

# Memorandum to the City of Markham Committee of Adjustment

October 19, 2022

**File:** B/024/22  
**Address:** 66 Barnstone Drive, Markham ON  
**Applicant:** Gowling WLG (Canada) LLP (Kevin Dias)  
**Agent:** Gowling WLG (Canada) LLP (Kevin Dias)  
**Hearing Date:**

The following comments are provided on behalf of the East District Team. The applicant is seeking a Certificate of Validation as the solicitors representing the owners of the subject property have determined a previous transfer of title in 2014 is in contravention of Section 50 of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended (the "*Planning Act*").

## Proposal

The subject property, municipally known as 66 Barnstone Drive, consists of two (2) parcels, legally described as below:

- Part Block 110, Plan 65M4193, Part 12, Plan 65R32875, City of Markham, being all of PIN 03060-7555 (LT)
- Part Block 37, Plan 65M4240, Part 26, Plan 65R32875; City of Markham, being all of PIN 03060-7557 (LT)

The purpose of this application is to obtain a Certificate of Validation due to a contravention of Section 50 of the *Planning Act* or a predecessor of it, or of a by-law passed under a predecessor of Section 50, or an order made under clause 27(1)(b) of the *Planning Act* as it reads on the 25th day of June, 1970, being chapter 296 of the Revised Statutes of Ontario, 1960 or a predecessor of it, does not have and shall be deemed never to have had, the effect of preventing the conveyance of, or creation of any interest in the parcel of lands previously described. There is no physical change proposed to the subject property.

## COMMENTS

When considering an application to validate title, Section 57(6) of the *Planning Act* states that the lands that are subject to the validation certificate shall conform with the same criteria that applies to the granting of consents under Section 53. Staff note that public notice requirements and appeal rights are not applicable to validation of title applications.

Section 57(1) of the *Planning Act* allows a Council authorized to grant consents, or its delegate, being the Committee of Adjustment, the ability to issue a "Certificate of Validation that states that a prior contravention of the subdivision control provisions or of a by-law passed under a predecessor of Section 50 of the *Act* are deemed to have never had the effect of preventing the conveyance of land or the creation of land. In essence, the validation certificate corrects a *Planning Act* breach that has occurred.

The purpose of this application is technical in nature. As such, Staff are of the opinion that this application conforms with the criteria that applies to consents and will continue to maintain the intent of the Official Plan, Zoning By-law, and is compatible with the surrounding context.

**CONCLUSION**

Staff have reviewed the application with respect to Section 57 of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended and have no concerns with the proposal as the intent is to retroactively cure a *Planning Act* contravention.

Based on the aforementioned, Planning staff have no objection to the issuance of a Certificate of Validation.

PREPARED BY:



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Brashanthe Manoharan, Planner II, East District

REVIEWED BY:



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Stacia Muradali, Development Manager

**APPENDIX “A”**

**PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE B/024/22**



METRIC: DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

PLAN OF SURVEY OF  
BLOCKS 109 AND 110  
REGISTERED PLAN 65M-4193 AND  
BLOCKS 36, 37 AND 38  
REGISTERED PLAN 65M-4240  
TOWN OF MARKHAM  
REGIONAL MUNICIPALITY OF YORK  
SCALE: 1:1000

SCHAEFFER DZALDOV BENNETT LTD.

I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT.

DATE FEBRUARY 9, 2011.

