

**Vaughan watershed left unprotected**  
Council wants private property left alone

**Teacher training**  
Australian university opens Burlington campus

**OMB news**  
Seneca rezoning approved



# Novæ Res Urbis

**GREATER TORONTO AREA EDITION**

WEDNESDAY, FEBRUARY 16, 2005 • VOL 8 • No 6

PROVINCE REJECTS CALL TO COMPENSATE FARMERS

## It's beyond preserving the land – it's about farm viability

By Anne Marie Aikins

The governments of **Mike Harris** and **Bill Davis** didn't compensate farmers when they formed protected areas on the Niagara Escarpment and Oak Ridges Moraine. And like his predecessors, premier **Dalton McGuinty** has also rejected the idea of compensating what he called the "special interests" of farmers, who claim they are poised to lose money under the proposed greenbelt and *Places to Grow* legislation. But, experts say, farm viability is not just about preserving agriculture land, nor is it just a regional concern.

"Some of our urban friends don't understand the importance of farmland and farm viability to their standard of life," said **Agricultural Adaptation Council** chair **Bob Bedggood**. "Farmers contribute not only to providing us with good quality food, but they help clean the air and water, and provide wildlife habitats. The public expects these services, but the costs of those services are not built into the price of food."

To date, Bedggood said, the debate has centered on compensating farmers for the money they would lose under growth legislation if they decide to sell their land to a developer.

Other countries and jurisdictions, he said, have moved the debate far beyond the issue of protecting the land from development. In the U.S., politicians developed the farm viability enhancement program to improve the economic bottom line and environmental integrity of working farms.

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TAKE A HIKE

## Vaughan increases planning fees

By Blake Eligh

**Vaughan** council recently approved fee increases for planning applications, to the tune of a whopping 279 per cent and hiked committee of adjustment fees by 40.6 per cent. The changes (see chart) took effect at the end of January.

The increases come as the second-phase implementation deadline looms for *Bill 124*, which amends the 2002 *Building Code Statute Law Amendment Act*. As of July 1, municipalities will no longer be able to fund the development application approval process through revenues from building permits.

Last year, the city retained **C.N. Watson and Associates Ltd.** to review user fees, permit fees and service charges. Watson's report identified a revenue shortfall of \$3.8 million, and recommended total increases of 321 per cent for planning fees, and 41 per cent for committee of adjustment fees to offset the cost of providing application review services.

Watson's report recommended quick action, saying, "The quicker the planning applications fees are increased to cover costs, the quicker the financial impact of *Bill 124* is addressed."

According to the report, Vaughan fees currently recover 22.9 per cent of costs associated with providing the service. The increases will be phased in, with an initial increase of 279 per cent, which will bring cost recovery to 90 per cent.

*continued page 5*

## COMING UP

### THURSDAY FEBRUARY 17

York Council, 9:30 a.m.

Peel Council, 9:30 a.m.

### FRIDAY FEBRUARY 18

**The End of Suburbia**, first of the 2005 Caledon Speakers Series of the Caledon Countryside Alliance, a documentary followed with director of planning Heather Konefat, SGI Caledon Centre for Culture and Education, 7:30 p.m., 519-927-0548.

### MONDAY FEBRUARY 21

Oakville Council, 7:30 p.m.

Pickering Council, 7:30 p.m.

### TUESDAY FEBRUARY 22

Markham Council, 5:00 p.m.

Aurora Council, 7:00 p.m.

### WEDNESDAY FEBRUARY 23

Mississauga Council, 9:00 a.m.

Hamilton Council, 7:00 p.m.

### THURSDAY FEBRUARY 24

**Air Issues in Ontario**, Tony Rockingham, director air policy branch and climate change branch in Ministry of the Environment, Lionhead Golf Course, 8525 Mississauga Road, Mississauga, 7:30 – 9:30 a.m.

### MONDAY FEBRUARY 28

Brampton Council, 1:00 p.m.

