

MAY 21 2013



May 16, 2013

The Honourable Linda Jeffrey  
Minister of Municipal Affairs and Housing  
777 Bay Street, 17<sup>th</sup> Floor  
Toronto, ON M5G 2E5

**RE: THE CITY OF MARKHAM TO SUPPORT BILL 41  
- PRESERVING EXISTING COMMUNITIES ACT (13.0)**

Dear Ms. Jeffrey:

This will confirm that at a meeting held on May 13, 2013, Council of the City of Markham adopted the following resolution:

“Whereas municipalities are required to approve Official Plans containing the goals, objectives and policies established primarily to manage and direct physical change and the effects on the social, economic and natural environment of the municipality or part of it; and,

Whereas municipalities rely on these plans when determining the allocation of capital investment within the community to provide infrastructure to service future growth according to those plans; and,

Whereas the introduction of intensification in areas not identified for such purposes in the Official Plan may require changes to long term infrastructure planning at additional costs to the municipality and subtract from, and limit a municipalities’ ability to implement the policies of that plan; and,

Whereas the Planning Act treats appeals of municipal planning decisions to the OMB as de novo hearings and allows the OMB to substitute its decisions for those taken by democratically elected municipal councils; and,

Whereas it is manifestly undemocratic for an appointed board such as the OMB to substitute its opinions for the considered judgment of elected councillors and professional city staff on matters affecting municipalities; and,

Whereas municipal councillors make determinations on issues of planning based on direct and personal knowledge of the community, its challenges, potential and opportunities that are not restricted to the boundaries of the Planning Act, such as strategic plans, including Markham’s Growth Alternative to 2031; and,

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*The Corporation of the City of Markham • Clerk’s Department*

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Whereas Bill 41, "Preserving Existing Communities Act, 2013" is currently before the Provincial Legislature; and,

Whereas Bill 41 proposed to amend the Places to Grow Act, 2005 to provide that certain municipal decisions rejecting development proposals that would involve intensification in areas designated Stable Residential or Parks and Open Space not be subject to appeal to the Ontario Municipal Board; and,

Now therefore be it resolved:

- 1) That the Province of Ontario be advised that the City of Markham support the principles of Bill 41; and,
- 2) That the Province of Ontario be requested to ensure that where the municipality has an Official Plan, approved by the Province which conforms with the requirements of the Province's Places to Grow Act, that where a development application is submitted to the municipality requesting an Official Plan amendment to enable development within areas designated Stable Residential or Parks and Open Space, which Council deems not in conformity with its Official Plan, the development application shall have no right of appeal to the Ontario Municipal Board and the decision of Council shall be final; and,
- 3) That, despite subsection 22(7) of the Planning Act, there be no appeal permitted in respect of the official plan policies of a municipality or a planning board, adopted to conform to the growth management population, intensification and employment targets and policies as set out in the Provincial Growth Plan for the Greater Golden Horseshoe area and related regulations and Provincial policies; and further,
- 4) That copies of this Resolution be sent to the Minister of Municipal Affairs and Housing, all local members of Provincial Parliament, GTA municipalities, registered ratepayer associations in the City of Markham, Markham Action Group for Improved Community, the Large Urban Mayors Caucus of Ontario (LUMCO) and the Association of Municipalities of Ontario (AMO).

If you have any questions, please contact Jim Baird, Commissioner of Development Services, at 905-477-7000 ext. 4875.

Yours sincerely,



Kimberley Kitteringham  
City Clerk

Copy to: Local Members of Provincial Parliament  
GTA Municipalities  
Ratepayer Associations in the City of Markham  
Large Urban Mayors Caucus of Ontario  
Association of Municipalities of Ontario