OPHIA DZALDOV  
ONTARIO LAND SURVEYOR

PLAN 65M-4193

RECEIVED AND DEPOSITED

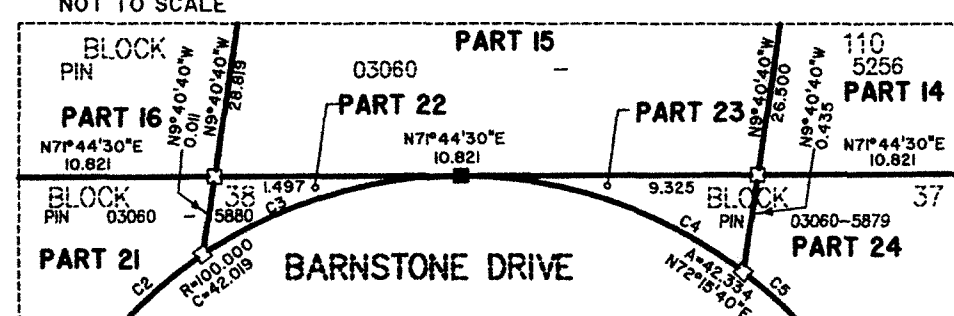
DATE 9 February, 2011

ASST. DEP. LAND REGISTRAR FOR THE LAND TITLES DIVISION OF YORK REGION No. 65

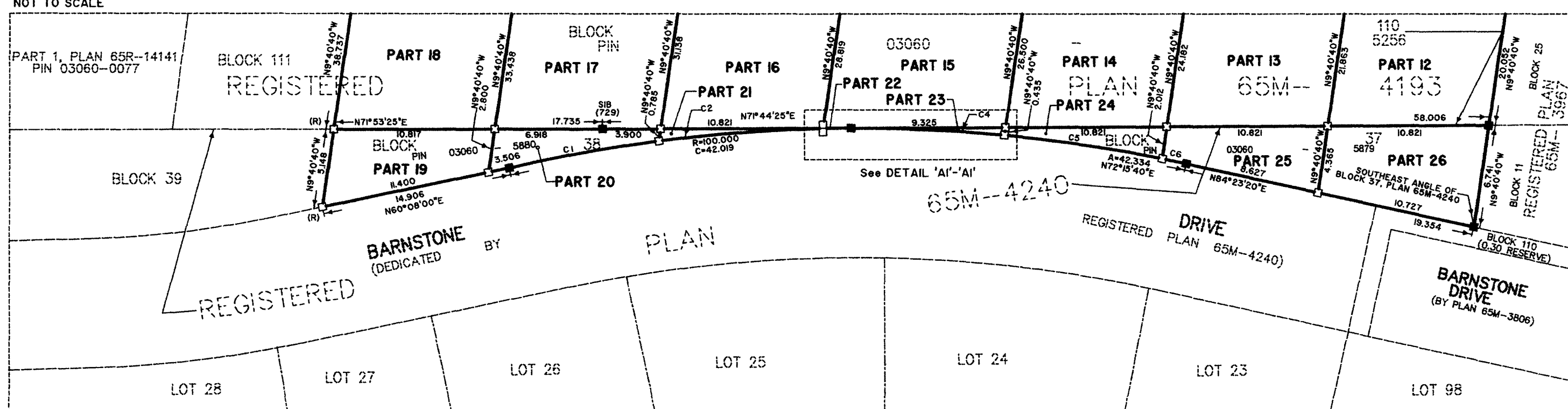
# SCHEDULE

PART	ALL OF BLOCK	REGISTERED PLAN	ALL OF PIN	AREA (m <sup>2</sup> )
1				10.2
2				42.4
3				71.5
4				105.7
5				125.0
6				177.0
7				203.1
8				229.1
9				255.1
10				278.5
11				224.2
12				245.3
13				271.1
14				295.9
15				320.7
16				345.5
17				392.3
18				42.5
19				18.2
20				3.1
21				0.01
22				1.3
23				12.1
24				34.0
25				59.4
26				4.0
27				27.4
28				187.0
29				217.9
30				250.7
31				282.8

