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*Delivered via E-mail*

The Regional Municipality of York  
17250 Yonge Street  
Newmarket, Ontario  
L3Y 6Z1

**Attention: Regional Chair and Members of Regional Council**

Dear Mr. Chair and Members of Regional Council

**Re: 2013 City of Markham Official Plan – Part 1  
Proposed York Region Modifications  
Neamsby Investments Inc. et al**

We are the solicitors acting on behalf of Neamsby Investments Inc., Rosina Mauro and Fulton Homes Limited (collectively referred to as “Neamsby Investments Inc. et al”, the owners of lands located on the south side of 14<sup>th</sup> Avenue and east of Middlefield Road in the City of Markham municipally known as 5659 to 5933 14<sup>th</sup> Avenue (the “Subject Site”).

Our clients have submitted a site specific Official Plan Amendment Application (OP – 13 – 108448) to re-designate a portion of the Subject Site (22.4 ha) from “Industrial – General Industrial Area” to a residential designation to permit the development of ground related housing on the majority of the Subject Site and maintain the “Industrial – Business Corridor” designation along the 14<sup>th</sup> Avenue frontage (the “Application”). The Application was deemed complete on April 3, 2013.

Our clients have participated in the local municipal Official Plan review process, including several special Council Sub-Committee meetings in an effort to advance the Application. The Subject Site is located in an area that has now matured with residential uses, schools and a new community centre and neighbourhood park (under construction). The basis of the Application is to allow the development of the Subject Site in a manner that is compatible with the existing community.

The local Municipal process considered all aspects of our clients' request and Markham Council resolved to defer the current "Industrial" designation and consider the Application on its own merits. This process would allow the municipality to consider the Application and several others based on a full local review of the merits of the respective proposals. Our clients are accepting of the local municipality's process.

We note however that the proposed Regional Modification relating to the site-specific policy within Part 1 of the 2013 City of Markham Official Plan with respect to the Subject Site suggests that a Region-wide review of employment needs would need to occur prior to the consideration of the Application. Specifically, Regional Modification No. 55 being contained in Attachment 1 to the Report No. 1 of the Commissioner of Transportation and Community Planning dated May 15, 2014 regarding the *2013 City of Markham Official Plan, Part 1* provides as follows (Regional addition being underlined):

In response to Regional staff review, modify the last paragraph in Section 9.2.10, on Page 9-17, for the lands on the south of 14<sup>th</sup> Avenue between Middlefield Road and Markham Road, as follows:

Until a decision is made on the application for amendment to this Plan filed before adoption of this Plan, the 'General Employment' designation on the lands shown in hatching as 'Deferral Area' on Map 3 – Land Use is deferred and the provisions of the Official Plan (Revised 1987), as amended, shall apply to the lands.

This deferral cannot be released on its own but must be assessed in conjunction with all employment land use deferrals in this Plan, including Sections 9.4.7c), 9.4.14, 9.5.14, 9.6.5, 9.6.6, 9.7.8.5, 9.7.8.6, 9.7.8.7, 9.16.14 and 9.18.20. The collective consideration of these deferral requests requires further study by the Region. Determination of the removal of the deferral must await the Region's consideration of the potential collective impact of all employment land use deferrals through completion of the next Regional *municipal comprehensive review*.

Where the requested amendment to this Plan does not come into force the 'Deferral Area' hatching shall no longer apply and the 'General Employment' designation shown on Map 3 – Land Use shall come into force without the requirement for further amendment to the Plan.

We note that since issuing the May 15, 2014 Report, there appears to have been some further consideration given to the preconditions to the removal of the respective deferrals by Regional Staff. More specifically, in the June 12, 2014 Memo from Daniel Kostopoulos to Regional Council, Staff provides as follows:

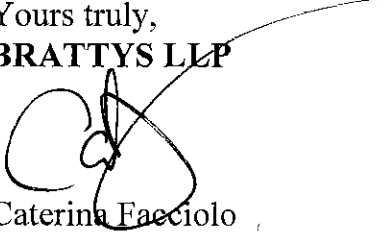
1. Staff recommends the last sentence in proposed modifications #55, #63, #65, #67, #73, #76, #77, #78, #94, and #99 in *Attachment 1* to the Commissioner of Transportation and Community Planning report, dated May 12, 2014, be revised as follows (revised/additional text underlined): "Determination of the removal of the deferral must await the Region's consideration of the potential collective impact of

all employment land use deferrals through substantial completion of the forecasting and land budget component of the next Regional *municipal comprehensive review* by mid-2015.”

While our clients disagree with the necessity for a Region-wide review prior to the consideration of our clients' Application, we note that our clients are prepared to wait for the substantial completion of the forecasting and land budget component of same provided it is completed in a timely manner (spring of 2015) and that the determination of a deferral include the consideration of all aspects of the conversion request, including but not limited to, the appropriateness of maintaining an industrial designation in an area where extensive residential uses already exist and the health and safety of area residents are considered above a pure review of employment targets and numbers. In this respect we note that our clients, through the filing of supporting reports with respect to the Application, have already established that its' employment conversion request meets the six tests set out in the Growth Plan for the Greater Golden Horseshoe.

We would be pleased to provide any clarification that may be required with respect to the foregoing. In the interim, we respectfully request that the Region provide the undersigned with any future notifications regarding the 2013 City of Markham Official Plan.

Yours truly,  
**BRATTYS LLP**



Caterina Faaciolo

cc: Randy Peddigrew  
Frank Mauro