Vaughan Council, 1:00 p.m.

Ajax Council, 7:00 p.m.

Burlington Council, 7:00 p.m.

Oakville Council, 7:30 p.m.

Pickering Council, 7:30 p.m.

### FEBRUARY 28 – MARCH 1

**Canadian Institute's Conference on Infrastructure Renewal and Financing**, Four Seasons Hotel, 21 Avenue Road, Toronto, 1-877-927-7936.

## VAUGHAN WATERSHED LEFT OFF GREENBELT MAP

# Council decisions protect private property interests

The **Friends of Boyd Park** have broadened their concerns about the proposed greenbelt to include another vital watershed in **Vaughan** that has been left off the greenbelt maps. The Purpleville Creek Watershed is an important cold water fishery and is not protected by the *Oak Ridges Moraine Act*, a Greenbelt Task Force member told NRU. And she is left “perplexed” by a decision by Vaughan council to ask the province to keep its development policies off of private property.

“I have been very concerned since the maps were released and Purpleville Creek wasn't included,” said **Deb Schulte**, who as a member of the **Humber River Alliance** and co-chair of the Friends of Boyd Park was a member of the task force. “Most of the creek land is privately owned and now that Vaughan has voted to ask the province to keep all private land out of the greenbelt, well I don't want to speculate as to the reason. I am left feeling very concerned.”

Late last year, Vaughan council voted to ask the province to re-examine the greenbelt designations

in the City of Vaughan and limit them to those lands currently in public ownership, or which are a part of the natural heritage system.

Vaughan councillor **Linda Jackson** told NRU that council chose to both protect private

property interests and protect environmentally sensitive land even if it is on private property. She too was feeling a bit confused by the boundaries on the map.

“The boundaries are quite curious with very little scientific reasoning applied,” Jackson said.

“Although, council voted to protect private interests, we

also chose to ask the province to include environmentally sensitive land like Boyd Park in the growth management plan.”

Boyd Park, which is owned by the **Toronto and Region Conservation Authority**, was left off the greenbelt map as well. The **Ontario Greenbelt Alliance** has been calling on municipal affairs and housing minister **John Gerretsen** to include the park in the proposed greenbelt, which was one of the recommendations made

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**“I have been very concerned since the maps were released and Purpleville Creek wasn't included.”**

- Deb Schulte

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NOVÆ RES URBIS  
GREATER TORONTO AREA

# Construction scheduled for this year may be stalled

A new social justice group is fighting the construction of a controversial new 224-bed youth super jail in **Brampton** and is holding a meeting later this month to get their “campaign” kick-started. *NRU* has learned, however, that construction of the facility at McLaughlin and Queen Streets, which was scheduled to begin this year, may be stalled.

“We have not issued a building permit nor spoken to anyone in some time about the planned facility,” said Brampton’s chief building official **Brenda Campbell**. “Other than initial inquiries just prior to the ministry announcement last June, the planning department hasn’t heard anything.”

Nor has there been any site plan inquiries or applications, which would mean at the very least that construction won’t begin in 2005 as planned.

The \$81-million facility was scheduled to open by

2007, children’s services minister **Marie Bountrogianni** announced last June. “The new **GTA Youth Centre** will be an innovative facility that meets the unique needs of youth in conflict with the law,” the minister said at the time. The super jail would accommodate up to 32 females and 192 males in 14 separate housing units.

Ministry spokesperson **Paul Doig** told *NRU* that a comment from the minister wouldn’t be available until Wednesday. He could provide no further information about planned construction.

**Prisoners Justice Action Committee** members are not pleased that while funding to community centres, public schools and settlement

services is frozen or cut, the McGuinty government has committed \$81.1 million to build the super jail for youth. •

**“Other than initial inquiries just prior to the ministry announcement last June, the planning department hasn’t heard anything.”**  
- Brenda Campbell

## Vaughan watershed continued from page 2

by the task force, Schulte said.