## DETAIL 'A1-A1'

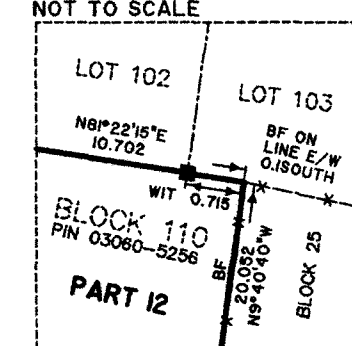


## DETAIL 'A'

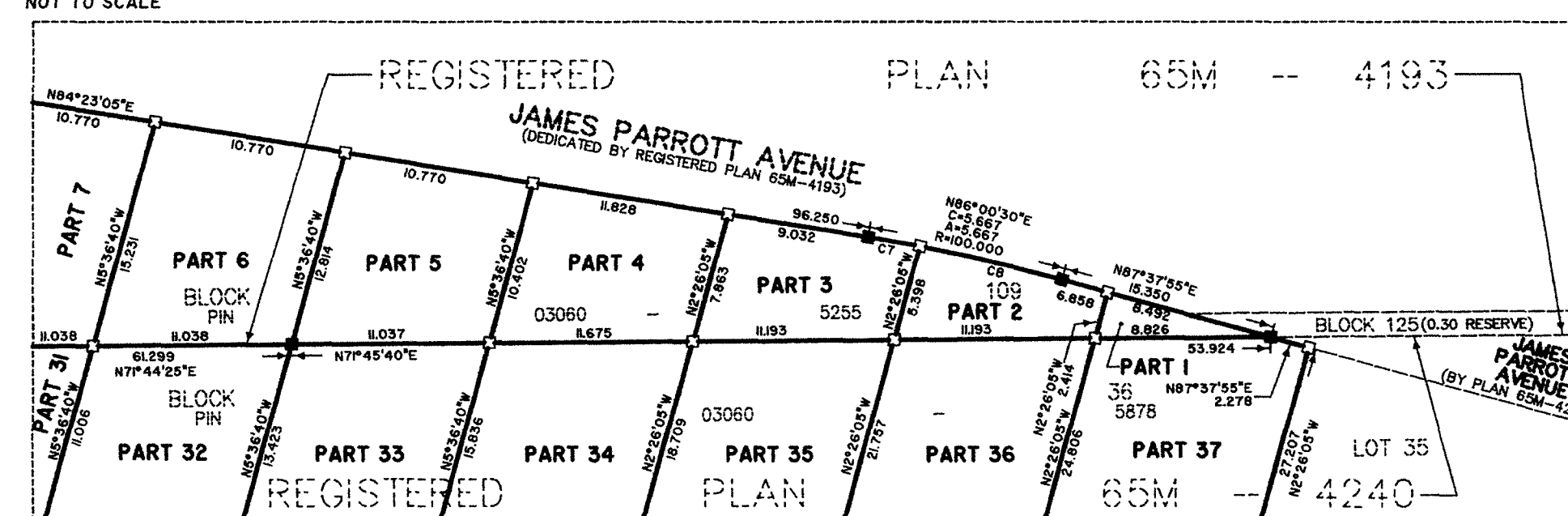


NUM	ARC	RADIUS	BEARING	CHORD
C1	7.791	100.000	N62°25'55"E	7.789
C2	10.969	100.000	N67°44'20"E	10.963
C3	1.499	100.000	N71°18'40"E	1.498
C4	9.273	100.000	N74°12'45"E	9.270
C5	10.705	100.000	N80°07'10"E	10.700
C6	2.098	100.000	N83°47'15"E	2.098
C7	1.754	100.000	N84°53'10"E	1.754
C8	3.915	100.000	N86°30'55"E	3.915

## DETAIL 'D'



## DETAIL 'C'



## NOTES

- DENOTES IRON BAR PLANTED
- FOUND MONUMENT
- SIB STANDARD IRON BAR
- SSIB SHORT STANDARD IRON BAR
- IB IRON BAR
- 922 SCHAEFFER DZALDOV BENNETT LTD.
- 729 D.H. BLACK, O.L.S.
- P FOUND IN 1922, REPLACED WITH SSIB
- WIT WITNESS
- BF BOARD FENCE

BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE SOUTHERLY LIMIT OF JAMES PARROTT AVENUE AS SHOWN ON REGISTERED PLAN 65M-4193, HAVING A BEARING OF N84°23'05"E.

ALL FOUND MONUMENTS ARE SSIB'S UNLESS OTHERWISE SHOWN.

ALL FOUND MONUMENTS ARE NUMBERED 922 UNLESS OTHERWISE SHOWN.

## SURVEYOR'S CERTIFICATE

- I CERTIFY THAT:
- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT, THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
- THE SURVEY WAS COMPLETED ON THE 25th DAY OF JANUARY, 2011.

DATE JANUARY 26, 2011.

OPHIA DZALDOV  
Ontario Land Surveyor