



## DEVELOPMENT SERVICES

November 16, 2000

SP. 94-047

The Regional Municipality of York  
Attn: Mr. J. Ross Kenney  
Property Appraiser, Realty Services Branch  
Corporate and Legal Services Department  
17250 Yonge Street  
Newmarket, Ont.  
L3Y 6Z1

Dear Mr. Kenney:

RE: 777333 Ontario Ltd.  
4488 14<sup>th</sup> Avenue  
Northwest corner of Kennedy Rd. and 14<sup>th</sup> Ave.

This is further to your inquiry regarding the status of the site plan approval granted in 1994 for the above property to construct a 3-storey commercial / Residential building at the above property and the implications of a further road widening of approximately 2 metres along the 14<sup>th</sup> Avenue frontage on any existing site plan approvals.

We have determined that site plan approval granted in 1994 is still valid. We have also confirmed that given the location of the proposed building the proposed road widening would not jeopardize the existing approval. However, prior to the issuance of any building permit the applicant would be required to do the following:

1. Obtain any minor variances that may be necessary to address by-law non-conformities resulting from the proposed road widening.
2. Revise the landscape plan to address landscape matters arising from the proposed road widening including any necessary relocation of plant material previously proposed along the 14<sup>th</sup> Avenue frontage.
3. Enter into a site plan agreement with the Town containing all standard provisions and requirements of the Town and public agencies and any applicable special conditions imposed at the time of site plan approval and included in the previous site plan agreements executed with respect to this property.

Page 1 of 2

11/16/00 THU 17:38 FAX 806 478 7788

MARKHAM DEV. SERVICES

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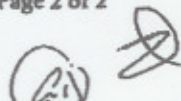
If you have any questions regarding the above please call me at (905) 477-7000, extension 2970.

Sincerely,



Biju Karumanchery,  
Co-ordinator, South District

Copy: Jim Baird, Director of Planning  
Rob Robinson, Town Solicitor





1375504 Ontario Inc., hereinafter called the Vendor, hereby offer to sell to The Regional Municipality of York, hereinafter called The Regional Corporation, the lands described:

Being Part of Lot 6, Concession 5, in the Town of Markham, Regional Municipality of York, designated as Parts 5, 6, 7 and 8, on Plan 65R-22570.

hereinafter called the lands, for the price of:

\$25,000.00  
(Twenty Five Thousand Dollars)

which sum the Vendor agrees to accept in full settlement of all claims for compensation for the lands and for injurious affection to the Vendor's remaining lands resulting from the sale or from any change in or alteration of grade of the public highway known as Regional Road No. 71, as shown on Construction Plan No. P-1100-04, of the Regional Corporation.

The Regional Corporation agrees, at its expense:

1. To pay all reasonable legal fees to complete this transaction.
2. To pay all reasonable legal and consulting fees required to amend the approved site plan in accordance with correspondence from the Town of Markham, said site plan and correspondence attached hereto comprising part of this offer.

Provided the title is good and free from all encumbrances. Deed or transfer to be at the expense of the Regional Corporation and the Vendor to be responsible for obtaining any discharge of mortgage or releases, a certificate of title for the subject property and for answering any valid requisitions on title submitted by the Solicitor for the Regional Corporation. The amount payable on closing to be subject to usual adjustments. This transaction to close as soon as possible after the acceptance of this offer by the Regional Council.

The Vendor hereby gives permission to The Regional Corporation, its servants, agents and contractors to enter upon the lands for the purpose of pre-engineering and highway construction.

This offer shall be irrevocable and open for acceptance by the Regional Corporation for a period of 120 days. Acceptance of this offer by the Regional Council at an open meeting of such Council shall be deemed to be good and sufficient acceptance thereof. The Vendor will be notified of such acceptance by prepaid registered post addressed to the Vendor at:

1375504 Ontario Inc.  
9 Daffodil Court  
Thornhill, ON L3T 1N2

Attention: Taelman Deyong

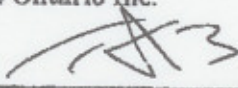
During the time limited for acceptance of this offer and at any time thereafter, if accepted, the Vendor agrees that he will not convey or in any way encumber the lands, and that if he does so he will indemnify The Regional Corporation for any loss or expense that it may suffer or be put to as a result of such action on the part of the Vendor.

This offer is to be read with any changes of number or gender that the context requires.

DATED at THORNHILL this 22nd day of November, 2000.


1375504 Ontario Inc.

Per:

  
Name: TAECHAN DEYONG  
Title: DIRECTOR

c/s

Per:

  
Name: M. SHARJEE  
Title: Secretary

Original Message

**From:** Watterson, Dale  
**Sent:** Tuesday, August 12, 2003 8:55 AM  
**To:** Brown, Alan  
**Subject:** RE: 777333 Ont. Ltd.

