

# Memorandum to the City of Markham Committee of Adjustment

June 05, 2025

**File:** B/005/25, B/007/25 – B/015/25, B/017/25 – B/022/25  
**Address:** 4241, 4231, 4229, 4227 Major Mackenzie Drive East, 15, 17, 19, 21, 41, 45, 47 West Village Lane, 1, 3, 5, 6, and 11 Bright Terrace Way, Markham  
**Applicant:** Robins Appleby LLP (Kavita Pandya)  
**Hearing Date:** Wednesday, June 11, 2025

The following comments are provided on behalf of the Central District Team. The solicitors representing the owners of the subject property have determined a number of transfer of titles in 2024 are in contravention of Section 50 of the *Planning Act, R.S.O. 1990, c. P. 13, as amended (the "Planning Act")*. The Applicant has indicated that the transfers occurred after the expiry of their Part Lot Control Exemption By-law (By-law 2022-26) which expired on April 12, 2024 and before a new Part Lot Control Exemption By-law was passed on July 17, 2024 (By-law 2024-155). The subject lands consist of 16 parcels described in Appendix "A" of this report.

## PROPOSAL

The Applicant is seeking a Certificate of Validation under Section 57 of the *Planning Act*. A Certificate of Validation from the Committee of Adjustment would allow the Applicant to validate the transfers from the Owner as well as the mortgages registered on the POTL, legally described below:

- Part Block 1, Plan 65M-4698, designated as Parts 19 and 20, Plan 65R-40302, City of Markham
- Part Block 1, Plan 65M-4698, designated as Parts 6, 7 and 8, 65R-40302
- Part Block 1, Plan 65M-4698, designated as Parts 3, 4, and 5, 65R-40302
- Part Block 1, Plan 65M-4698, designated as Parts 1 and 2, 65R-40302
- Part Block 1, Plan 65M-4698, designated as Parts 1, 2, 3 and 4, 65R-40305
- Part Block 1, Plan 65M-4698, designated as Parts 8, 9, and 10, 65R-40305
- Part Block 1, Plan 65M-4698, designated as Parts 19, 20, 21, 22, and 23, 65R40305
- Part Block 1, Plan 65M-4698, designated as Parts 86, 65R-40305
- Part Block 1, Plan 65M-4698, designated as Parts 11, 12, 13, 14 and 15, 65R-40305
- Part Block 1, Plan 65M-4698, designated as Parts 87, 65R-40305
- Part Block 1, Plan 65M-4698, designated as Parts 100, 65R-40305
- Part Block 1, Plan 65M-4698, designated as Parts 5, 6, and 7, 65R-40305
- Part Block 1, Plan 65M-4698, designated as Parts 88, 65R-40305
- Part Block 1, Plan 65M-4698, designated as Parts 102, 65R-40305
- Part Block 1, Plan 65M-4698, designated as Parts 103 and 104, 65R-40305

The purpose of this application is to obtain a Certificate of Validation in order that a contravention of Section 50 of the Planning Act or a predecessor of it, or of a by-law passed under a predecessor of Section 50, or an order made under clause 27(1)(b) of the Planning Act as it reads on the 25th day of June, 1970, being chapter 296 of the Revised Statutes of Ontario, 1960 or a predecessor of it, does not have and shall be deemed never

to have had, the effect of preventing the conveyance of, or creation of any interest in the parcel of lands previously described.

### **COMMENTS**

Section 57(6) of the *Planning Act* states that no certificate shall be issued under subsection (1) unless the land described in the Certificate of Validation conforms with the same criteria that apply to the granting of consents under Section 53. While the Committee is authorized to grant consents under Section 53 of the *Planning Act*, Staff note that the same rules and procedures, such as notice as well as an Applicant's right to appeal do not apply to validations of title.

Section 57(1) of the *Planning Act* allows a Council authorized to grant consents, or its delegate, being the Committee of Adjustment, the ability to issue a Certificate of Validation that states that a prior contravention of the subdivision control provisions or of a by-law passed under a predecessor of Section 50 of the Act are deemed to have never had the effect of preventing the conveyance of land or the creation of land. In essence, the validation certificate corrects a *Planning Act* breach that has occurred.

Staff opine that this application conforms with the criteria that applies to consents and will continue to maintain the intent of the Official Plan, Zoning By-law, and is compatible with the surrounding context of the street.

### **CONCLUSION**

Staff have reviewed the application and have no concerns from a planning perspective given that the application is to retroactively cure a title error, which is technical and administrative in nature. Staff have had regard for the applicable sections of the *Planning Act*, and find the Applicant's request to issue a Certificate of Validation appropriate.

### **APPENDICES**

Appendix "A" – Location Map

Appendix "B" – List of POTLs

PREPARED BY:



