case Study included with the staff report is vague in terms of the financial instruments and incentives proposed, and the objectives any such programs are intended to achieve. These corporations are not required to have open public meetings and, amongst other powers, are exempt from certain of the financial sections of the Municipal Act including the prohibition in s. 106 against bonusing. The municipality can impose special levies on properties under section 326 of the Municipal Act, and given the reference to this power in the report we are unclear as to how it is intended to be used in conjunction with these initiatives.

In our view, the implementation of the concurrent measures, being the zoning by-law and the CIP which are integral to this exercise, should await the public process associated with the establishment of the corporation with the hope that the intent of these initiatives will become clear.

We are unable to comment on the proposed zoning by-law amendment at this time as it was not attached to, or discussed in, the staff report. From communications with Town Staff, we understand that the proposed amendment may not be available for public consumption until May 27, 2011. However, according to the Notice of Public Meeting, public comments are due no later than May 26, 2011. Due to this discrepancy, we reserve the right to review and comment on the proposed amendment before Council makes a decision with respect thereto.

Thank you in advance for your consideration of these comments.

Yours truly,  
TOWNSEND AND ASSOCIATES

  
for Lynda J. Townsend

cc. Client  
Catherine Lyons, Goodmans LLP, solicitor to the Town  
Ian Andres, Goodmans LLP, solicitor to the Town

**Hau, Lucy**

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**Subject:** FW: Markham Centre CIP

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**From:** Glenn & Eileen Baron

**Sent:** Monday, May 30, 2011 12:45 PM

**To:** Scarpitti, Frank; Heath, Jack; Jones, Jim; Landon, Gord; Li, John; Hamilton, Don; Shore, Howard; Moretti, Carolina; Campbell, Colin; Ho, Annie; Kanapathi, Logan; Chiu, Alex; Kitteringham, Kimberley; Bavington, Kitty; Baird, Jim

**Subject:** Markham Centre CIP

Council Mtg. May 31

To: Mayor Scarpitti and Members of Council

Re: Mkhm. Centre CIP

ABSOLUTELY NOT! Section 28 of the Planning Act is for implementation of improvements in existing communities - NOT for new development areas. Markham Centre is new development and as such, development has to pay for development - NOT funded from the public purse! Any changes in Markham Centre must be initiated by the developer via the same process as any other new development, namely the submission of an OPA application.

For the benefit of all your constituents, the taxpayers, please deal with this matter in the appropriate manner - deny the request by the developer(s).

Regards

Glenn Baron