Alan:

Thanks for your reply. I will forward information to appropriate people.

*Dale*

Mrs. Dale A. Watterson  
 Financial Analyst  
 Town of Markham  
 Anthony Roman Centre  
 101 Town Centre Boulevard  
 Markham, Ontario  
 L3R 9W3  
 Direct Line: 905-475-4742  
 Extension: 905-477-7000 ext. 2340  
 Fax: 905-479-7769  
 E-Mail: [dwatterson@markham.ca](mailto:dwatterson@markham.ca)  
 Town Website: [www.markham.ca](http://www.markham.ca)

Original Message

**From:** Brown, Alan  
**Sent:** August 12, 2003 8:48 AM  
**To:** Watterson, Dale  
**Cc:** Lau, Sue  
**Subject:** 777333 Ont. Ltd.

As requested Sue and I have reviewed the Oct. 22 /91 agreement and find that they paid the former pre DCA levies and fees for the total site. Accordingly they should be exempt from Development charges on their next phase.

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**GATTANACH HINDSON SUTTON VANVELDHUIZEN**  
*Barristers and Solicitors*

J. Leckie Gattanach, Q.C.  
 Lawrence R.S. Sutton, Q.C.  
 John R. Carruthers, B.A., LL.B.  
 David A. Toledano, B.A., LL.B.

Donald C. Hindson, B.A., LL.B., Q.C.  
 Albert J. VanVeldhuizen, B.A., LL.B.  
 Terrence A. Fochmureld, B.A., LL.B.

52 Main Street Markham North  
 Markham, Ontario, Canada  
 L3P 1X5

Telephone (905) 294-0666 Ext. 230  
 Facsimile (905) 294-5688

December 18, 2003

The Corporation of the Town of Markham  
 101 Town Centre Boulevard  
 Markham, Ontario  
 L3R 9W3

Attention: Mrs. Dale A. Watterson – Financial Analyst

and Ms. Catherine Conrad – Solicitor for the Town of Markham

and Mr. John Wright – Director of Building Standards

Re: 1375504 Ontario Inc.  
 Parcel 6-4, Section MA5  
 Part Lot 6, Concession 5, Markham, designated as Parts 1, 2, 7 to 10, 16 to 24,  
 40,42,44 to 47, 49 to 60, 72 to 75, 77 to 94, Plan 65R 17401  
 Municipal # 7778 Kennedy Road

We have recently been retained by 1375504 Ontario Inc., the owner of the above lands known municipally as 7778 Kennedy Road, (formerly 4488 14th Avenue).

Our clients purchased the above land on March 30, 2000 from the John Marshall Galloway Estate.

It is our clients' understanding that under the Site Plan Agreement dated October 22, 1991 provided for both Phase 1, which contained 82 residential units and Phase 2 of the Site Plan as it then was, and that \$915,500.00 had been paid to the Corporation of the Town of Markham for Levies, Fees and other Municipal Charges, that are applicable to both Phase 1 and Phase 2 of this site.

It is Phase 2 that 1375504 Ontario Inc. purchased and has since obtained the necessary Variances from the Committee of Adjustment that will allow our clients to proceed with Phase 2, which is to contain 54 residential units. An Application to Amend the Site Plan to provide for these 54 residential units was applied for on October 3, 2003.

A complete Building Permit Application, together with the requisite fees and Plans are to be filed with the Corporation of the Town of Markham on or about December 22, 2003.

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The purpose of this letter is to claim an exemption from the Development Charges that would normally be paid on the issuing of the Building Permit for Phase 2 to contain 54 units.

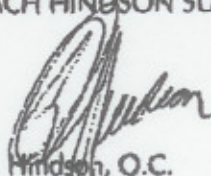
This claim for exemption is made after extensive discussions and assurances that this exemption, under these circumstances, should be allowed with the Finance Department, the Engineering Department and the Planning Department.

We would appreciate you confirming with the undersigned that this exemption will be available.

We thank you for your consideration in this matter.

Yours very truly,

CATTANACH HINDSON SUTTON VanVELDHUIZEN



Donald C. Hindson, Q.C.  
DCH:jm



1/27/2004 08:34

NO. 024 003



LEGAL SERVICES DEPARTMENT

Via Fax (905) 294-5688

January 21, 2004

Mr. Donald C. Hindson, Q.C.  
Cattanach Hindson Sutton VanVeldhuizen  
Barristers and Solicitors  
52 Main Street Markham North  
Markham, Ontario  
L3P 1X5

Dear Mr. Hindson:

Re: 1375504 Ontario Inc.  
Part of Lot 6, Concession 5, designated as Parts 1, 2, 7-10,  
16-24, 40, 42, 44-47, 49-60, 72-75, 77-84, Plan 66R-17401  
7778 Kennedy Road, Markham  
Our File No. 94 0506 PT 0080

*File  
Deyong 20786*

Your letter dated December 18, 2003 to Catherine Conrad, Dale Watterson and John Wright has been forwarded to me for a follow up. I have now reviewed the development agreement in question and discussed this matter with Town staff and provide the following reply.