Boyd Park’s forest was deemed the “best forest south of the Oak Ridges Moraine within the Greater Toronto Area,” by the **Ontario Ministry of Natural Resources**.

Purpleville Creek, including its headwaters, is located entirely in Vaughan and is home to the largest number of Redside dace – an endangered fish species – in the GTA and needs a cold water habitat to survive. The area consists of numerous deep valleys, rolling hills, noteworthy for their many wetlands, forest tracts and farms, Schulte said. It is also home to the last Brook Trout habitat in Vaughan.

“To protect the cold water fishery in our heritage river system, more than a 60 metre buffer will be required,” she said. “It is likely that any urban development on the tableland in this area will cause the demise of this sensitive fishery. We need to encourage the ministers not to be swayed by Vaughan council’s motion to keep all private lands in Vaughan out of the greenbelt and to resist influential development interests.”

Municipal affairs and housing spokesperson **Patti Munce** told *NRU* that the proposed plan is not finalized as yet.

“The minister has heard the concerns, both about Boyd Park and Purpleville Creek Watershed,” said Munce. “The plan is still at a draft stage and all concerns are being taken into consideration.” •



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# Farm viability continued from page 2

In Europe, the Common Agricultural Policy, which is a system designed to regulate food prices across Europe, guarantees farmers prices for their food. The European Union intervenes when prices for agricultural produce drop below a certain level and buys up surplus stock until the price has gone up above the intervention level.

It also has an external customs tariff, which requires levies to be imposed on agricultural products from non-European Union countries.

**York Federation of Agriculture** president **Terry O'Connor** met with farmers in **Markham** recently to discuss the issue of farm viability. He is concerned that the proposed greenbelt will result in less equity and retirement income for farmers, but agrees the real issue is viability.

“You can preserve farmland but without some assistance, you’ll never preserve farming,” said O’Connor.

Last year, agriculture and food minister **Steve Peters** appointed **Bedggood** to chair an Agricultural Advisory Team to ensure the growth management strategy addressed the concerns of agricultural stakeholders. But, they ruled out compensating greenbelt farmers for potential loss of land value recommending instead that they receive “environmental payments” for stewardship of their lands. And the recommendations were pretty much limited in scope to planning issues and did not delve into the issue of farm viability.

“The proposed plans achieve the goal of protecting agriculture land from development, but what’s to stop developers from leapfrogging into other areas of the province,” **Bedggood** told *NRU*. “We need a wider vision and understanding. If we don’t help farmers make a decent living, and most of us are deeply committed to our land, farmers may feel they have no choice but to sell off their land to a developer. Their land is their future and our future as well.”

To make farms more viable, the **Christian Farmers Federation of Ontario** has proposed a small levy on Ontario-grown food, a kind of economic development tax, which would be invested in farm infrastructure to develop the agricultural and countryside service economy.

“Establish immediately an environmental payments task force to document the services for which farmers and countryside landowners should be paid,” said the federation’s policy advisor **Elbert van Donkersgoed**, “and propose long-term guaranteed sources of the funding needed.”

Land stewardship and land trust programs, and income tax and property tax incentives have also been proposed over the years to help farmers do what they do best – farm their land.

The **Ontario Farmland Trust** is a recently formed charity dedicated to fostering the preservation of farmland for agricultural production.

“We have lost 50 per cent of the farmland in the Golden Horseshoe in the past 50 years and we cannot continue at this pace,” said chair **Stewart Hilts**. “Every other farmland preservation program that we are aware of in North America has combined efforts to protect the farmland with programs to support farmers.”

The first task, he says, is controlling the problems farmers face such as traffic, trespassing, and the disappearance of agricultural services. Second, we must enable and support the investment they require in order to take advantage of new marketing opportunities for local food

production.

“These could include community supported agriculture, local farm markets, crops for the multi-cultural market of Toronto, and other value-added farm operations,” **Hilts** said. “We believe that the new near-urban agriculture that the greenbelt could foster will appeal to many young entrepreneurs, but they won’t arrive without programs to help them get started. This must include both financial support, and innovative land use institutions such as agricultural condominiums and long-term tenancy agreements.”

