

Memorandum to the City of Markham Committee of Adjustment

October 24, 2024

File: A/072/24
Address: 11303 Warden Avenue, Markham
Agent: Thorstone Consulting Services Inc.
Hearing Date: Wednesday, October 30, 2024

The following comments are provided on behalf of the West Team. The Owner is requesting relief from the following requirements of the Countryside “CTS” Zone under By-law 2024-19, as amended, to permit:

- a) **By-law 2024-19, Section 4.8.1b)ii):**
a maximum gross floor area of 497 m², whereas the by-law permits a maximum gross floor area of 60 m²; and
- b) **By-law 2024-19, Section 10.3.4.1.f):**
a farm labour residence to provide accommodations for employees of an agricultural use or agricultural processing facility operated by Rouge River Farms; whereas the by-law permits a farm labour residence which provides accommodations for employees of an agricultural use located on the same lot only.

as it relates to the addition of a farm labour residence.

BACKGROUND

Property Description

The 25.2 ha (62.27 ac) subject property is located on the east side of Warden Avenue, south of 19th Avenue. The property is located within an agricultural area, with mature vegetation and agricultural operations across the property as operated by Rouge River Farms. Surrounding area includes agricultural lands to the north, east, south, and west. The St. Panteleimon Greek Orthodox Church also directly abuts a portion of the north lot line. There is an existing residential farmhouse dwelling on the subject land which has been in operation since the 1980's.

It is partially within TRCA's Regulated Area as the front and rear portions of the site is traversed by a valley corridor associated with the Rouge Watershed.

Proposal

The Owner is proposing a farm labour residence to provide accommodations for employees of an agricultural use or agricultural processing facility operated by Rouge River Farms. The Owner is also proposing an increase to the maximum permitted gross floor area on the subject lands.

Official Plan and Zoning

Official Plan 2014 (partially approved on November 24/17, and updated on April 9/18)

The Official Plan primarily designates the subject property “Countryside”, and portions of the rear lot as “Greenway”. The Countryside applies to the agricultural lands in north

Markham, which are lands intended to be protected for agricultural uses and support farming activities. No improvements or alterations are proposed within the Greenway designated lands.

Zoning By-Law 2024-19

The subject property is primarily zoned Countryside “CTS”, with rear portions designated Greenway One (GW1), Greenway Two (GW2), and Countryside Hold One (H1) under By-law 2024-19, as amended. The proposed farm labour residence is located entirely within the CTS zone, which permits a range of agricultural uses, including a farm labour residence that is accessory to an agricultural use. In addition, there are a number of standards associated with an accessory building, including a maximum GFA of 60 m² (if the lot is 4,000 m² or greater).

A farm labour residence is defined as:

“a dwelling unit, multiple dwelling, a camp containing temporary or mobile dwelling units or, other forms of shared housing which provides accommodations for employees of an agricultural use located on the same lot.”

A farm labour residence is permitted:

“...on the same lot as the primary farm use provided the size and nature of the farm operation requires additional employment and the residence is accessory to the principal dwelling unit or is an accessory detached temporary dwelling such as a mobile home and the unit can be adequately serviced”.

Staff note that the By-law does not require any additional parking spaces for a farm labour residence.

Applicant’s Stated Reason for Not Complying with Zoning

According to the information provided by the applicant, the reason for not complying with Zoning is to accommodate the increased space needed for 30 individual lodging rooms to accommodate the same number of seasonal workers.

Zoning Preliminary Review (ZPR) Not Undertaken

The owner has confirmed that a Zoning Preliminary Review (ZPR) has not been conducted. However, the applicant has received comments from the building department through their Non-Housing Permit (NH) process to confirm the variances required for the proposed development.

COMMENTS

The Planning Act states that four tests must be met in order for a variance to be granted by the Committee of Adjustment:

- a) The variance must be minor in nature;
- b) The variance must be desirable, in the opinion of the Committee of Adjustment, for the appropriate development or use of land, building or structure;
- c) The general intent and purpose of the Zoning By-law must be maintained;
- d) The general intent and purpose of the Official Plan must be maintained.

Farm Labour Residence

The by-law permits a farm labour residence that is accessory to an agricultural use by the zoning by-law. A farm labour residence would be considered an accessory building, however, is intended for workers on the same lot, and is also subject to a maximum gross floor area of 60 m² (on a lot that is greater than 4,000 m² (which is the case for the subject lands).