In accordance with the Town's Development Charges Bylaws ("DCB"), exemptions from development charges were allowed up to December 31, 2003 for properties listed in Schedule "C" of the Bylaw provided they met certain conditions. The property in question is not listed in Schedule "C" and, as such, it is not exempted from development charges.

The Town's Finance Department is in charge of decisions respecting the collection of development charges under the Town's DCB. As such, decisions on whether or not an exemption is authorized under the Town's DCB are made by the Finance Department. Where an exemption is not authorized under the DCB, as is the case here, Finance staff may bring the matter to Council for a determination.

There is no apparent legal basis in this case for granting an exemption from development charges. Furthermore, the Finance Department informs me that at no time did its staff make any representations that the above-noted property is exempted from development charges. Having said this, Finance staff have advised that they are currently reviewing the Town's policy respecting exemptions from development charges and that they are willing to consider your request as part of that review.

01/27/2004 08:34

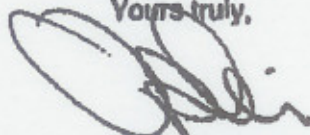
NO. 024 004

- 2 -

Staff expect to report to Council on this matter in the next few months. Unless Council decides to exempt the property in question from development charges, same will be payable in accordance with the Town's DCB.

Should you have any questions or concerns, please contact me.

Yours truly,



Ophir Bar-Moshe  
Assistant Town Solicitor

OBM:cw

Q:\Exec Office\Legal\BAR-MOSHE\Letters\Hindson re 1375504 Ont. Inc..doc

- c. Catherine Conrad, Town Solicitor
- Barb Cribbitt, Treasurer
- John Wright, Director, Building Standards
- Jennifer Nelson, Manager, Development Finance
- Dale Watterson, Financial Analyst



$\Delta S = 2.49 \text{ cal mol}^{-1} \text{ K}^{-1} \text{ (A}^\circ\text{C}^{-1}\text{)} = 64.163 \text{ J mol}^{-1} \text{ K}^{-1} \text{ (J K}^{-1}\text{ mol}^{-1}\text{)}$ 

APPLICATION DATE: \_\_\_\_\_

Bylaw and have been checked by the BUILDING SERVICES DIVISION

CAPTION OF PROJECT

Date	No. of Pages
From: Dale Watterson Of: The Town of Markham Phone #: 905-475-4742 Fax #: 905-479-7789	

EXEMPT FROM TOWN CHARGES PER BY-LAW SCHEDULE						
AREA SPECIFIC CHARGES	AREA #		NET HECTARES	MULTIPLIER (\$*010105)	CHARGE (\$)	
RESIDENTIAL / NON-RESIDENTIAL	4		0.3353	\$68,555	\$22,986.49	1
TYPE - TOWN WIDE	units #	Net Hectares	G F A (M2)	MULTIPLIER (\$*010105)	CHARGE (\$)	
Single or Semi-Detached Dwelling				\$5,173.00		2
Low Density Multiple				\$4,063.00		3
Apartment (More than 1 bedroom)	54			#####	\$198,612.00	4
Apartment (1 Bedroom)				\$2,201.00		5
Residential Town Wide Hard	54			#####	\$91,692.00	6
Town Wide Works Contribution / Residential Town Wide Hard Surcharge						7
Non-Residential - SOFT				\$3.31		8
Non-Residential - HARD				\$71,214		9
Other Charges (specify)						10
DEVELOPMENT CHARGE SUMMARY						
TOTAL OF LINES 1 - 10 (Town of Markham Gross Development Charges)					\$313,290.49	11
54 @ \$9,489.00	REGION OF YORK				\$512,406.00	12
54 @ \$1,193.00	YORK REGION BOARD OF EDUCATION				\$64,422.00	13
54 @ \$477.00	YORK REGION ROMAN CATHOLIC SEPARATE SCHOOL BOARD				\$25,758.00	14
SUBTOTAL					\$915,876.49	15
CREDITS (ATTACH DETAILS)			16			
CASH IN LIEU OF CHARGES (ATTACH DETAILS)			17			
TOTAL CREDITS (add lines 16 & 17)			18			
NET DEVELOPMENT CHARGE (subtract line 18 from line 15)					#####	19

The required charges have been collected and all service in lieu of front ending agreements have been executed.  
Rented 01 January 2006  
E. & O. E.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
FINANCE DEPT.

ATTACHMENT 5