

# DEPUTATION REQUEST

COMMITTEE OF THE WHOLE

JUNE 15, 2023

**Subject:** 2023 Fiscal Sustainability Update

**Spokesperson:** Katarzyna Silwa, Dentons LLP

**Name of Group or person(s) being represented (if applicable):**

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**Brief summary of issue or purpose of deputation:**

We are counsel to various clients that own lands in the Town of Whitchurch-Stouffville and the City of Markham, in the Regional Municipality of York. Our submissions are in respect of York Region's Fiscal Sustainability Update.

OFFICE OF THE REGIONAL CLERK

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June 14, 2023

York Regional Clerk's Office  
Chris Raynor, Regional Clerk  
17250 Yonge Street  
Newmarket, ON  
L3Y 4W5

Dear Mr. Raynor:

**Re: York Region 2023 Fiscal Review, Item J.2.1 2023 Fiscal Sustainability Update TORCA UMV Inc., TORCA I Inc, TORCA II Inc, and 2743903 Ontario Inc. ("TORCA"), and 272559 Ontario Ltd., 2706288 Ontario Ltd. and 2502536 Ontario Ltd. ("Wyview"), and Flato Developments Inc.**

We are counsel for TORCA UMV Inc., TORCA I Inc, TORCA II Inc, and 2743903 Ontario Inc. ("TORCA"), and 272559 Ontario Ltd., 2706288 Ontario Ltd. and 2502536 Ontario Ltd. ("Wyview"), and Flato Developments Inc. (collectively the "**Clients**"). Our Clients own lands in the Town of Whitchurch-Stouffville and the City of Markham, in the Regional Municipality of York (the "**Region**").

More specifically, TORCA are the owners of the lands municipally known as 5474 19<sup>th</sup> Avenue in the City of Markham and three parcels of land municipally known as 11861 and 12045 McCowan Road, and a parcel of land identified as Assessment Roll Number 194400014464902 in the Town of Whitchurch-Stouffville. Wyview are the owners of lands municipally known as 11882 and 11776 Highway 48 in the Town of Whitchurch-Stouffville. Flato Developments Inc. owns the lands at Parts of Lots 31 and 32 Concession 7, located partially within the Town of Whitchurch-Stouffville (the northerly portion) and the City of Markham (the southerly portion), on the west side of Highway 48 and north of 19<sup>th</sup> Avenue, in the Region of York. The above are collectively referred to as the "**Subject Lands**".

On April 24, 2020, the Province by way of the Minister of Municipal Affairs and Housing approved a Minister's Zoning Order ("**MZO**") for Parts of Lots 31 and 32 Concession 7, located partially in the Town of Whitchurch-Stouffville and the City of Markham, pursuant to O. Reg 172/20. On October 30, 2020, the Province approved a MZO for the lands municipally known as 11776 and 11882 Hwy 48 in the Town of Whitchurch-Stouffville, pursuant to O. Reg 610/20. On March 5, 2021, the Province approved a MZO for lands municipally known as 5474 19<sup>th</sup> Ave and 5662 19<sup>th</sup> Avenue in the City of Markham, pursuant to O. Reg 172/21.

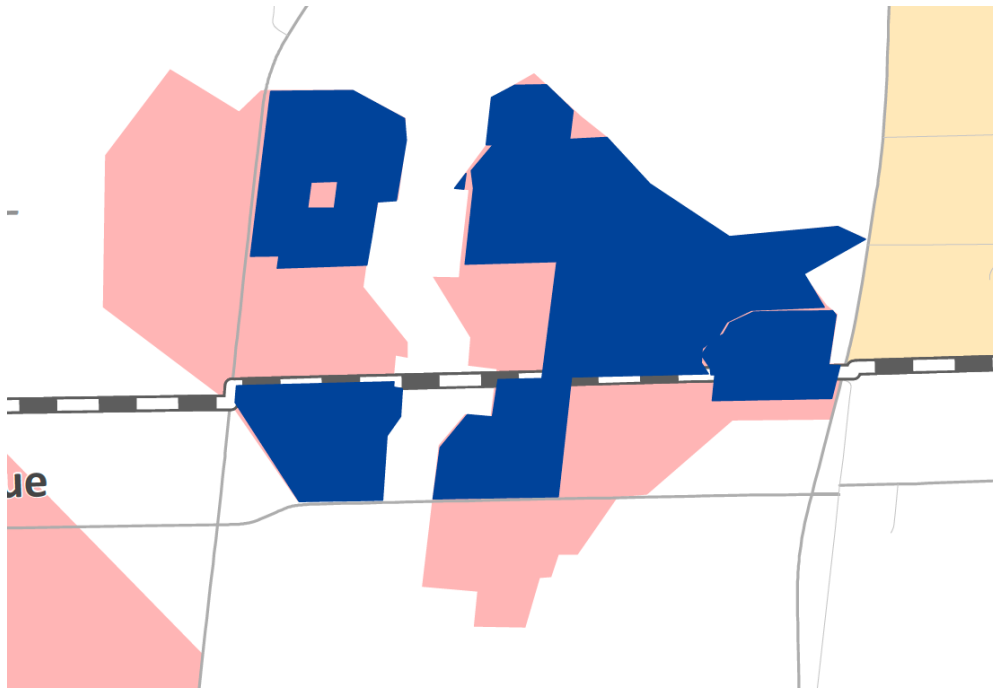
On November 4, 2022, the Province approved the York Region Official Plan, 2022 (“**YROP 2022**”). The Subject Lands were designated Urban Area and Community Area, in Maps 1 and 1A YROP 2022.