In addition, he said, the greenbelt must be accompanied by tax policies that will support conservation, both of natural habitats and farmland. •

**“If we don’t help farmers make a decent living, and most of us are deeply committed to our land, farmers may feel they have no choice but to sell off their land to a developer.”**

**- Bob Bedggood**

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## Vaughan planning fees continued from page 1

City staff is currently tracking the number of hours spent processing various applications to further refine the fee structure. The study, to be completed by May, is to track staff service hours against major development applications. Based on the results, fees will be adjusted to implement the second phase of the scheme.

In the committee of adjustment, fees for minor variance and consent applications are also on the rise. The applications currently see a 71 per cent cost recovery; staff recommend a 40.6 per cent increase. Under the new fee schedule, consent applications will rise from \$1,000 to \$1,410; residential minor variances will rise from \$450 to \$635; and industrial minor variances will jump from \$750 to \$1,055.

It is not unusual to see an increase in fees around municipal budget time, but Vaughan's big hike caught many by surprise, both for the extreme numbers and because the municipality did not consult with the building industry on the issue.

According to the city's building and development commissioner, **John Zipay**, the issue was discussed in public forums.

"We didn't see the necessity of having a prolonged public debate," Zipay told *NRU*. "The study indicated that there was a shortfall. Our goal is to come out revenue-neutral in this."

Unlike development charges, municipalities are not required to hold consultations on the issue, but municipal government advisor **Paula Tenuta (Greater Toronto Homebuilders' Association)** says that they generally give stakeholders a heads up. The Homebuilders' have just completed participation in

**Milton's** fee consultations, where C.N. Watson recommended increases ranging from 37- to 400-per cent.

Many municipalities are moving toward full cost recovery from planning application fees by increasing their respective rates. According to the legislation, fees may only be increased to cover the anticipated costs of processing planning applications. **Mississauga** fees go up annually at the rate of the cost of living. **Toronto** is considering a 123 per cent increase and **Oakville**, in the process of reviewing its fees, expects to go to council with recommendations sometime this spring. **Markham** is also conducting a review.

Tenuta calls the move a "cash grab."

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### Now and then: Vaughan application fees

Type of application	Current fee (22.9% recovery)	Proposed fee (279% increase) (90% recovery)
Official plan	\$2,500	\$9,475
Block/ Secondary plan	\$125/ha	\$475/ha
Zoning by-law base fee plus:	\$1,500	\$5,685
Singles, semis, townhouses	\$150/unit	\$570/unit
Multiple unit	\$50/unit	\$190/unit
Non-residential, mixed-use	\$2,000/ha	\$7,580/ha
Private open space	\$1,000 to \$50,000	\$3,790 to \$189,5000
Remove holding symbol (H)	\$1,000	\$3,790
Part lot control	\$1,000	\$3,790
Site plan	\$1,000	\$3,790
Condominium	\$2,000	\$7,580
Subdivision base fee plus:	\$3,000	\$11,370
Single, semi, townhouses	\$150/unit	\$570/unit
Multiple unit	\$50/unit	\$190/unit
Residential part lots	\$75/part lot	\$285/part lot
Non-residential or mixed-use	\$2,000/ha	\$7,580/ha
Revision to draft approved plan	\$1,000	\$3,790
Extension to draft plan	\$500	\$1,895

*Source: City of Vaughan*

## Technical briefing today on growth plan

The Ontario government is holding a technical briefing on the draft growth plan for the Greater Golden Horseshoe today in committee room 230 at Queen's Park. The briefing is scheduled for 10:30 - 11:15 a.m.

## Big city mayors meet in Ottawa

Members of the **Federation of Canadian Municipalities'** big city mayors' caucus are to meet in Ottawa on Friday to discuss the cities' agenda and the "new deal."