---

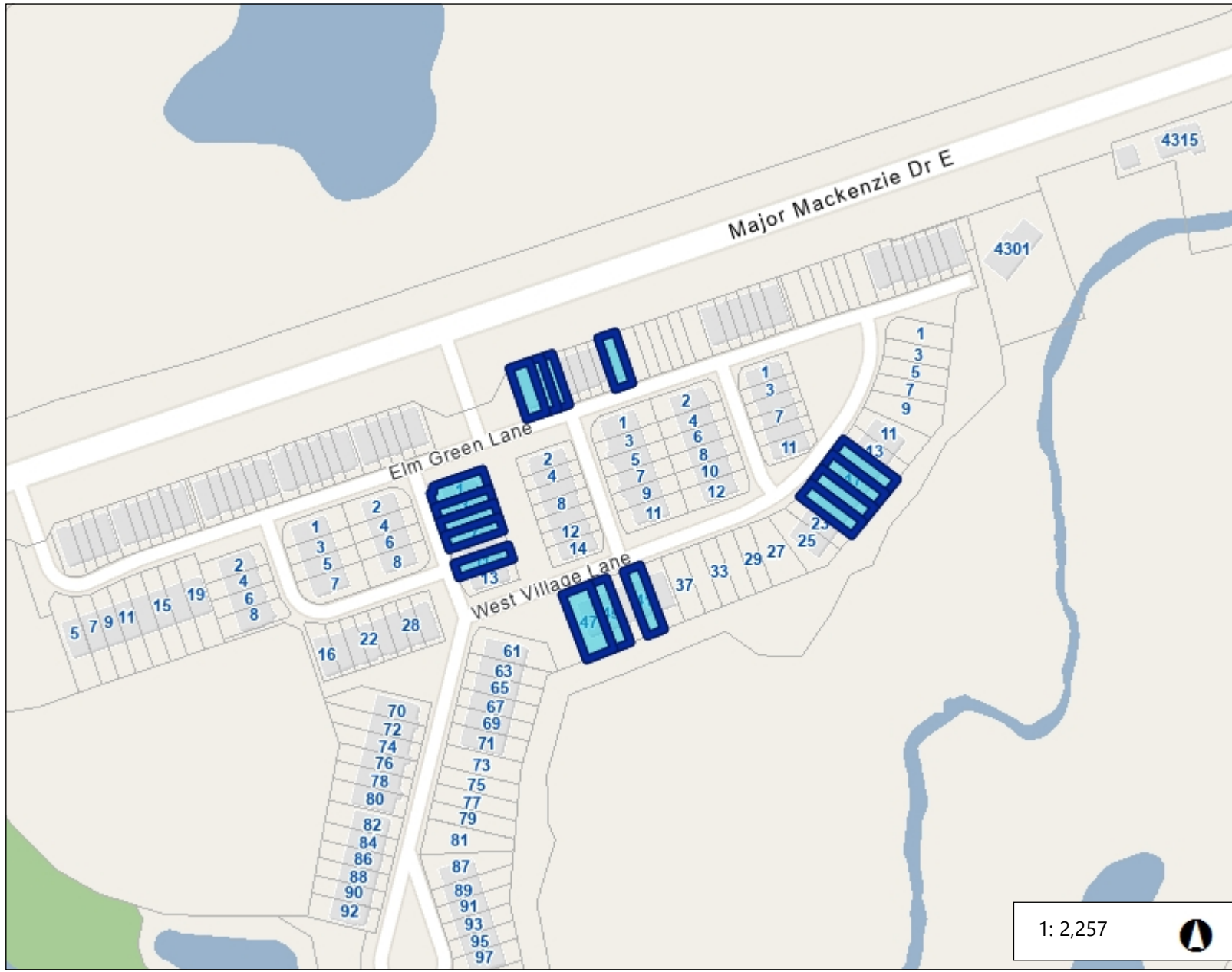
Brendan Chiu, Planner I, Central District

REVIEWED BY:



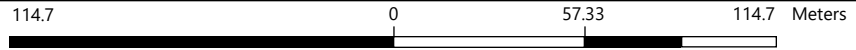
---

Greg Whitfield, Supervisor, Committee of Adjustment



- Legend**
- Parcel
  - Park Facility
  - Parks
    - Under Development
    - <all other values>

1: 2,257



DISCLAIMER: The information is presented on a best-efforts basis, and should not be relied upon for making financial, survey, legal or other commitments. If you have questions or comments regarding the data displayed on this map, please email cgis@markham.ca and you will be directed to the appropriate department.

Notes

Schedule "A"

List of POTLs

Appendix B

File: 

Date: 6/6/2025  
MM/DD/YYYY

Builder Number	Brief Legal Description of Part of Block 1 on Plan 65M4698	PIN	Date of Purported Transfer	Instrument No.
B06/U01	Parts 19 and 20, 65R40302	03058-2386	April 15, 2024	YR3666408
B06/U06	Parts 6, 7 and 8, 65R40302	03058-2391	April 30, 2024	YR3671961
B06/U07	Parts 3, 4 and 5, 65R40302	03058-2392	May 7, 2024	YR3674262
B06/U08	Parts 1 and 2, 65R40302	03058-2393	May 9, 2024	YR3675552
B26/U01	Parts 1, 2, 3 and 4, 65R40305	03058-2500	May 21, 2024	YR3678947
B26/U03	Parts 8, 9 and 10, 65R40305	03058-2502	May 29, 2024	YR3681407
B26/U06	Parts 19, 20, 21, 22 and 23, 65R40305	03058-2505	May 30, 2024	YR3681637
B12/U04	Part 86, 65R40305	03058-2427	June 6, 2024	YR3684973
B26/U04	Parts 11, 12, 13, 14 and 15, 65R40305	03058-2503	June 6, 2024	YR3684965
B12/U03	Part 85, 65R40305	03058-2426	June 11, 2024	YR3686416
B12/U05	Part 87, 65R40305	03058-2428	June 11, 2024	YR3686413
B14/U02	Part 100, 65R40305	03058-2439	June 18, 2024	YR3688639
B26/U02	Parts 5, 6 and 7, 65R40305	03058-2501	June 27, 2024	YR3692906
B12/U06	Part 88, 65R40305	03058-2429	June 28, 2024	YR3693438
B14/U04	Part 102, 65R40305	03058-2441	July 9, 2024	YR3696359
B14/U05	Parts 103 and 104, 65R40305	03058-2442	July 9, 2024	YR3696303