



## NOTICE OF MEETING

### COMMITTEE OF THE WHOLE

A meeting of the Regional **Committee of the Whole** will be held on **THURSDAY, September 19, 2013**, in the Council Chambers, York Region Administrative Centre, 17250 Yonge Street, in the Town of Newmarket, at **9:30 a.m.**

Enclosed please find the Agenda, Reports and Correspondence that will be considered at the meeting.

Please retain these materials for the Council meeting of September 26, 2013.

DENIS KELLY  
REGIONAL CLERK

C. Clark  
September 12, 2013



Regional Clerk's Office  
CORPORATE SERVICES DEPARTMENT

REVISED AGENDA  
COMMITTEE OF THE WHOLE

September 19, 2013

9:30 a.m.

Council Chambers  
Administrative Centre  
17250 Yonge Street  
Newmarket, Ontario

Quorum: 11

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Page No.

**DISCLOSURES OF INTEREST**

**DEVELOPMENT CHARGES COMPLAINT HEARING**

Pursuant to Section 20 of the *Development Charges Act, 1997*, the Regional Committee of the Whole shall hold a hearing to consider a complaint regarding Development Charges payable by H&W Development Corp., Condominium Development at South Town Centre Blvd. & Clegg Road, City of Markham

(Please refer to Private Report F.1.)

**A. H&W Development Corp.  
Condominium Development at South Town Centre Boulevard & Clegg Road  
Development Charge Pre-Payment Agreement**

Deputation

1. John Mascarin, Aird & Berlis, Barristers and Solicitors on behalf of H&W Development Corp.

**1**

Communication

2. John Mascarin, Aird & Berlis, Barristers and Solicitors, dated March 22, 2013 on behalf of H&W Development Corp.

**3**

**REGULAR MEETING**

**A. DEPUTATIONS**

(Subject to the Committee granting deputant status)

**1. 2012 Development Charge Bylaw  
Development Charge Prepayment Agreements  
Requests for Special Consideration**

- |  |                 |
|--|-----------------|
| a) Antonio Conte, Solicitor, A. Conte Professional Corporation, Barrister and Solicitor, regarding Briarwood Estates<br>(Please see Communication D.3a on page 175.) | <b>7</b>        |
| b) Clay Leibel regarding Forest Bay Homes  | <b>9</b>        |
| c) Stephen Hunt, Principal, Hunt Design Associates Inc. regarding Mekara Investments   | <b>11</b>       |
| d) Olivia Muzzo, Pemberton Group, regarding Tralee Development Inc.  | <b>13</b>       |
| e) Michael Larkin, Larkin & Associates regarding Ardree Management Inc.  | <b>15</b>       |
| f) Gennaro DiSanto, President, 2149629 Ontario Inc., Genview Homes   | <b>17</b>       |
| g) Barry A. Horosko, Brattys LLP, Barristers and Solicitors, regarding Allegra on Woodstream Inc.  | <b>19</b>       |
| h) <i>Anthony J. Potestio, Potestio Law, regarding Maple Lane Lands &amp; Development Co. Ltd., Subdivision – Coon's Road, Richmond Hill</i>                         | <b>Attached</b> |

(Please refer to Report No. D1 on page 179.)

**B. PRESENTATIONS**

**1. Implementation of the SM4RT Living Master Plan**

Dave Gordon, Manager, Sustainable Waste Management, York Region,  
Peter Loukes, Director, Environmental Services, City of Markham and  
Ilmar Simanovskis, Director, Public Works, Town of Aurora

(Please refer to Report No. C.2 on page 91.)