## Developer settles with disabled homebuyer

The **Ontario Human Rights Commission** announced this week that a settlement was reached between a disabled home buyer and **Mattamy Homes**, although a complaint was not referred to the tribunal. The builder has developed a protocol of addressing the needs of persons with disabilities and has forwarded it to the **Greater**

## Toronto Home Builders' Association.

## Greenbelt boundaries not permanent

The all-party legislative committee examining the *Greenbelt Act (Bill 135)* voted down an opposition amendment that would have made the boundaries permanent. Over time, lands at the "inner" boundary of the greenbelt, which are subject to more intense urban development pressure may be taken out of the greenbelt in exchange for lands elsewhere, likely at the "outer" edges that experience less development pressure, according to **Coalition on the Niagara Escarpment** executive director **Bradley Shaw**.

## CUTA encourages transit to meet Kyoto targets

The **Canadian Urban Transit Association** held a media conference this week calling on the federal government to invest in transit and support tax-exempt measures to encourage transit ridership and help

Canada meet its Kyoto commitment.

"Transportation is the largest source of greenhouse gas emissions, and changing people's travel habits to take transit more often can significantly impact on Canada's emission levels," said president **Michael Roschlau**. "Public transit can offer a major solution, but needs expanded capacity and ridership, and incentives for Canadians to take transit, like tax exempt transit initiatives."

## DURHAM

## Ivanhoe, OMERS rezoning approval recommended

**Oshawa** staff recommends approval of a rezoning application by **Ivanhoe Cambridge I Inc.** and **OMERS Realty Corporation** to permit commercial uses at **419-507 King Street West**, east of Stevenson Road South in **Oshawa**. Part of the site is currently occupied by a shopping centre. The application seeks to rezone the portion of the site that permits only surface parking and residential uses.

## Vaughan planning fees continued from page 5

"We've just gone through the whole development charge review, and now we're hit with extra fees," she said. "It just adds to the burden that will, ultimately, be rolled into the cost of a new house."

Zipay isn't concerned that developers might look elsewhere. "A cost is a cost," he said. "These fees won't make or break a project worth multi-millions of dollars," he said. "It's part of the overall cost of doing business."

"The industry is only being asked to pay the cost of the service—their fair share," Zipay said. "Why would we agree to phase it in and continue with a revenue shortfall?"

Zipay says that Vaughan took the approach that immediate implementation was necessary to prevent further revenue losses.

"If we increased the fees incrementally, we would be flooded with people trying to beat the next increase," he said. "As a municipality, we would continue to operate at a loss. And who picks up that lost revenue? The taxpayer."

"It makes you wonder why the other municipalities aren't increasing their fees like this," Tenuta told *NRU*. "If you're going to increase the fees, let the service level increase, too. We're not seeing better turnaround in processing time."

"We're sensitive to the fact that we're increasing the fees and we're empathetic to the people who pay them," Zipay said. "We get applications before council very quickly—within six weeks. But we're always looking for ways to improve the system." •

## Oak Ridges conservation deadline tough to meet

Oshawa staff is requesting an extension of the provincial deadline to implement the *Oak Ridges Moraine Conservation Plan*. Staff has been working to bring the city's official plan and zoning policies into conformity with the plan and say that they will not be able to meet the March 9 deadline.

Citing greater-than-anticipated complexity in the implementation process, lack of response from the ministry of municipal affairs and housing, and commitments to other priorities, staff have requested an extension, and say that the process should be completed by the end of 2005.

The ministry has not yet responded to various questions, raised in early 2003, regarding lawfully conforming uses that do not conform to the conservation plan, composting, storage and spreading of sewage sludge, agricultural uses and aggregate extraction.

**Pickering, Whitby, Scugog, Uxbridge and Clarington**—all at various stages with similar endeavours—have also indicated that the March 9 deadline is unlikely to be met.