The Owner's farming operation has undergone significant expansion since the 1980's. The farming operation now requires more accommodation for approximately 30 more full-time and part-time seasonal workers. The farm labour residence would accommodate additional foreign workers during high season and thereby support the operation of the business at its full capacity, and on other off-site lands owned and operated by the Rouge River Farms within the City. The proposed farm labour residence consists of seven pre-fabricated trailers that are interconnected to form a cohesive dwelling unit. These trailers include bedrooms, bathrooms, offices, a dining/living room and kitchen. The Owner has indicated that all of the trailers will comply with York Region's health quality standards.

Staff do not anticipate the variance will adversely affect the adjacent agricultural lands. Staff are of the opinion that the expansion to the farm labour residence is desirable for the appropriate development of the subject lands and have no concerns with the requested variance.

EXTERNAL AGENCIES

TRCA Comments

Portions of the subject property is located within Toronto Region and Conservation Authority (TRCA)'s Regulated Area. The front and rear portions of the site are traversed by a valley corridor associated with the Rouge Watershed. The TRCA commented they have no objections to the approval of the Minor Variance application, subject to their review fee being paid to their satisfaction (refer to Appendix 'C').

TransCanada Pipeline Comments

The northern portions (from east to west) of the subject property is traversed by the TransCanada Pipeline (TCPL). The pipeline is located north and outside of the farm labour residence. TCPL commented that they have no objections to the proposed farm labour residence, subject to the conditions listed in their letter to the Committee of Adjustment dated August 26, 2024 (refer to Appendix 'D'), including, but not limited to, the requirement for a minimum distance of disturbance be maintained from their right-of-way.

PUBLIC INPUT SUMMARY

No written submissions were received as of October 24, 2024. It is noted that additional information may be received after the writing of the report, and the Secretary-Treasurer will provide information on this at the meeting.

CONCLUSION

Planning Staff have reviewed the application with respect to Section 45(1) of The Planning Act, R.S.O. 1990, c. P.13, as amended, and are of the opinion that the variance request

meets the four tests of the Planning Act and have no objection. Staff recommend that the Committee consider any public input if received in reaching a decision.

The onus is ultimately on the applicant to demonstrate why they should be granted relief from the requirements of the zoning by-law, and how they satisfy the tests of the Planning Act required for the granting of minor variances.

Please refer to Appendix "A" for conditions to be attached to any approval of this application.

PREPARED BY:



Nusrat Omer, MCIP, RPP, Senior Planner, West District

REVIEWED BY:



