



TO: Sheila Birrell, Town Clerk

FROM: Jim Baird, Commissioner of Development Services 

DATE: June 26, 2007

Re: Hold Removal By-law  
Tenstone Development Inc. (Circa @ Town Centre)  
23 Cox Boulevard  
Planning File: ZA 04 009142

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On July 7, 2006 Development Services Committee endorsed the site plan application for Phase 2 of Tridel's Circa @ Town Centre development, comprising a 16 storey, 391 unit apartment building located on the north side of Highway 7, immediately west of and attached to the Phase 1 building.

The zoning of the Phase 2 lands is subject to a H - Holding provision.

The conditions for removal of the Holding provision are:

1. Council has approved an additional 500 units of servicing allocation to Markham Centre as provided for in the June 20, 2006 report entitled "Servicing Allocation."
2. The Markham Centre Developers Group Agreement has been executed and Tenstone Development Inc. is one of the signatories to the agreement.
3. The Trustee for the Developers Group has advised the Town in writing of support for the assignment of 391 units of servicing allocation to Phase 2.
4. The Owner has executed a site plan agreement with the Town.

Conditions 1, 2 and 3 have been met.

Final project plans have been endorsed and the Legal Services Department is preparing the site plan agreement. However, the required agreement clauses from the Region of York are outstanding and it will therefore not be possible to execute the agreement before the June 26 Council meeting. The applicant has provided an undertaking (attached) not to compel issuance of a full building permit until the required site plan agreement has been executed.

On the basis of the applicant's undertaking, staff recommend that the attached Hold removal by-law be enacted. Staff will continue with the applicant and the Region to finalize the site plan agreement.

# DORSAY

DEVELOPMENT CORPORATION

June 12, 2007

Mr. Scott Heaslip  
Central District Team  
Planning Department  
The Town of Markham  
101 Town Centre Blvd  
Markham, Ontario  
L3R 9W3

Dear Mr. Heaslip:

**Re: Dorsay Investments Limited  
Removal of "H" - Holding Zoning  
Circa @Town Centre, Phase 2  
23 Cox Boulevard, Town of Markham  
File No. SC 05-011523 (SC 02 110607)**

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In consideration of the Council of the Town removing the "H" – Holding Zoning as it relates to the lands zoned "Residential Four" by By-law 177-96, as amended by By-law 2002-251, prior to the Owner complying with all of the provisions for removing the "H" set out in By-law 2002-251, the Owner hereby undertakes that it will not take any steps to compel the issuance of a building permit for any permitted use for works above and beyond shoring and foundation construction, unless and until a site plan agreement has been executed by Dorsay Investments Limited and the Town.

Further, Dorsay Investments Limited covenants and agrees that it shall not initiate an appeal under Section 25 of the *Building Code Act* in respect of any refusal by the Chief Building Official to issue a permit for works above and beyond shoring and foundation construction, on the grounds that a site plan agreement has not been executed, and acknowledges the Town can rely on this undertaking in the event that such an appeal is made by Dorsay Investments Limited.

Yours truly,

**DORSAY INVESTMENTS LIMITED**



Geoffrey Grayhurst

GG/bm

## EXPLANATORY NOTE

### **BY-LAW NO. 2007-XXX**

A by-law to amend By-law 177-96, as amended.

Tenstone Development Inc. (Circa @ Town Centre)  
23 Cox Boulevard  
Part of Lot 11, Concession 4  
Markham Centre

### LANDS AFFECTED

This by-law applies to 0.62 ha (1.53 acres) of land (as outlined in Schedule 'A' of this By-law), on the north side of Highway 7, west of Town Centre Boulevard.

### EXISTING ZONING

The lands are zoned Residential 4 Hold [R4\*167\*172(H)] under By-law 177-96, as amended.

### PURPOSE OF THE BY-LAW

The purpose of this by-law is to remove the Hold (H) provision from the lands.

### EFFECT OF THE BY-LAW

The effect of this by-law is to permit construction of the second phase of Tridel's Circa @ Town Centre project, comprising a 16 storey apartment building immediately west of and attached to the Phase 1 building.

A by-law to amend By-law 177-96, as amended  
*To remove a hold provision*

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

1. By-law 177-96, as amended, is hereby further amended as follows:
  - 1.1 By rezoning the lands outlined in Schedule 'A' attached hereto from:  
  
Residential 4 Hold [R4\*167\*172(H)] to  
Residential 4 (R4\*167\*172)
2. All other provisions of By-law 177-96, as amended, not inconsistent with the provisions of this by-law shall continue to apply.