## HALTON

### Burlington location for Australian university

The **Halton District School Board** and **Australia's Charles Sturt University** have announced their partnership with the creation of a new teacher training facility at **Burlington's** Bay Area Learning Centre. The bachelor-level program will start with 100 students in September.

This is the first time a university from outside of Ontario has won

approval from the ministry of training, colleges and universities to operate in the province. Ontario students previously attended Sturt's New South Wales campus for teacher training.

## HAMILTON

### Hamilton composting facility breaks ground

**Hamilton** broke ground for a new composting facility this week. In a joint project with the province, the \$29.3-million facility will process 60,000-tonnes of organic household waste and turn it into compost, beginning mid-2006. The city's solid waste management master plan aims to divert 65 per cent of waste from landfill by 2008.

### Ancaster subdivision draft plan

**Hamilton** staff recommends approval of a draft plan of subdivision and rezoning applications by **Landmart Realty Corp.** to permit 157 single-detached dwellings, two townhouse blocks and five blocks for future single-detached dwellings at part lot 51, Concession 3 in **Ancaster**. The property is currently zoned agricultural. Landmart proposes to rezone the site to residential.

### Hamilton industrial subdivision

**Hamilton** staff recommends approval of applications for official plan amendment and draft plan of subdivision by **Sephron Holdings Inc.** and **D. Dicarellin Contracting Ltd.** to permit an industrial subdivision at **1309 Wilson Street**. **Weslake Inc.** and **Plansmith, Urban and Rural Planning** are consultants for the project.

## PEEL

### Brampton recognized for economic development

**Brampton** took home accolades from last week's **Economic Developers Council of Ontario** conference. **Brampton's** economic development manager **Jeff Baines** accepted the awards for best advertising campaign and best specialty publication. The city also received honourable mentions in four other categories, including sector profiles and annual report.

## YORK

### Vaughan wants next in line for budget bail-out

At a recent meeting, **Vaughan** council voted to join other Ontario municipalities asking for a budget bailout and unanimously voted to ask the finance minister for \$5.6 million to balance its books. Council is forwarding its motion to all other GTA municipalities with populations over 240,000.  
York

### Approval recommended for Forest Bay Homes applications

**Markham** staff recommends a public meeting to consider an application by **Forest Bay Homes Ltd.**, to place a hold on the zoning of certain lands within the Villages of Fairtree subdivision, northeast of Steeles Road and Markham Road. **Forest Bay** proposes a hold in the current zoning pending availability of additional servicing allocation

### Neamsby Investments apartment towers closer to reality

**Markham** staff recommends a public meeting to consider rezoning and site plan application by

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# GTA DEVELOPMENT NEWS

## YORK

### Condo application for Thornhill conservation district

1547155 Ontario Ltd. and 7751 Yonge Street have submitted official plan and zoning amendment applications to permit a 92-unit residential condominium with at-grade retail at 7751 Yonge Street, south of Thornhill Summit Drive in Markham's Thornhill heritage conservation district.

### John Street self-storage

Ruskinvale Developments Limited has submitted official plan and zoning amendment applications to permit eight self-storage facilities in a two-phase development at 337 John Street, south of Green Line in Markham. A related Ontario Municipal Board appeal was recently adjourned. (See OMB Case No. PL040972.)

### Helen Avenue homes

World Tech Construction Inc. has submitted rezoning applications to permit six single-detached homes at 181 Helen Avenue, northeast of Highway 407 and Kennedy Road in Markham.

### Anderson Avenue rezoning

Bruce N. Huntley Contracting Limited has submitted an application to rezone sites at the northeast

and southeast corners of Highway 48 and Anderson Avenue in Markham. Huntley proposes to rezone the site major commercial to permit a diverse range of retail uses.

### Holding provision for Fairtree Villages

How-land Management has submitted a rezoning application to add a holding provision on two residential blocks at 7205 Markham Road, north of Elson Street in Markham's Villages of Fairtree subdivision, until servicing is allocated.

