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October 6, 2009

By E-mail to *denis.kelly@york.ca*

Denis Kelly, Regional Clerk
The Regional Municipality of York
17250 Yonge Street
Newmarket, Ontario
L3Y 6Z1

Dear Mr. Kelly:

**Re: Draft York Region Official Plan
Submissions on Behalf of 1691126 Ontario Inc.**

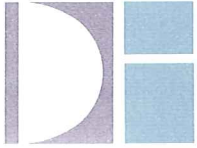
We are counsel to 1691126 Ontario Inc. (Liberty Development Corporation), the owner of lands municipally known as 7161 and 7171 Yonge Street, in the Town of Markham (the "Lands").

Our client is proposing a significant redevelopment of the Lands, including high-density residential, office, hotel and retail uses. In that regard, by an Order dated June 8, 2009, as amended on June 19, 2009, the Ontario Municipal Board (OMB) approved, with the consent of the Region of York and the Town of Markham, site-specific amendments to the Town of Markham's Official Plan and Zoning By-law to permit the proposed redevelopment.

Further, a hearing has been scheduled by the OMB commencing October 13, 2009, to consider our client's site plan application for the first phase of the proposed redevelopment of the Lands. It is anticipated that both the Region and the Town will be supporting the approval of the site plan application, subject to various conditions.

We have reviewed the draft York Region Official Plan, dated June 2009, and note that there are a number of proposed policies that, if applied to the proposed redevelopment, could potentially be in conflict with the existing site-specific approvals for the Lands and/or the extensive review of the proposed development that has already been carried out by the Region and the Town.

As but one example, we note that the draft York Region Official Plan purports to require certain buildings to achieve LEED Silver through 2015, LEED Gold between 2016-2021, and LEED Platinum post-2021. By contrast, the site-specific Official Plan Amendment that was recently approved by the OMB for the Lands in



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order to guide the proposed redevelopment includes a policy that simply encourages sustainable and responsible building design, as contemplated by LEED Silver.

It is our view that redevelopment of the Lands should continue under the currently approved policy regime, and that for certainty, as our client moves forward, this should be clarified by the Region.

By contrast, if it were contemplated that the new Official Plan would apply to the proposed redevelopment of the Lands, including any further applications that may be submitted, our client would have concerns with those policies that would purport to impose any additional requirements and/or restrictions on the proposed redevelopment.

We trust that the Region will take these submissions into account as the Planning and Economic Development Committee considers this matter at its meeting on October 7, 2009.

Kindly ensure that we receive notice of all future meetings regarding the Region's draft Official Plan and that we are notified of any decisions made by Regional Council pertaining to this item.

Yours truly,

DAVIES HOWE PARTNERS

Mark R. Flowers

copy: Karin Price, Planning Committee Coordinator, York Region
Client