**2. Energy From Waste and Duffin Creek Water Pollution Control Plant Update**

Daniel Kostopoulos, Director, Capital Planning and Delivery

**C. ENVIRONMENTAL SERVICES**

Chair – Regional Councillor Vito Spatafora  
Vice Chair – Regional Councillor Danny Wheeler

**Determination of Items Requiring Separate Discussion**

**Adoption of Items Not Requiring Separate Discussion**

**Communications**

- 1. Council Reserve Capacity, City-Wide, Vaughan** **21**  
Barbara A. McEwan, Deputy City Clerk, City of Vaughan, dated July 2, 2013  
Recommendation: Receive for information
  
- 2. Site Development, File DA.13.027, Regional Municipality of York Ward 1 – Vicinity of Teston Road and Bathurst Street** **27**  
Barbara A. McEwan, Deputy City Clerk, City of Vaughan, dated July 2, 2013  
Recommendation: Receive and refer to staff
  
- 3. York Region 2012 Waste Diversion Report** **35**  
Erin Mahoney, Commissioner of Environmental Services, dated September 19, 2013  
Recommendation: Receive for information
  
- 4. Forest Conservation Bylaw – Consultation Update** **39**  
Erin Mahoney, Commissioner of Environmental Services, dated September 19, 2013  
Recommendation: Receive for information
  
- 5. Recognition of Duffin Creek Water Pollution Control Plant** **41**  
Clifford Curtis, Commissioner of Works, Durham Region, dated September 4, 2013  
Recommendation: Receive for information

- 6. CTC Source Water Protection Program Update** **45**
- Susan Self, Chair, CTC Source Water Protection Committee, dated August 23, 2013
- Recommendation: Receive and refer to staff
- 7. Toronto & Region Conservation Authority - Headwater Drainage Features Guidelines** **61**
- Kathy Stranks, Manager, Corporate Secretariat, Toronto and Region Conservation Authority, dated July 31, 2013
- Recommendation: Receive for information
- 8. Toronto & Region Conservation Authority - Flood Management for the July 8 Severe Weather Event** **67**
- Kathy Stranks, Manager, Corporate Secretariat, Toronto and Region Conservation Authority, dated August 6, 2013
- Recommendation: Receive and refer to staff

**Reports**

- 1. Environmental Services Annual Energy Cost Analysis and Greenhouse Gas Emissions Reduction Plan** **81**
- August 23, 2013 from the Commissioner of Environmental Services and the Commissioner of Corporate Services recommending that:
1. This report be received for information.
- 2. Finalization of Sm4rt Living Integrated Waste Management Master Plan and Implementation Plan** **91**
- August 23, 2013 from the Commissioner of Environmental Services recommending that:
1. Council endorse the SM4RT Living Integrated Waste Management Master Plan.
- 3. Review of Bill 91, Proposed Waste Reduction Act, 2013** **111**
- August 22, 2013 from the Commissioner of Environmental Services recommending that:
1. Council endorse staff comments on Ontario Bill 91, proposed Waste Reduction Act as submitted to the Ministry of the Environment in accordance with the Environmental Registry deadline of September 4, 2013.

2. The Regional Clerk circulate this report and attachments to the Clerks of the local municipalities and the Ministry of the Environment as acknowledgment of Council endorsement.

**4. Forest Conservation Bylaw – Special Permit 17391 Woodbine Avenue 135**  
**Town of Whitchurch – Stouffville**

August 22, 2013 from the Commissioner of Environmental Services recommending that:

1. The application submitted by 1625476 Ontario Inc. for a special permit under the Forest Conservation Bylaw for removal of 0.8 hectares (2 acres) of forest for agricultural purposes be approved.

**5. Consultant Selection for the 2015 Water and Wastewater Master Plan Update 143**

August 21, 2013 from the Commissioner of Environmental Services recommending that:

1. AECOM Canada Ltd. be engaged to provide engineering services related to the 2015 Water and Wastewater Master Plan Update as outlined in this report, at a fee of \$2,227,939.02 excluding taxes.
2. The total Capital Spending Authority be revised for the following projects:
  - Wastewater Master Plan Update (Project 79100) from \$950,000 to \$1,375,000
  - Water Master Plan Update (Project 73300) from \$950,000 to \$1,375,000.

