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File # 04083

April 6, 2006

By Fax

Chairman Fish and Members of Regional Council
c/o Mr. Denis Kelly, Clerk
Regional Municipality of York
17250 Yonge Street
Newmarket, Ontario
L3Y 6Z1

Dear Mr. Chairman and Members of Council:

RE: Town of Markham adopted OPA 140 and repeal of OPA 116

We are the solicitors for a number of private landowners (see attached list) in the area covered by OPA 140. We are on record with the Town of Markham respecting OPA 140 and OPA 116 (and its repeal). Our clients are also appellants to OPA 116.

Our clients support the repeal of OPA 116 but do not support the approval of OPA 140. Attached please find our letter to the Town of Markham dated September 6, 2005 which outlines our client's concerns with OPA 140. We respectfully request that Council not adopt the staff recommendations and instead refer the matter back to staff for further discussions with our client and the other OPA 116 appellants. We thank you for your kind consideration of these submissions.

Yours very truly,



Ira T. Kagan

Enclos.

cc. Clients

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September 6, 2005

By Fax

Councilor George McKelvey
Chair, Development Services Committee
Town of Markham, 101 Town Centre Blvd
Markham, Ontario
L3R 9W3

Dear Mr. Chairman:

**RE: Proposed replacement to OPA 116
Scheduled to be considered by DSC on September 6, 2005**

We are the solicitors for a number of private landowners in the area covered by OPA 116. Our clients are appellants to OPA 116 and, accordingly, have a keen interest in the proposed replacement Official Plan Amendment. A list of our clients and their holdings within the OPA 116 area is detailed at the end of this letter.

We understand that prior to the adoption of OPA 116 that the Town had consulted for years with members of the Rouge Park Alliance. Our clients, and the other appellants to OPA 116 are major landowners in the affected area and yet they were not afforded nearly the same level of consultation. Our clients had little option but to appeal OPA 116 to the Ontario Municipal Board. Subsequent to filing the appeal and at the request of the Town, our clients, along with the other OPA 116 appellants, held discussions with Town staff and TRCA staff in an attempt to better understand each other's positions and to, if possible, scope or even settle the appeal. While it is unfortunate that such discussion had to come after the appeals were filed, it is better that they be held late than never at all. Those discussions were never completed due to the Provincial Greenbelt process. During those discussions and prior to the passage of the Greenbelt Act, 2005, the Town requested Minister Gerretsen to include OPA 116 in the Greenbelt. As a result of Minister Gerretsen's response to that request, and as a result of the passage of Greenbelt Act, 2005, discussions between the parties never resumed. Instead, the Town is now considering

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replacing OPA 116 with a revised version of it. Regrettably, this revised version does not address many of the valid and substantial concerns which our client had (and continues to have) with OPA 116. The Town is well aware of these concerns through the discussions referred to earlier.

With the recent passage of the Greenbelt Act, 2005, the *Greenbelt Plan* and recent amendments to the Planning Act, and the Provincial Policy Statement, the need to adopt a revised OPA 116 now no longer exists. We believe that the Town would be better served instead by consulting with affected landowners (in the area of the proposed amendment) instead of continuing down the current path. Without such consultation and further discussions, appeals to the revised OPA 116 are inevitable. This can and ought to be avoided.

We also understand that this revised OPA 116 is not the Town's Greenbelt conformity exercise and, accordingly, there is a good chance that we will all be going through this process again within a few years. Given the forgoing, the adoption of this revised OPA 116 (or the continuation of the original OPA 116) does not appear to be a good use of Town resources.

Accordingly, we respectfully request that Town Council simply receive the revised OPA 116 and direct that consultation with affected landowners be undertaken prior to the matter being brought back to Council.

We thank you for your kind consideration of this letter and look forward to continued discussion and proper consultation with the Town.

Yours very truly,



Ira T. Kagan
Encl.

cc. Clients (as per the attached list)

List of Landowners/Clients

NAME	AREA	LOCATION
Kennedy Elgin Developments Limited	120ac	Part of Lots 28 & 29, Conc.5 Markham
Warden Mills Developments Limited	98ac	Part of Lot 29, Conc.4, Markham
Major Kennedy Developments Limited	158ac	Part of Lot 22, Conc.6, Markham
1212763 Ontario Limited	92ac	Part of Lots 22 & 23, Conc.4, Markham
E.M.K. Construction LTD. & Treelawn Construction LTD.	110ac	Part of Lot 24, Conc.4, Markham
MacKenzie 48 Investments Limited	51ac	Part of Lot 24, Conc.7, Markham