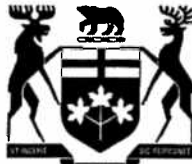


ISSUE DATE:

Feb. 17, 2006

DECISION/ORDER NO:

0529



Ontario

Ontario Municipal Board

Commission des affaires municipales de l'Ontario

Council

PL050818

1547155 Ontario Ltd. has appealed to the Ontario Municipal Board under subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, from Council's refusal or neglect to enact a proposed amendment to the Official Plan for the Town of Markham, for the purpose of adding a site-specific policy to both the 'Commercial and Heritage Main Street' designation of the Markham Official Plan and the 'Heritage Main Street Area' designation of the Thornhill Secondary Plan, to permit the development of a 7-storey residential building containing 92 units, with street-oriented retail on the ground floor, on property located on 7751 Yonge Street

Approval Authority File No. OP 05 005462

O.M.B. File No. O050137

1547155 Ontario Ltd. has appealed to the Ontario Municipal Board under subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, from Council's refusal or neglect to enact a proposed amendment to Zoning By-law 2237, as amended, of the Town of Markham, by adding a special provision to the Community Commercial (CC) designation, to permit the development of a 7-storey residential building containing 92 units, with street-oriented retail on the ground floor, on property located on 7751 Yonge Street

O.M.B. File No. Z050114

APPEARANCES:

Parties

1547155 Ontario Ltd.

The Town of Markham

Counsel

G. Swinkin

C. Conrad

MEMORANDUM OF ORAL DECISION DELIVERED BY J.A. SMOUT ON A PREHEARING CONFERENCE HELD FEBRUARY 3, 2006 WITH SUBSEQUENT WRITTEN REASONS AND ORDER OF THE BOARD

This prehearing conference was set to organize the appeals by 1547155 Ontario Ltd (the "Appellant") relating to amendments it seeks to the Markham Official Plan, the Thornhill Secondary Plan and Zoning By-law 2237 to permit a 7 storey residential building with 92 units and street oriented retail uses on the main floor on the property known municipally as 7751 Yonge Street (the "Property").

RECEIVED

FEB 20 2006

**TOWN OF MARKHAM
CLERKS DEPT.**

At this time, the Appellant and the Town have been identified as the only parties to the hearing. Several area residents attended the prehearing and sought participant status. A full list is set out in Attachment "1" to this Decision/Order. The Society for the Preservation of Historic Thornhill was represented by Brian Ryan, Special Project Coordinator. Mr. Ryan advised that, at this time, the Society is content with participant status but may request party status as more information about the proposal is provided. The Society is directed to address the Board at the next prehearing conference if it chose to seek party status.

The Appellant and the Town requested that the prehearing be adjourned *sine die* pending preparation and review of several reports and studies that the Appellant is undertaking. Mr. Swinkin advised that there may be further revisions to the proposal pending these reports. As such, it would be premature to set a date for the hearing and to formulate an issues list at this time. In addition, Ms. Conrad advised that the Town has a concern with an access easement in favour of the Town over that part of the Property described as Part 2 on Reference Plan 64R-6898 and what effect, if any it may have on the use of the Property.

Having carefully considered the submissions of the parties the Board makes the following order:

1. The prehearing conference is adjourned *sine die* pending production by the Appellant and review by the Town of the following reports:
 - a) Servicing Study
 - b) Storm Water Management Study
 - c) Traffic impact study
 - d) Noise impact study
 - e) Tree inventory and preservation plan
2. The Appellant shall report to the Board's Planner having carriage of this case as to the status of the above noted reports no later than May 31, 2006.
3. The Town has identified its concerns regarding the access easement on the Property in favour of the Town and shown as Part 2 on Reference Plan 64R-6898. At this time, the Town takes the

position that the easement may, from the Town's perspective, be a threshold issue. The Town may by way of motion request the Board to more carefully consider this issue at a later date.

4. The participants are encouraged to contact the Town on a regular basis so as to inform themselves of the status of the production and review of the above noted reports and any amendments to the Appellant's proposal that the Town may be aware of.
5. The Board may schedule any further telephone conferences that it may deem necessary to ensure that the scheduling of these appeals will proceed in an efficient and timely manner and to address such other issues that may arise pending the next prehearing conference.

This member is seized with the case management of this hearing.

The Board so Orders.

"J.A. Smout"

J.A. SMOUT
MEMBER

ATTACHMENT "1"

List of Participants

Joseph Ricciuti	8 Eliza Street, Thornhill, ON L3T 2E4
Christopher Sexton	15 Eliza Street, Thornhill, ON L3T 2E3
Rosemary Pucholt	3 Eliza Street, Thornhill, ON L3T 2E3
Kelly Kivioja and Rob Armstrong	9 Eliza Street, Thornhill, ON L3T 2E3
Keith Irish	7 Eliza Street, Thornhill, ON L3T 2E3
David Burke	26 Colborne Street, Thornhill, ON L3T 1Z7
Marion Matthias	33 Colborne Street, Thornhill, ON L3T 1Z4
Society for the Preservation of Historic Thornhill	c/o Brian Ryan, Special Project Coordinator 6 Hester Court Thornhill, ON L3T 3K5
Ward One Residents South Thornhill Inc.	c/o William Wylie, Treasurer 148 John Street, Thornhill, ON L3T 1Y7

Copy - J. Baird ✓
W. Shuttleworth ✓
A. Paris ✓