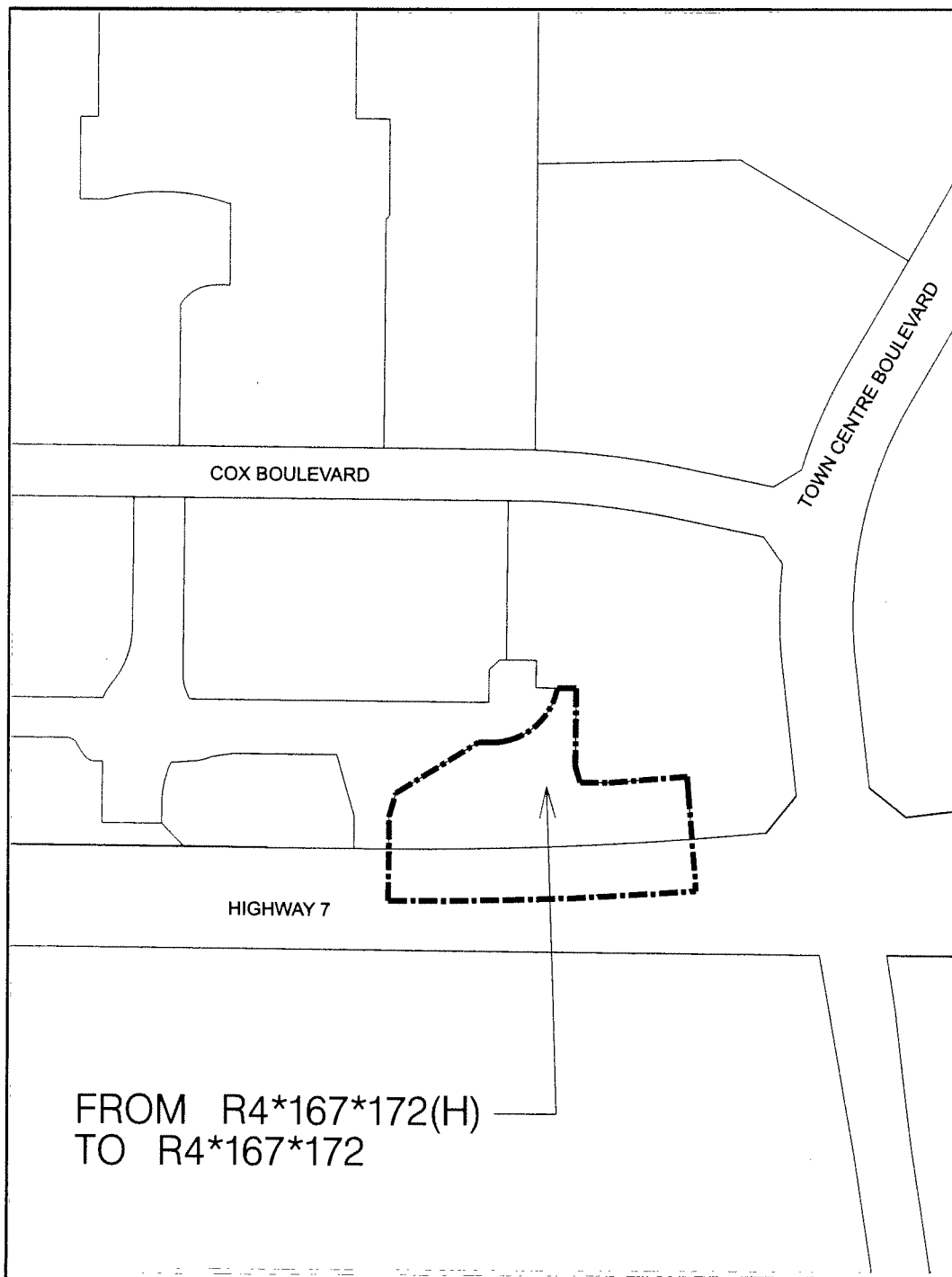
READA FIRST, SECOND, AND THIRD TIME AND PASSED THIS XX DAY OF  
JUNE, 2007.

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SHEILA BIRREL, TOWN CLERK

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FRANK SCARPITTI, MAYOR



FROM R4\*167\*172(H)  
TO R4\*167\*172



DEVELOPMENT SERVICES COMMISSION

## A BY-LAW TO AMEND BY-LAW 177-96

--- BOUNDARY OF AREA COVERED BY THIS BY-LAW

☒ R4 RESIDENTIAL FOUR

☒ (H) HOLDING PROVISION

\*No. EXCEPTION SECTION NUMBER

THIS IS SCHEDULE 'A' TO BY-LAW .....  
PASSED THIS ..... DAY ....., 2007

..... MAYOR

..... CLERK

NOTE: 1) DIMENSIONS ARE IN METRES  
2) REFERENCE SHOULD BE MADE TO  
THE ORIGINAL BY-LAW LODGED IN  
THE OFFICE OF THE CLERK

SCALE 1: 2400

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