Rick Cefaratti, MCIP, RPP, Acting Development Manager, West District

APPENDICES

Appendix "A" – Aerial Context Photo

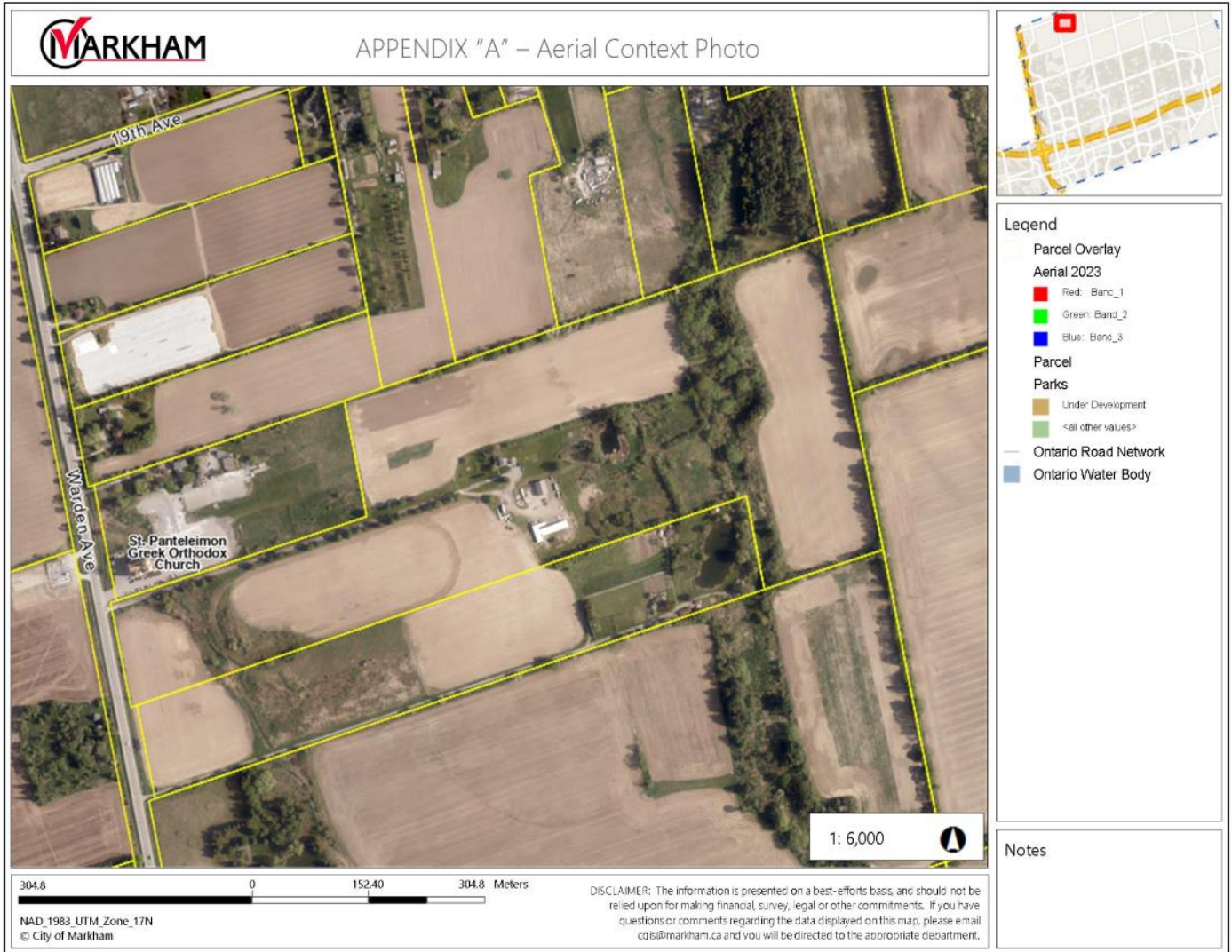
Appendix "B" – Plans

Appendix "C" – TRCA Conditions of Approval

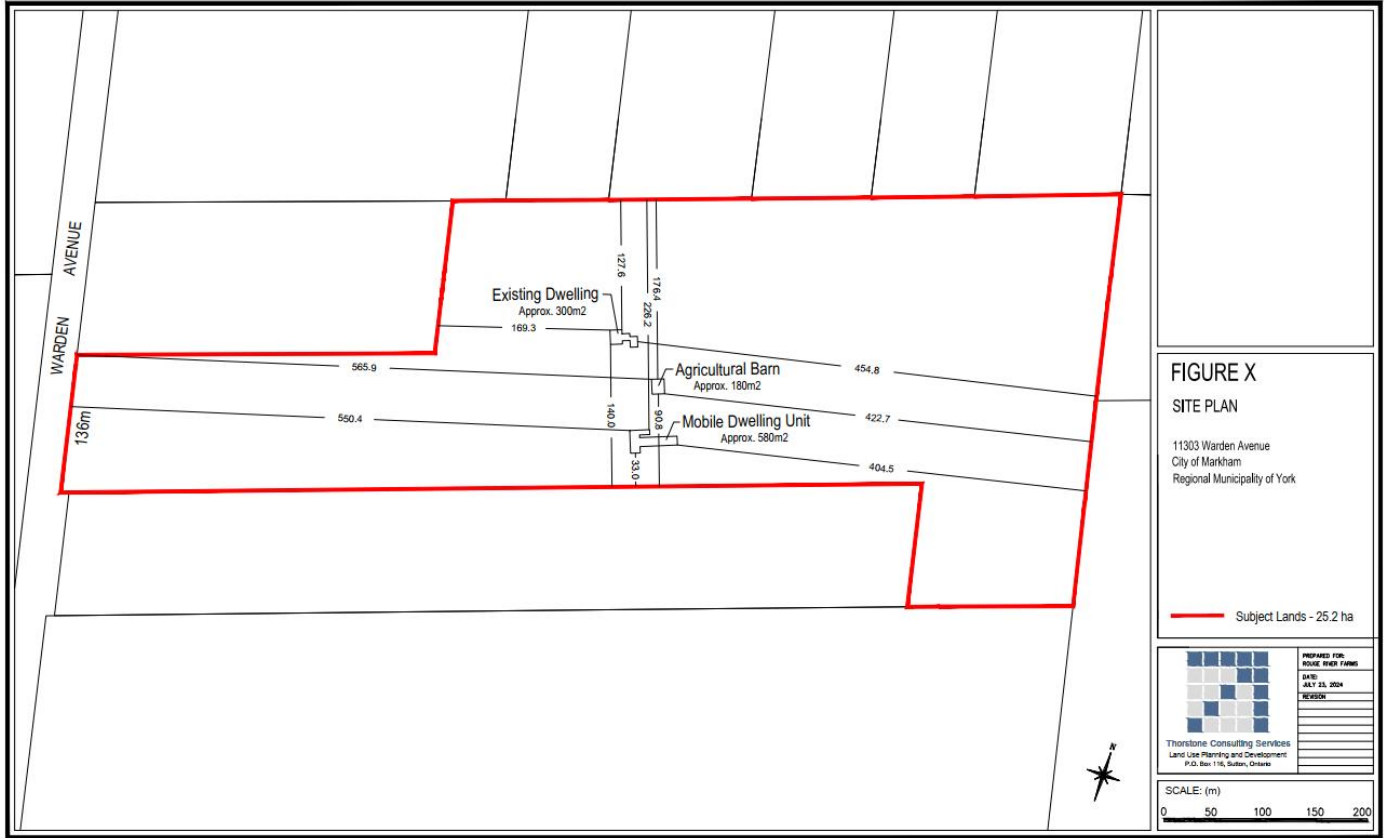
Appendix "D" – TCPL Conditions of Approval