**D. FINANCE AND ADMINISTRATION**

Chair – Mayor David Barrow

Vice Chair – Mayor Tony Van Bynen

**Determination of Items Requiring Separate Discussion**

**Adoption of Items Not Requiring Separate Discussion**

**Communications**

- |   |                 |
|---|-----------------|
| <b>1. Regional Council Representation</b>   | <b>151</b>      |
| Honourable Linda Jeffrey, Minister of Municipal Affairs and Housing, dated August 1, 2013   |                 |
| Recommendation: Receive for information   |                 |
| <br>  |                 |
| <b>2. Region of York Consolidated Fire Services</b>   |                 |
| a) John D. Leach, Director of Customer and Legislative Services/Town Clerk, Town of Aurora, dated March 27, 2013  | <b>153</b>      |
| b) Lisa Lyons, Deputy Clerk, Town of Newmarket, dated April 2, 2013   | <b>155</b>      |
| c) Jeffrey A. Abrams, City Clerk, City of Vaughan, dated April 29, 2013   | <b>159</b>      |
| d) Yvonne Aubichon, Town Clerk, Town of Georgina, dated May 9, 2013   | <b>165</b>      |
| e) Donna McLarty, Town Clerk, Town of Richmond Hill, dated May 31, 2013   | <b>167</b>      |
| f) Fernando Lamanna, Town Clerk, Town of East Gwillimbury, dated June 20, 2013  | <b>169</b>      |
| g) Kimberley Kitteringham, City Clerk, City of Markham, dated August 19, 2013   | <b>171</b>      |
| Recommendation: Receive all communications for information  |                 |
| <br>  |                 |
| <b>3. 2012 Development Charge Bylaw<br/>Development Charge Prepayment Agreements<br/>Requests for Special Consideration</b>   |                 |
| a) Antonio Conte, Solicitor, A. Conte Professional Corporation, Barrister and Solicitor, dated July 5, 2013 regarding Briarwood Estates                             | <b>175</b>      |
| b) Joseph Martinello, Martinello & Associates, dated August 21, 2013 regarding Gladebrook Developments Inc.   | <b>177</b>      |
| c) <i>Anthony J. Potestio, Potestio Law, dated September 17, 2013 regarding Maple Lane Lands &amp; Development Co. Ltd., Subdivision–Coon's Road, Richmond Hill</i> | <b>Attached</b> |

- d) *Olivia Muzzo, Pemberton Group, dated September 18, 2013 regarding Tralee Development Inc.* **Attached**
- e) *Barry A. Horosko, Brattys LLP, Barristers and Solicitors, dated September 18, 2013 regarding Allegra on Woodstream Inc.* **Attached**
- f) *Patrick O'Hanlon, President, Kylemore Communities, dated September 18, 2013 regarding Kylemore Communities (West Village) Ltd./ Angus Glen Village Ltd.* **Attached**

Recommendation: Receive and refer to consideration of report

(Please refer to Report No. D1 on page 179.)

## **Reports**

**1. 2012 Development Charge Bylaw  
Development Charge Prepayment Agreements  
Requests for Special Consideration** **179**

August 29, 2013, from the Commissioner of Finance recommending that:

1. Council not approve the requests for special consideration received from: Gladebrook Developments Inc., 2149629 Ontario Inc., Maple Lane Lands and Development Co. Ltd., Briarwood Estates (Markham) Ltd., Ardree Management Inc., Angus Glen Developments, Tralee Development Inc., Forest Bay Homes, Mekara Investments Inc. and Woodstream (Allegra).
2. Regional staff be authorized to defend any action that may be brought to any adjudicative body as a result of the Region's decision to not approve the requests for special consideration in Recommendation 1.
3. Council authorize the execution of Minutes of Settlement by the Regional Chair and the Regional Solicitor to resolve any appeals.

