

ISSUE DATE:

**Sept. 02, 2010**



PL100538

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

O.M.B. File No. PL100538

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

**APPEARANCES:**

**Parties**

**Counsel\*/Agent**

Bayview Summit Developments Limited

J. Alati\*  
J. Davies\*

City of Toronto

K. Matsumoto\*

Regional Municipality of York

G. Szobel\*

Town of Markham

B. Ketcheson\*

German Mills Residents Association

R. James

**MEMORANDUM OF ORAL DECISION DELIVERED BY C. HEFFERON  
ON AUGUST 30, 2010 AND ORDER OF THE BOARD**

Bayview Summit Developments Limited proposes to re-develop the 17 acre “Shops on Steeles” mall site at 2900 Steeles Avenue East in Markham into a mixed use community consisting of five residential buildings with heights ranging from 10 – 32 storeys and ground floor retail, as well as office uses, open spaces, community uses and other retail uses in a “lifestyle” retail concept. A total of 1,787 residential units are proposed.

The subject lands are located along the north side of Steeles Avenue between Don Mills Road on the west and Highway 404 on the east. These lands are currently developed with a Sears Outlet store, two free standing restaurants, a gas station and a drive-thru coffee place surrounded by surface parking.

The lands to the south of the subject site are located in the City of Toronto since Steeles Avenue East is the municipal boundary between the Town of Markham and the City of Toronto. The lands to the south consist of low-rise, primarily 3-storey apartment buildings and townhouses as well as semi-detached homes along Steeles Avenue East with single detached neighbourhoods beyond. To the west of the subject lands is a residential neighbourhood consisting of single detached homes and townhouses. To the north of the subject lands are townhouses. To the east and beyond Highway 404 are employment uses consisting of warehouse uses and low-to-mid rise office buildings.

**Matter before the Board**

Bayview Summit Developments Limited (“Appellant”) has appealed under subsections 22(7) and 34(11) of the *Planning Act* from the failure or neglect of the Council of the Town of Markham to make a decision within the timeframes stipulated in these subsections of the *Planning Act*.

### Participants

A number of people have requested Participant status, including City of Toronto Councillor, David Shiner. Councillor Shiner was granted this status at this the first pre-hearing. The remaining applications will be considered at the second pre-hearing into this matter.

### Disposition and Order of the Board

The second pre-hearing conference is scheduled for 10:00 a.m. on November 30, 2010 at the Markham Municipal Offices, 101 Town Centre Blvd., Markham, ON, L3R 9W3.

A full hearing has been scheduled for 10:00 a.m. on March 2, 2011 at the Markham Municipal Offices, 101 Town Centre Blvd., Markham, ON, L3R 9W3. A total of 32 days over eight weeks have been set aside. The Board will not sit on Fridays during this period, nor will it sit during Spring Break, which is March 14 – 18 in 2011.

A draft Issues List will be prepared by the Parties in time for the second pre-hearing conference. It will therefore be distributed to all the Parties before 5:00 p.m. on November 28, 2010 for their review.

Mr. Alati has undertaken to distribute a Procedural Order to the Parties and to the OMB planner, Tome Kondinski, before 5:00 p.m. September 30, 2010.

Mr. Ketcheson has undertaken to collate, and distribute to the Parties, a copy of the list of people who attended this first pre-hearing conference and signed the list he distributed. A copy of this list will be e-mailed to the OMB planner, Tome Kondinski, before 5:00 p.m. on November 28, 2010.

This Member is seized for the second pre-hearing but not for the full hearing.

No further notice is required.

So Orders the Board.

“C. Hefferon”

C. HEFFERON  
MEMBER