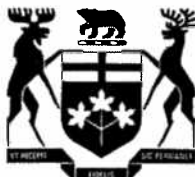


ISSUE DATE:

MAY 13, 2008



Ontario

Ontario Municipal Board

Commission des affaires municipales de l'Ontario

PL050818

Copy: Legal  
Regan  
Ron Blake  
Lucy

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

1547155 Ontario Ltd. has referred to the Ontario Municipal Board under subsection 41(12) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, determination and settlement of details of a site plan for lands composed of Part of Lots 1 and 2, Registered Plan 71, municipally known as 7751 Yonge Street, in the Town of Markham  
O.M.B. File No. M070010

## APPEARANCES:

### Parties

1547155 Ontario Ltd.

Town of Markham

Joseph and Diane Riccioti

Region of York

### Participants

Marion Matthias

Keith Irish

Evelin Ellison

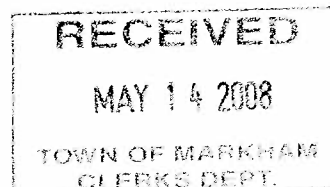
### Counsel

G. Swinkin

Q. Annibale and B. Duguid

A. Heisey

R. Miller



William Wylie for Ward One Residents  
South Thornhill Inc. and for Nigel Connel,  
President, Society for the Preservation of  
Historic Thornhill Inc.

**MEMORANDUM OF ORAL DECISION DELIVERED BY D. R. GRANGER ON  
APRIL 29, 2008 AND ORDER OF THE BOARD**

---

This hearing was scheduled as a pre hearing conference and motion hearing related to appeals by 1547155 Ontario Ltd. (applicant) from the Council of the Town of Markham's (Town) refusal to enact amendments to the Town Official Plan (OP) and to By-law 2237 (By-law) to permit the development of a 7-storey, 92-residential unit apartment building with ground floor retail (proposal) at 7751 Yonge Street at the southeast corner of the intersection of Thornhill Summit Drive and Yonge Street (subject property).

All entitled to notice were given same as confirmed in the Affidavits of Service presented as Exhibit Nos. 5a and 5b.

At the commencement of the hearing, the Board was informed that a settlement had been reached between the parties in accordance with Minutes of Settlement presented as Exhibit No. 6.

Counsel for Mr. and Mrs. Riccioti submitted his need to confirm the agreement reached between his clients and the applicant noting that, on the face, he did not foresee difficulties.

The settlement results in there being no requirement for an OP amendment. The Board was presented with an agreed By-law amendment and conceptually approved site plan as set out Exhibit No. 6.

The Board was requested to hear appropriate evidence and dispose of the appeals. There was no objection in that regard and the Board agreed.

Mr. Winch, on behalf of the applicant, presented expert land use planning evidence in support of the proposed By-law amendment and conceptual site plan. The proposal is now revised to a stepped four to three storey residential building with ground floor retail facing Yonge Street only.

Mr. Winch confirmed his opinion that the proposal represented the efficient use of existing infrastructure and an appropriate intensification of the site. Following from extensive public consultation, including the joint City of Vaughn/Town of Markham Thornhill/Yonge Street Study completion, he now believes that the proposal, on balance of all stakeholder issues, represents a reasonable settlement that implements the OP.

He was unequivocal in his opinion that the proposal is consistent with the Provincial Policy Statement (PPS), conforms to the applicable Growth Plan for the Greater Golden Horseshoe (GP), conforms to the Region of York Official Plan (ROP) and conforms to the Town OP.

Upon completion of his evidence, Mr. Winch answered questions of counsel and the participants. Mr. Winch's evidence was not contradicted and no other evidence was proffered.

Having considered the evidence presented, the Board accepts the opinion of Mr. Winch and finds that the overall proposal and implementing By-law amendment and conceptual site plan are consistent with the PPS and conform to the GP, ROP and OP. The Board finds that the proposal, the culmination of a lengthy open public planning approval process and eventual settlement between the parties, represents good planning in the overall public interest of the community.

In conclusion, the appeals by 1547155 Ontario Ltd. are allowed and By-law 2237 of the Town of Markham is amended in the manner as set out in Schedule "C" of Exhibit No. 6 (Minutes of Settlement). The Board authorizes the municipal clerk to assign a number to this by-law for record keeping purposes. In addition, the site plan is approved substantially in the form as set out in Schedule "B" of Exhibit No. 6.

On consent and at the request of the parties, the Board will withhold its Order pending notification that the site plan approval process is complete. The Board may be spoken to should difficulties arise. This Board Member is seized in that regard. The

Town will provide a status report to the Board within 60 days of the issuing of this decision.

As a result of the settlement reached and upon the issuance of this decision, the applicant confirms the withdrawal of its official plan amendment application and related appeal (Board File PL050818-O050137). In addition, the applicant confirms the withdrawal of its appeal against Amendment No. 167 to the Town of Markham Official Plan (Board Case PL070888) and against the Town of Markham Heritage District By-law 2007-15 (Board Case PL070714). The Board accepts these withdrawals and closes the appropriate portions of these appeal files.

The Board congratulates the parties for the efforts in resolving these disputes.

"D. R. Granger"

D. R. GRANGER  
VICE-CHAIR