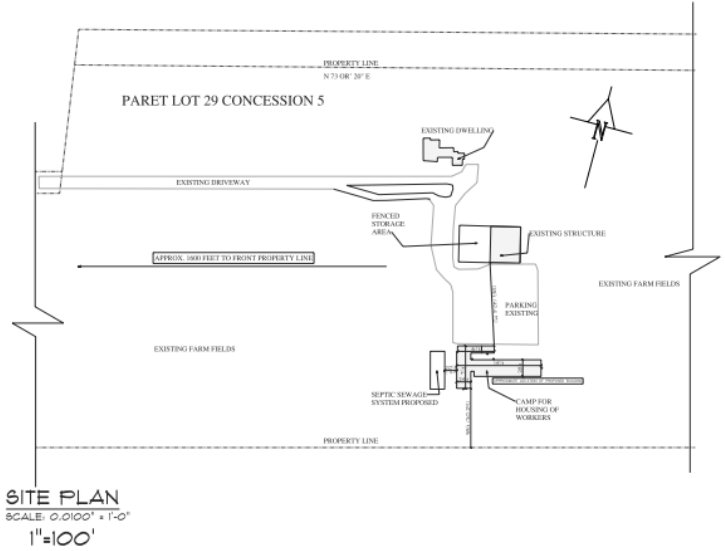
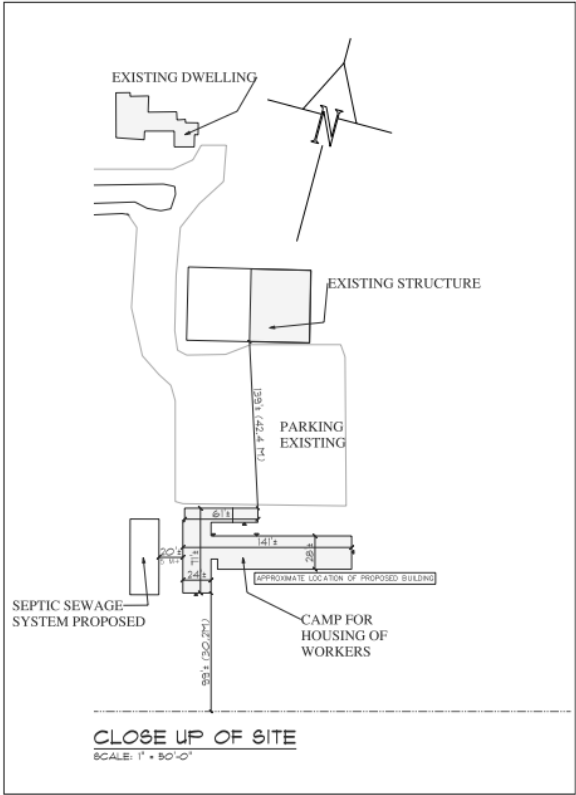
Appendix "E" – A/072/24 Conditions of Approval

APPENDIX "A" – Aerial Context Photo



APPENDIX "B" – Plans





THE UNDERSIGNED HAS REVIEWED AND TAKES RESPONSIBILITY FOR THIS DESIGN, AND THAT THE QUALIFICATION AND DESIGN TO BE A DESIGNER QUALIFICATION INFORMATION REQUIRED UNDER DESIGN IS CURRENT UNDER SECTION 3.1.1 OF THE BUILDING CODE.