### New office for condo corporation

York Condominium Corporation No. 279 has submitted site plan control, rezoning and official plan amendment applications to permit a site management office for the corporation at 31 Porterfield Crescent, southeast of John Street and Bayview Avenue in Markham. The applicant proposes to demolish the existing building.

### 9th Line townhouses

1473092 Ontario Limited has submitted an application for site plan approval to permit 51 townhouses at 9451 9th Line, north of Major Mackenzie Drive East in Markham. The site includes Peter Pike House, a heritage property that was the subject of an earlier Ontario Municipal Board decision (See NRU GTA Edition October 20, 2004.) •

## GTA IN BRIEF

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Neamsby Investments Inc. to permit a two-tower 275-unit apartment development southeast of Kennedy Road and Denison Street.

### L&P Financial mixed-use development

Markham staff recommends a public meeting to consider rezoning and site plan applications by L & P Financial Group Inc. to permit 66 townhouses and apartments, and a

488-sq.m. commercial space at 31 Old Kennedy Road, north of Steeles Avenue.

### Branstone Estates townhouses

Markham staff recommends approval of a site plan approval application by Branstone Estates (Markham Trails) to permit 168 townhouses at 9804 McCowan Road, north of Bur Oak Drive.

### Rodick Road industrial addition

Markham staff recommends approval of an application for site plan approval by E. Manson Investments Ltd. and Zureit Holdings Ltd. to permit an 1,010-sq.m. addition to an industrial/commercial building at 1200 Rodick Road, south of 16th Avenue.

## Board dismisses appeal against college campus

In a decision issued February 15, board member **Fredrick Farrell** dismissed the appeal by the **Golden Griddle Corporation, Direct Marketing Centre Inc.** and **AJD Data Services Inc.** against the rezoning of **10 Allstate Parkway**, in **Markham**, zoned select industrial and limited commercial, to permit a post secondary community college on site.

**Seneca College** bought the site in 2003. In 2004 the town rezoned the site to allow the college to relocate to an existing 10-storey office building which is also currently occupied by the appellants. Golden Griddle, Direct Marketing and AJD are located on the second and third storeys of the building, and occupy 10 per cent of the gross floor area.

**Julius De Ruyter (PMB Planning Consultants)** provided planning evidence for the appellants. He told the board that the property was located in a first class business area, with no other community colleges in the general vicinity. He gave the opinion that the proposed college use did not conform to the official plan, as the area was designated industrial, and the proposed use was institutional.

De Ruyter argued that post secondary educational institutions require large or extensive buildings. He gave the opinion that impact studies and an official plan amendment were required.

He said that about 900 students and 100 staff would initially occupy the building, but that the student body would grow to 3,000 with the second phase of the project. The 34 classrooms and 28 laboratories, proposed for the second and third floors, would force the appellants to share elevators and washroom facilities with students.

The appellants' leases expire in 2006, 2011 and 2012.

De Ruyter told the board that the large number of students and the considerable amount of glass used in the building's construction created the potential for a noisy environment.

De Ruyter gave the opinion that the proposed use was not compatible with the appellants' uses, and that their businesses would sustain significant adverse impacts from a community college use. He told the board that transportation, parking and land use compatibility were critical issues as clients of the appellants would have to compete with students for parking spots.

De Ruyter acknowledged that the **York Region**

official plan encourages a community college in the area, but told the board that the plan was very general in its support, and provided only a generalized vision for the community.

**Ronald Blake** provided planning evidence for the **Town of Markham** supporting the Seneca application. He acknowledged that the town had expressed its desire to attract a university campus to the municipality, and that the Seneca application would fulfill one of the key objectives of the town's economic development strategy.

**Lee Sims (IBI Group)** provided transportation and traffic evidence supporting the application. He reviewed IBI's 2004 transportation impact study for the site, and gave the opinion that transportation and parking issues had been adequately addressed.