**2. Contract Awards Report  
January 1, 2013 – March 31, 2013** **205**

August 28, 2013 from the Commissioner of Finance, recommending that:

1. This report be received for information.

**3. Application for Approval to Expropriate  
Widening and Reconstruction of Bayview Avenue  
Town of Richmond Hill** **219**

August 23, 2013 from the Commissioner of Corporate Services recommending that:

1. Council authorize an application for approval to expropriate the following lands within the Town of Richmond Hill:



No.	Municipal Address	Legal Description	Interest Required
1	Northeast quadrant of Bayview Avenue & Elgin Mills Road	Part 1 on Plan 65R33989	Fee Simple
		Part 2 on Plan 65R33989	Temporary Easement
2	11221 Bayview Avenue	Part 15 on Plan 65R33990	Fee Simple
		Part 16 on Plan 65R33990	Fee Simple
		Part 17 on Plan 65R33990	Temporary Easement
3	11353 Bayview Avenue	Part 19 on Plan 65R33991	Fee Simple
		Part 20 on Plan 65R33991	Fee Simple
		Part 21 on Plan 65R33991	Temporary Easement
4	West side of Bayview Avenue, North of Elgin Mills Road	Part 3 on Plan 65R34133	Temporary Easement
		Part 4 on Plan 65R34133	Fee Simple
5	West side of Bayview Avenue, North of Elgin Mills Road	Part 6 on Plan 65R34133	Temporary Easement
6	Northwest quadrant of Bayview Avenue and 19 <sup>th</sup> Avenue, North of the railway tracks	Part 1 on Plan 65R34134	Temporary Easement
		Part 2 on Plan 65R34134	Fee Simple
7	5 Glen Meadow Lane	Part 3 on Plan 65R34134	Fee Simple
		Part 4 on Plan 65R34134	Temporary Easement
8	Northeast quadrant of Bayview Avenue at 19 <sup>th</sup> Avenue	Part 5 on Plan 65R34134	Fee Simple
		Part 6 on Plan 65R34134	Temporary Easement

No.	Municipal Address	Legal Description	Interest Required
9	752 19 <sup>th</sup> Avenue	Part 7 on Plan 65R34134	Fee Simple
	The temporary easements are required for the purpose of grading and construction and will run from December 1, 2013 to November 30, 2018.		

2. The Commissioner of Corporate Services be authorized to execute the Application for Approval to Expropriate Land and the Notice of Application for Approval to Expropriate Land (the "Notice") and to serve and publish the Notice as required under the *Expropriations Act* (the "Act").
3. The Commissioner of Corporate Services be authorized to forward to the Chief Inquiry Officer any requests for an inquiry that are received and to represent the Region as necessary at an inquiry held under the *Act*.
4. Council authorize the introduction of the necessary bylaws to give effect to these recommendations.

**4. Application for Approval to Expropriate Davis Drive (D1) VivaNext Project 90991 Town of Newmarket**

227

August 20, 2013 from the Commissioner of Corporate Services recommending that:

1. Council authorize applications for approval to expropriate the following lands within the Town of Newmarket.

No.	Owner	Municipal Address	Legal Description	Interest Required
1	Har-Jo Management Services Canada Ltd.	390 Davis Drive	Part of Lots 16, 17 & 18, South Side of Huron Street, Registered Plan 78, Town of Newmarket, designated as Parts 1, 2 and 3 on Plan 65R-34382	Temporary Easement
2	Bonseph (Tannery) Ltd.	447 Davis Drive	Part of Lots 12, 13, 14 and E, North Side of Huron Street, Registered Plan 78, Town of Newmarket, designated as Parts 1 and 2 on Plan 65R-34384	Temporary Easement
3	Bonseph (Tannery) Ltd.	465 Davis Drive	Part of Block D, Registered Plan 78, Town of Newmarket, designated as Parts 1, 2, 3, 4 and 5 on Plan 65R-34386	Temporary Easement