NAME: WYANCY AMBING SIGNATURE: [Signature] BCIN: 03277
REGISTRATION INFORMATION REQUIRED UNLESS DESIGN IS EXEMPT UNDER SECTION 3.1.1 OF THE BUILDING CODE.
1405554 ONTARIO INC. is THE PHOENIX DESIGN GROUP 30102



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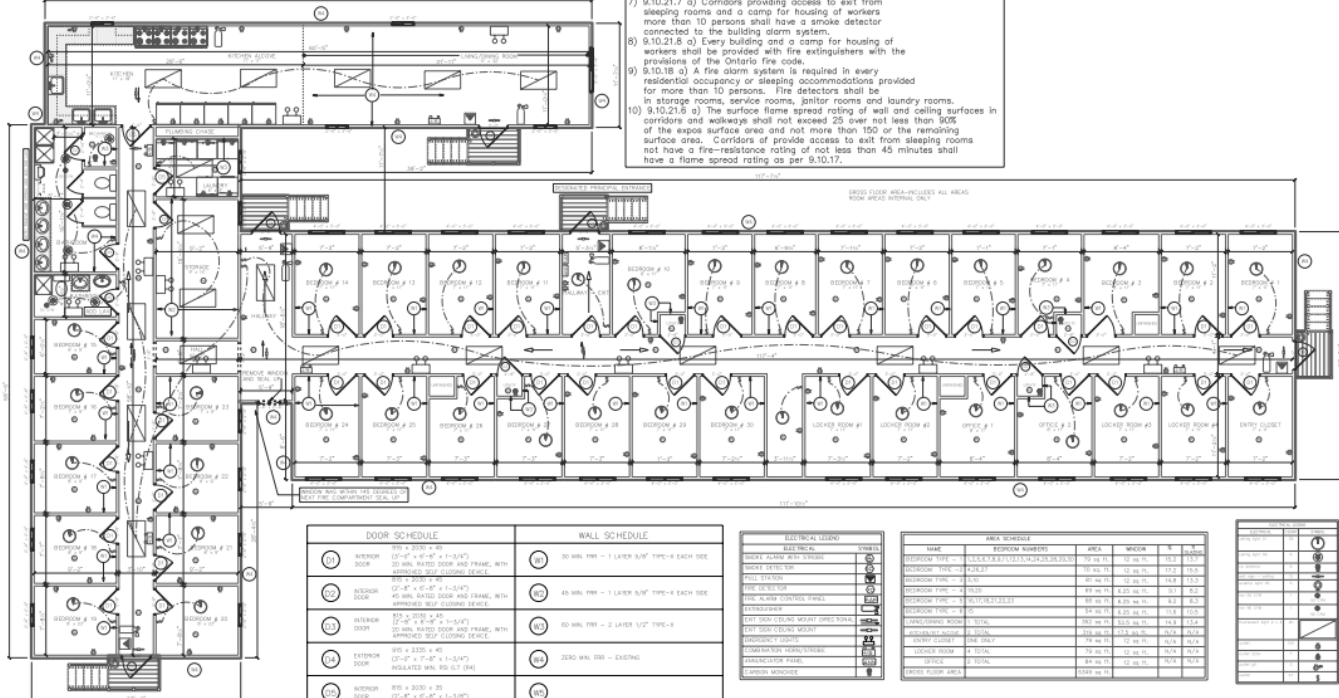
REV.	DATE	COMMENT	SCALE: As Noted	PAGE:
			DRAWN BY: YMA	5/13
			DATE: February 16, 2004	SITE PLAN

CONTACT: Rouge River Farms Inc.
ADDRESS: 11303 Warden Ave. Markham, Ontario
PHONE: 647-239-5508
E-MAIL: evan@rougeriverfarms.com

- SEPTIC SEWAGE BY OTHERS:
- 30 PERSONS AT 250 L/PERSON = 7500 L/DAY
 - EXISTING HOUSE DATA
 - 3 BEDROOM = 1600 L/DAY
 - AREA = 1715.3 SQ.FT. (159.4 SQ.M)
 - F.I.I. = 19.0
 - TOTAL LOADING IS 7500 L/DAY + 1600 L/DAY = 9100 L/DAY FOR LOT
 - ALL SEPTIC DESIGN BY OTHERS

NOTE: THE MAXIMUM POSTED OCCUPANT LOAD SHALL BE 30 PERSONS.

