

July 27, 2020

**By E-Mail Only**

Mayor John Taylor and Members of Town Council  
Town of Newmarket  
395 Mulock Drive  
P.O. Box 328  
Newmarket, Ontario  
L3Y 4X7

**Attention: Town Clerk**

Dear Mayor Taylor and Council:

**Re: 2020 Annual Servicing Allocation Review  
Town Council Meeting on July 27, 2020 – Agenda Item 9.2.8**

We have been retained as counsel to 1209104 Ontario Limited, the owner of lands located northwest of the intersection of Yonge Street and Clearmeadow Boulevard in the Town of Newmarket, including the lands known as Landmark Estates Phase 5, which are approved for a residential development consisting of 34 link houses.

**On behalf of our client, we are writing to request that Town Council reject the staff recommendation to “rescind 98 persons of servicing allocation from Landmark Estates Phase 5 (Yonge Street and Clearmeadow Boulevard)” and, instead, that Council confirm that the servicing allocation be maintained for the subject lands.**

The above staff recommendation is set out in a report from the Town’s Planning and Building Services Department, dated July 20, 2020 (Report No. 2020-51), in which staff note that Landmark Estates Phase 5 is draft approved and that our client is “working towards final registration”. At the same time, staff recommends rescinding the existing servicing allocation for the development based on the following statement:

“The applicant has advised Town staff in March 2020 that they anticipate registration of the Phase 5 in spring 2021. Given it has been three years since the planned registration timeline and registration is unlikely to happen by the end of 2020 based on applicant’s response, Planning staff recommends that Council rescind the 98 persons of servicing allocation at this time ...”

Thus, it appears that the staff recommendation is based on correspondence from our client that is now more than four months old. To be clear, our client did not request that the existing servicing allocation be rescinded, nor has it consented to this proposed action. On the contrary, in letters addressed to Town staff and the Town's Committee of the Whole, dated March 13, 2020 and July 15, 2020, respectively, our client specifically requested that the existing servicing allocation for the subject lands be maintained.

Moreover, in a letter addressed to the Town's Acting Director of Planning and Building Services, dated July 13, 2020, our client expressly stated its desire to proceed to registration of Phase 5 as soon as possible and, to that end, requested that it be provided with a copy of any required agreement to be executed. Although two weeks have since passed, we are advised by our client that it has not yet received any response from the Town.

Given that our client has recently confirmed its desire to proceed with the registration of its plan for the subject lands as soon as possible, the basis upon which the staff recommendation was made to rescind the existing servicing allocation has been superceded and no longer applies. In any event, even based on our client's March 13, 2020 correspondence, our client confirmed its intention to proceed to registration and requested that it retain its existing servicing allocation. Accordingly, we request that Town Council reject the staff recommendation regarding the subject lands, and instead confirm that the existing servicing allocation for Landmark Estates Phase 5 will be maintained.

Please do not hesitate to contact us if you have any questions regarding this submission, and kindly ensure that we are notified of Council's decision in respect of this matter.

Yours truly,  
**DAVIES HOWE LLP**



Mark R. Flowers  
Professional Corporation

copy: Phoebe Chow, Senior Planner – Policy, Town of Newmarket  
Jason Unger, Acting Director, Planning and Building Services, Town of Newmarket  
Client