

ISSUE DATE:

Apr. 08, 2011



PL100538

Ontario
Ontario Municipal Board
Commission des affaires municipales de l'Ontario

Bayview Summit Developments Limited 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 by specifically expanding the list of permitted uses in the "Major Commercial Area" designation in the Thornhill Secondary Plan in order to permit the redevelopment of the existing Shops on Steeles retail mall on the subject lands located at 2900 Steeles Avenue East into a mixed-use community consisting of 5 residential point towers ranging between 18 storeys and 32 storeys above mid-rise podiums of up to 10 storeys containing 1,787 residential units, as well as office uses, open spaces, community uses, the renovation of the existing 2-storey Sears Canada Outlet to include a new relocated food store and other retail uses in a "lifestyle" retail concept
Town of Markham File No. OP 07 130802

O.M.B. Case No. PL100538

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Bayview Summit Developments Limited 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 No. 2612, as amended, of the Town of Markham, by specifically seeking permission to allow residential uses and to incorporate site specific development standards to the "Community Commercial" zone for the purpose of permitting the redevelopment of the subject lands located at 2900 Steeles Avenue East into a mixed-use community consisting of 5 residential point towers ranging between 18 storeys and 32 storeys above mid-rise podiums of up to 10 storeys containing 1,787 residential units, as well as office uses, open spaces, community uses, the renovation of the existing 2-storey Sears Canada Outlet to include a new relocated food store and other retail uses in a "lifestyle" retail concept

Town of Markham File No. ZA 08 110745

O.M.B. Case No. PL100538

O.M.B. File No. PL100539

The City of Toronto has brought a motion before the Ontario Municipal Board under Rule 63 of the Board's *Rules of Practice and Procedure*, to adjourn the hearing scheduled to resume on April 7, 2011 pertaining to the appeals under subsections 22(7) and 34(11) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, by Bayview Summit Developments Limited

O.M.B. Case No. PL100538

O.M.B. File Nos. PL100538, PL100539

APPEARANCES:

Parties

Bayview Summit Developments Limited

Counsel*/Agent

J. Alati*

	J. Davies*
Town of Markham	B. Ketcheson*
Region of York	G. Szobel*
City of Toronto	P. Harrington* G. Whicher*
German Mills Residents Association	G. Diner

**MEMORANDUM OF ORAL DECISION DELIVERED BY JASON CHEE-HING
ON APRIL 7, 2011 AND ORDER OF THE BOARD**

This is a continuation of the hearing into the Appeals of Bayview Summit Developments Limited (“Applicant” and “Appellant”) which was originally scheduled to start on March 7, 2011. At that time, the Board adjourned the hearing until today’s date to afford the Parties in support of a settlement some time to finalize and execute the settlement agreement that had been reached. The City of Toronto (“Toronto”) was not a party to the settlement agreement and remains opposed to the revised re-development proposal of the Applicant for the subject site (2900 Steeles Avenue East) otherwise known as the Shops on Steeles (“SOS”) retail mall. During this interim period, Toronto brought a motion to adjourn the hearing until April 14, 2011 at the earliest so that the executed minutes of settlement could be presented at its Council Meeting scheduled for April 12-13, 2011.

The first order of business for the Board today was to consider and dispose of the motion for adjournment brought by Toronto. At the commencement of today’s proceedings, the Parties advised the Board that they have agreed to Toronto’s adjournment request to April 14, 2011 subject to conditions. Mr. Ketcheson, Counsel for the Town of Markham (“Markham”) advised the Board that minutes of settlement between the Town, the Applicant and the German Mills Residents Association (“GMRA”) have been executed (Ex.4). The settlement agreement is now publicly available. He further advised that the parties have consented to Toronto’s adjournment request subject to the following conditions:

1. The adjournment to April 14, 2011 is preemptory on Toronto;
2. Toronto will not seek to add any issues to the approved Issues List;
3. Toronto will not seek any further adjournments;
4. Toronto will not seek further relief from the courts for any injunction to these proceedings

Mr. Harrington, Counsel for Toronto confirmed his acceptance of these terms and indicated that the minutes together with a report will be presented to Council at its April 12-13 Council Meeting for their disposition and directions. Mr. Szobel, Counsel for the Region of York ("York") advised the Board that minutes of settlement between the Applicant and York have also been executed (Ex.5).

Given these submissions, the Board grants Toronto's motion for adjournment subject to the conditions as noted. Mr. Ketcheson will undertake to provide "cleaner" copies of the minutes of settlement to those residents in attendance at the hearing. Copies will also be available at the Town's municipal offices for public review.

Therefore, the **BOARD ORDERS** that:

1. The time of service for the Toronto motion is abridged; and
2. The Motion for Adjournment is granted subject to the terms in this Decision. The hearing will resume on April 14, 2011 at 10am at the Town's municipal offices, Town of Markham, 101 Town Centre Blvd., Markham ON L3R 9W3: and
3. The Board will not sit on the afternoon of April 21, and on April 22, 25.

So Orders the Board.

"Jason Chee-Hing"

JASON CHEE-HING
MEMBER