

Memorandum to the City of Markham Committee of Adjustment

April 23, 2025

File: B/030/24 & B/031/24
Address: Markland Street and Major Mackenzie Drive East, Markham
Applicant: Macaulay Shiomi Howson (Nick Pileggi)
Hearing Date: Wednesday, April 30, 2025

The following revised comments are provided on behalf of the West Team:

B/030/24

The applicant is requesting provisional consent to:

- a) **sever and convey** a parcel of land with an approximate lot frontage of 12.24 metres and an approximate lot area of 0.69 ha (Part 4);
- b) **retain** a parcel of land with an approximate lot frontage of 92.4 metres and an approximate lot area of 5.4 ha (Parts 1, 2, 3, and 5);
- c) **establish an easement** over Part 4 for the purposes of access in favour of the retained lands (Parts 1, 2, 3, and 5).

The purpose of this application is to sever the Subject Lands and for Part 4 to be merged with the adjacent lands to the north and to facilitate the creation of a mutual access easement. This application is related to Consent Application B/031/24.

B/031/24

The applicant is requesting provisional consent to:

- a) **sever and convey** a parcel of land with an approximate lot frontage of 48.5 metres and an approximate lot area of 1.08 ha (Parts 8 and 9);
- b) **retain** a parcel of land with an approximate lot frontage of 84.3 metres and an approximate lot area of 2.49 ha (Parts 6 and 7).

The purpose of this application is to sever the Subject Lands (Parts 6,7,8, and 9), and for Part 9 to be merged with the adjacent lands to the east (Part 10). This application is related to Consent Application B/030/24.

BACKGROUND

The above noted applications were deferred sine die at the December 18, 2024, Committee of Adjustment Hearing, to provide an opportunity for the applicant to meet with the Owner and City staff regarding the previous conditions of consent recommended by staff with respect to the future conveyances to the City to facilitate a public road connection through the subject lands.

COMMENTS

As an update to our previous comments provided to the Committee of Adjustment dated December 10, 2024, it is the opinion of Planning Staff that the proposed conveyances and requested mutual access easements noted above are appropriate. The proposed easements will allow for coordination between the future development parcels.

Staff note that the associated application for Site Plan approval for the proposed car dealership building (SPC 24 159325) was endorsed by the City on March 25, 2025 subject to the Owner entering into a separate agreement to convey the lands required for the future Highway 404 ramp extension through the subject lands, following the completion of its detailed design. Consequently, staff recommend that the conditions of approval for applications B/030/24 and B/031/24 be revised to remove the requirement of lands conveyances to the City prior to the finalizing of the consents.

CONCLUSION

In concluding that the proposal is appropriate, staff have had regard for the criteria in Section 51 (24) of the Planning Act.

Planning Staff have reviewed the consent application with regard for Section 53 of the *Planning Act* and recommend its approval.

Please refer to Appendix "A" for the revised conditions to be attached to any approval of application B/030/24.

Please refer to Appendix "B" for the revised conditions to be attached to any approval of application B/031/24.

PREPARED BY:



Rick Cefaratti, MCIP, RPP, Acting-Manager, West District
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APPENDIX "A"

REVISED CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF B/030/24

1. Payment of all outstanding realty taxes and local improvements charges owing to date against both the subject and retained parcels, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled.
2. Submission to the Secretary-Treasurer of the required transfers to affect the severances applied for under Files B/030/24, in duplicate, conveying the subject lands, and issuance by the Secretary Treasurer of the certificate required under subsection 53(42) of the *Planning Act, R.S.O. 1990, c.P.13, as amended*.
3. Submission to the Secretary-Treasurer of a deposited reference plan showing the subject lands, which conforms substantially to the application as submitted.
4. Subsection 50(3) or 50(5) of the Planning Act shall apply to any subsequent conveyance of or transaction involving the parcel of land that is the subject of this consent.
5. Submission of a Solicitor's Certificate certifying that upon registration of the required transfers to effect the severance applied for under File B/030/24, title to Part 4 on the Draft Reference Plan submitted with File B/030/24 will merge with title to the lands to the north (Part 10), legally described as Part of Lot 21, Concession 3, all to the satisfaction of the Director of Planning and Urban Design or designate.
6. That the Owner provides confirmation that there are no existing easements registered on title that will be impacted by the proposed severance.
7. That the applicant satisfies the requirements of the TRCA, financial or otherwise, to the satisfaction of the TRCA, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to their satisfaction.
8. Fulfillment of all of the above conditions within two years of the date that notice of the decision was given under Section 53(17) or 53(24) of the *Planning Act, R.S.O. 1990, c.P.13, as amended*.

CONDITONS PREPARED BY:



Rick Cefaratti, MCIP, RPP, Senior Planner and Acting-Manager, West District

APPENDIX "B"

REVISED CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF B/031/24

1. Payment of all outstanding realty taxes and local improvements charges owing to date against both the subject and retained parcels, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled.
2. Submission to the Secretary-Treasurer of the required transfers to affect the severances applied for under Files B/031/04, in duplicate, conveying the subject lands, and issuance by the Secretary Treasurer of the certificate required under subsection 53(42) the Planning Act, R.S.O. 1990, c.P.13, as amended.
3. Submission to the Secretary-Treasurer of a deposited reference plan showing the subject lands, which conforms substantially to the application as submitted.
4. Subsection 50(3) or 50(5) of the Planning Act shall apply to any subsequent conveyance of or transaction involving the parcel of land that is the subject of this consent.
5. Submission of a Solicitor's Certificate certifying that upon registration of the required transfers to effect the severance applied for under Files B/031/04, title to Parts 4 and 9 on the Draft Reference Plan submitted with File B/031/24 will merge with title to the lands to the east Part 10, and legally described as Part of Lot 21, Concession 3, all to the satisfaction of the Director of Planning and Urban Design or designate.
7. That the applicant satisfies the requirements of the TRCA, financial or otherwise, to the satisfaction of the TRCA, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to their satisfaction
8. Fulfillment of all of the above conditions within two years of the date that notice of the decision was given under Section 53(17) or 53(24) of the Planning Act, R.S.O. 1990, c.P.13, as amended.

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