On December 21, 2022, the Province amended the Greenbelt Plan in accordance with amendments to O.Reg 59/05 to add 9,400 acres of land and remove approximately 7,400 acres of land, among them were lands owned by TORCA and Wyview in Markham and Whitchurch-Stouffville (the “**Greenbelt Lands**”).

We write on behalf of our Clients with respect to Item J.2.1 2023 Fiscal Sustainability Update on the June 15, 2023, Committee of the Whole Agenda, the Report of the Commissioner of Finance and the Commissioner of Public Works, dated June 15, 2023 (the “**Report**”)

The Report addresses the Region’s need to accommodate unplanned or accelerated growth approved by the Province and proposes several principles. Respectfully, the Subject Lands, although approved for development via MZO, are included in the urban boundary in YROP 2022 and designated Urban Area and Community Area. As such, they should be included in the Capital Plan as it relates to servicing and infrastructure. We ask that the Development Charge study, and subsequent by-law, reflect the required servicing of the Subject Lands.

As it relates to the Greenbelt Lands Attachment 1 of the Report identifies the Greenbelt Conversion Lands, and correctly captures the lands. However, the mapping that zooms into the lands, outlined in purple, does not capture the lands accurately. We ask that the mapping error be corrected. The Greenbelt Lands should be considered for future infrastructure opportunities and servicing, as a result of, among other things, the proximity of these lands to the Subject Lands and the Province’s indicated intent for the Greenbelt Lands to be developed. The Greenbelt Lands should not be considered unplanned development. The province identified a need for the delivery of 1.5 million homes in Ontario. Adherence with the Province approval and intent is needed.



The Report addresses the development charge Credit Policy for Accelerating Infrastructure at page 1, 3. C, which states that “only the in-period growth costs of the infrastructure in the Development Charges By-law are eligible for recovery through development charge credits.” We submit that development charge credits should be eligible for recovery, as it relates to the Subject Lands and Greenbelt Lands, given the above and that the infrastructure satisfies the Region’s Water and Wastewater Master Plan. Our clients are prepared to upfront a significant portion of the servicing infrastructure and are prepared to enter into a responsibility agreement to effect same.

We ask that staff also consider the following as it relates to the Recommendations on page 1, part 3. E and F of the Report:

Regarding e. Ownership of servicing infrastructure will follow the Water and Wastewater Infrastructure, Regional Jurisdiction Policy: the addition of “*in general*” and consider that this be owned by the Region if the infrastructure like trunk sewers traverses through various municipalities or within Region’s Right-of-Way;

Regarding f. Delivery of Regional infrastructure will follow the Region’s project delivery process, “*and will follow the Environmental Assessment, specifically, the addition of: Municipal Environmental Assessment Process described in the Municipal Class Environmental Assessment Document, as amended in 2023, published by the Municipal Engineer’s Association;*” and/or consistent with the Region’s guidelines, standards and specifications.

We appreciate the opportunity to make submissions respecting the Region's Fiscal Sustainability Report.

Please do not hesitate to contact me should you have any questions.



Yours truly,

**Dentons Canada LLP**

Katarzyna Sliwa  
Partner  
KS/jj

Copy: Client  
Crozier  
Bousfields