No.	Owner	Municipal Address	Legal Description	Interest Required
4	Yorkregionre alty.com Inc.	615 Davis Drive	Part of Lot 7 North of Huron Street, Registered Plan 56, Town of Newmarket, designated as Part 1 on Plan 65R-34385	Temporary Easement
5	2229677 Ontario Inc.	693 Davis Drive	Part of Lot 1, Concession 2, Geographic Township of East Gwillimbury, Town of Newmarket, designated as Part 1 on Plan 65R-34381	Temporary Easement
6	Platinum Property Investments Inc.	721-743 Davis Drive	Part of Lot 1, Concession 2, Geographic Township of East Gwillimbury, Town of Newmarket, designated as Part 1 on Plan 65R-34383	Temporary Easement
7	Taxa Development s Limited	749-777 Davis Drive	Part of Lot 1, Concession 2, Geographic Township of East Gwillimbury, Town of Newmarket, designated as Part 1 on Plan 65R-34380	Temporary Easement
8	Southlake Regional Health Centre	776 Davis Drive	Part of Lot 13, Registered Plan 81, Town of Newmarket, designated as Part 1 on Plan 65R-34387	Temporary Easement

The temporary easements will run from the date of registration of the Expropriation Plan and will expire on December 31, 2015 and are required for the purpose of entering on the lands with all vehicles, machinery, workmen and other material for construction purposes, which may include (1) relocation of existing services and utilities, (2) work that supports the construction of municipal infrastructure within the Region's permanent takings, (3) staging and storage of materials and equipment, (4) geotech testing, borehole testing, and other investigative works, (5) removal, relocation and/or installation of signage, (6) hard and soft landscaping, paving, grading and reshaping the lands to the limit of the reconstruction of Davis Drive, (7) the installation and removal of temporary (i) pedestrian access and walkway, (ii) parking measures including re-striping of aisles, lanes, and parking stalls, (iii) shoring and formwork, (iv) drainage and erosion/sediment control measures, (v) traffic signals, (vi) fencing, (vii) handrails, and (8) works ancillary to any of the foregoing.

2. The Commissioner of Corporate Services be authorized to execute the Applications for Approval to Expropriate Land and the Notices of Application for Approval to Expropriate Land (the "Notices") and to serve and publish the Notices as required under the *Expropriations Act* (the "Act").
3. The Commissioner of Corporate Services be authorized to forward to the Chief Inquiry Officer any requests for an inquiry that are received, and to represent the Region, as necessary, at an inquiry held under the *Act*.

4. Council authorize the introduction of the necessary bylaws to give effect to these recommendations.

**5. Approval to Expropriate Lands  
Ravenshoe Road, Umphrey and Udora Bridge Replacements  
Town of Georgina**

**237**

August 20, 2013 from the Commissioner of Corporate Services recommending that:

1. Council, as approving authority, approve of the expropriation of the following lands required for the reconstruction of the Umphrey Bridge and Udora Bridge, in the Town of Georgina:

No.	Municipal Address	Legal Description	Interest Required
1	2271 Weir's Sideroad	Parts 1 and 2, Plan 65R34088	Fee Simple
2	9652 Ravenshoe Road	Part 3, Plan 65R34088	Fee Simple
3	9656 Ravenshoe Road	Part 4, Plan 65R34088	Fee Simple
4	12 Manniku Road	Part 5, Plan 65R34088	Fee Simple
5	N/S Ravenshoe Road	Part 7, Plan 65R34088	Fee Simple
6	10914 Ravenshoe Road	Part 1, Plan 65R34085	Fee Simple

2. The Commissioner of Corporate Services be authorized to execute and serve any notices required under the *Expropriations Act* (the "Act").
3. Council authorize the introduction of the necessary bylaws to give effect to these recommendations.

**6. Development Charge Complaint – OMB Hearing Outcome  
W. J. Shanahan Limited Automotive Dealership**

**247**

September 19, 2013 from the Regional Solicitor recommending that:

1. This report be received for information.

**E. OTHER BUSINESS**

**F. PRIVATE SESSION**

**Motion to resolve into Private Session to consider the following matters:**

1. Development Charge Complaint, Development Charge Rates for H&W Development Corp., City of Markham – Potential Litigation
2. Acquisition of Land for Municipal Purposes, Newmarket –Land Acquisition

**Motion to reconvene in Public Session**

**Adoption of recommendations from Private Session**

**G. ADJOURNMENT**