



February 27, 2019

Via E-mail

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Dear Chairman Wayne Emmerson and Members of Regional Council:

**Re: February 28, 2019 Regional Council Meeting  
Item G.5 - 2019 to 2023 Strategic Plan and 2019 to 2022 Regional Budget**

We are the solicitors for Sixteenth Land Holdings Inc., the owners of property municipally known as 4134 16<sup>th</sup> Avenue, Markham (the "Subject Property"), commonly known as the York Downs lands.

We are writing to express a concern with the proposed Budget for the transportation capital projects, specifically the introduction of a deferral of the funding of the planned capital project for the 16<sup>th</sup> Avenue road widening beyond the next 10-year period.

Our client recently received approval of its Official Plan Amendment, Zoning By-law and two Draft Plans of Subdivision from the Local Planning Appeal Tribunal to redevelop the Subject Property with 2279 residential units. The conditions of approval are linked to the timing of improvements to 16<sup>th</sup> Avenue and specifically require that the improvements, along with those for related intersections, be completed prior to release for registration of the various phases of development. As a result, we are concerned that the Budget as proposed will significantly impact this development and delay much needed housing in the Region.

The Subject Property is within the Urban Area of the Regional Official Plan and is identified by the City of Markham as a key redevelopment area for planned growth to 2031. York Region's Official Plan policy 7.2.39 sets out that it is the policy of Council to improve the Street Network, based on the York Region Transportation Master Plan and the 10-Year Capital Plans, among other things. The Region's Transportation Master Plan 2016 identifies the 16th Avenue road widening in the 2022 – 2026 period. In support of this initiative, the Development Charges ("DC") Background Study was amended in 2018 to include the 16th Avenue project with timing identified as 2022-2026 and a gross project cost of \$63,177,000. The DC By-law Amendment was adopted by Regional Council on May 17, 2018 and effective as of July 1, 2018.



The *DC Act* sets out that DC's can only be collected for services identified in an Official Plan, capital plan or otherwise. In this case, all of the Regional policies and plans that identify the project indicate that it is anticipated for the 2022 – 2026 period, and development charges are being collected accordingly. The Budget, as proposed, is the first indication that alternative timing is being considered without the support of policies in the Official Plan, Transportation Master Plan or DC Background Study.

The proposed Budget identifies the 16<sup>th</sup> Avenue Project (No. TR83390) as having an estimated cost of \$32,136,000, with \$908,000 spent to the end of 2019 and only \$647,000 set aside for the 10-year period between 2019 and 2028. This leaves a significant deficiency in funding for a project that was expected to be completed within the 2022 – 2026 period. It should also be noted that the Municipal Class Environmental Assessment study is underway and proposed to be completed in 2019.

The Provincial Policy Statement 2014, Growth Plan and the *Planning Act* all contemplate and provide a policy framework where infrastructure is required to be coordinated and integrated with land use planning to ensure they are available to meet current and projected needs. Deferring the funding for the 16<sup>th</sup> Avenue road widening project beyond 2028 would contradict these policy requirements as well as the *DC Act* requirement that DCs be collected only for services that are properly identified in approved plans, to ensure the increase in need for services will be met.

We therefore request that the proposed timing of funding for the 16<sup>th</sup> Avenue project be re-considered to reflect the originally planned timeline.

We thank Council for its consideration of our correspondence.

Yours truly,

Cassels Brock & Blackwell LLP



Signe Leisk  
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cc. Client  
Laura Mirabella, Commissioner of Finance and Regional Treasurer, Region of York  
Paul Jankowski, Commissioner, Transportation Services, Region of York  
Bruce Macgregor, Chief Administrative Officer