**Richard Hui** provided transportation and traffic evidence supporting the appellants. He told the board that nearby Highway 7 was already congested and that major intersections in the area are already operating close to, or at capacity during peak hours. He questioned the methodology of previous traffic studies, which he said understated congestion problem. Hui told the board that adverse impacts could be expected from the influx of students.

AJD president **Andrew Jackson Darbyson** told the board that security for his company would be diminished by the presence of the college, and that one of his clients, American Express, had expressed concern about the situation, including the possibility of ending its business relationship. He echoed De Ruyter's opinion regarding parking and noise.

Golden Griddle vice president **James Moyer** told the board that he was concerned about security, too, including personal effects and confidential information.

Direct Marketing legal counsel **Karen Perry** told the board that DMA requires a high degree of confidentiality to operate its insurance administration business. She said that the building had experienced increased noise and foot traffic since Seneca bought the property, and as a result, DMA's receptionist had been required to take the role of security guard.

Seneca College vice president **Ronald Currie** told the board that parking plans had not yet been finalized. And although the college had drafted a security plan, none of the appellants had provided their plans to Seneca. He acknowledged the potential for noise issues.

**John Lohmus (IBI Group)** provided planning

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# ONTARIO MUNICIPAL BOARD NEWS

*continued from page 9*

evidence in support of the application. He described the surrounding land uses as being office park, surrounded by several office buildings, ranging in height from five- to nine-storeys.

Lohmus told the board that Seneca intended to charge for parking, but that free parking currently available to tenants would also continue. He reviewed various transit plans and environmental studies, and told the board that the current transportation system is good, but that a better system was contemplated, based upon highway improvements and various public transit initiatives. He gave the opinion that the college had oriented class functions to reduce the impact of noise. He also said that Seneca was concerned about security and intended to provide adequate security measures.

The board found that while the application might create adverse impacts on the appellants, it found the impacts “not so formidable.”

It said the application represented an ideal opportunity for the town and the region, and that there was compelling public interest in attracting an institute like Seneca to the area.

“The board sympathizes with the appellants,” the board said. “Life will be different...there will be adverse

impacts, but not so significant as to override the compelling public interest to have a community college at this site.”

The board dismissed the appeal and authorized the by-law.

Solicitors **Chris Barnett** and **Tom Lederer (Davis & Company)** represented the Town of Markham. Solicitor **Jason Park (Goodman and Carr)** represented the appellants. Solicitor **Peter Lauwers (Miller Thomson)** represented Seneca College of Applied Arts and Technology. (*See OMB Case No. PL040747.*) •

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## GTA IN BRIEF

### Public meeting for Minto residential rezoning

Markham staff recommends a public meeting to consider rezoning applications by **Minto Markham Partnership** to permit 10 single-detached homes at the northwest

corner of Rouge Bank Drive and 9<sup>th</sup> Line.

### Public meeting to consider Unionville church site

Markham staff has scheduled a public meeting March 1 to consider official plan and zoning amendment

applications by **2019311 Ontario Inc.** to permit restaurant uses in a former church at **150 Main Street** in **Unionville**. A secondary plan adopted in 2003 does not identify restaurants as a permitted use, but the applicant says that attempts to market the space for retail have failed. •

## GTA PEOPLE

**John Tory** was nominated as the Progressive Conservative candidate for Dufferin-Peel-Wellington-Grey for the upcoming bi-election.

**Marit Stiles** has been named director of research at **Alliance of Canadian Cinema, Television and Radio Artists**. Formerly, Stiles was with NDP caucus research.

**Toronto Waterfront Revitalization Corporation** chair **Robert Fung** has been appointed to the board of Hong

Kong-based financial services provider **Kingsway International Holdings Limited**. Fung is also the chair of **Crystallex International Corporation**, deputy chair of **Asia Pacific Foundation of Canada**, director of **Mount Sinai Hospital**, **Export Development Canada**, **GLOBE Foundation of Canada** and **Tonbridge Infrastructure Fund**, and a member of the province of Ontario's **BioCouncil**. Fung is also an investment banker at **Orion Securities Inc.**