- NOTE:
- ALL EXTERIOR DECK DESIGN BY OTHERS
 - FIRE ALARM DESIGN AND VERIFICATION BY OTHERS
 - EXTERIOR LIGHTS SET TO AUTOMATIC DUSK
 - ALL EXTERIOR STEPS TO BE 180mm MAXIMUM RISE WITH A MINIMUM RUN OF 280 mm FOR PUBLIC STAIRS
 - ALL WATER SUPPLY TO BE TESTED FOR POTABILITY
 - NOT DESIGNED FOR WINTER USE.
 - 9.10.21.7 a) Corridors providing access to exit from sleeping rooms and a camp for housing of workers more than 10 persons shall have a smoke detector connected to the building alarm system.
 - 9.10.21.8 a) Every building and a camp for housing of workers shall be provided with fire extinguishers with the provisions of the Ontario Fire Code.
 - 9.10.21.8 a) A fire alarm system is required in every residential occupancy or sleeping accommodations provided in storage rooms, service rooms, janitor rooms and laundry rooms.
 - 9.10.21.8 a) The surface flame spread rating of wall and ceiling surfaces in corridors and walkways shall not exceed 25 over not less than 50% of the expos surface area and not more than 100 of the remaining surface area. Corridors of provide access to exit from sleeping rooms not have a fire-resistance rating of not less than 45 minutes shall have a flame spread rating as per 9.10.17.



MAIN FLOOR
SCALE: NOT TO SCALE

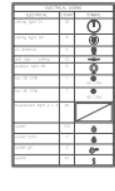
DOOR SCHEDULE		WALL SCHEDULE	
D1	INTERIOR DOOR 1 3/4" x 6' 6" x 1-1/4" (1-1/4") 20 MIN. RATED DOOR AND FRAME, WITH IMPROVED SEAL GLAZING DECK.	W1	20 MIN. PWB - 1 LAYER 1/2" TYPE-X EACH SIDE
D2	INTERIOR DOOR 1 3/8" x 6' 6" x 1-1/4" (1-1/4") 45 MIN. RATED DOOR AND FRAME, WITH IMPROVED SEAL GLAZING DECK.	W2	45 MIN. PWB - 1 LAYER 1/2" TYPE-X EACH SIDE
D3	INTERIOR DOOR 2 1/8" x 6' 6" x 1-1/4" (1-1/4") 20 MIN. RATED DOOR AND FRAME, WITH IMPROVED SEAL GLAZING DECK.	W3	60 MIN. PWB - 2 LAYER 1/2" TYPE-X
D4	EXTERIOR DOOR 3 1/8" x 7' 0" x 1-1/4" (1-1/4") INSULATED WALL, 190 R-13 (2X)	W4	ZERO MIN. PWB - EXISTING
D5	INTERIOR DOOR 3 1/8" x 6' 6" x 1-1/4" (1-1/4") 20 MIN. RATED DOOR AND FRAME, WITH IMPROVED SEAL GLAZING DECK.		

ELECTRICAL SCHEDULE

SYMBOL	DESCRIPTION
(Symbol)	15 AMP. CIRCUIT BREAKER
(Symbol)	20 AMP. CIRCUIT BREAKER
(Symbol)	30 AMP. CIRCUIT BREAKER
(Symbol)	40 AMP. CIRCUIT BREAKER
(Symbol)	60 AMP. CIRCUIT BREAKER
(Symbol)	100 AMP. CIRCUIT BREAKER
(Symbol)	200 AMP. CIRCUIT BREAKER
(Symbol)	400 AMP. CIRCUIT BREAKER
(Symbol)	800 AMP. CIRCUIT BREAKER
(Symbol)	1500 AMP. CIRCUIT BREAKER
(Symbol)	2000 AMP. CIRCUIT BREAKER
(Symbol)	3000 AMP. CIRCUIT BREAKER
(Symbol)	4000 AMP. CIRCUIT BREAKER
(Symbol)	5000 AMP. CIRCUIT BREAKER
(Symbol)	6000 AMP. CIRCUIT BREAKER
(Symbol)	8000 AMP. CIRCUIT BREAKER
(Symbol)	10000 AMP. CIRCUIT BREAKER

AREA SCHEDULE

NAME	BEDROOM NUMBER	AREA	SQ. FT.	%
BEDROOM # 1	1	10.00	10.00	0.22
BEDROOM # 2	2	10.00	10.00	0.22
BEDROOM # 3	3	10.00	10.00	0.22
BEDROOM # 4	4	10.00	10.00	0.22
BEDROOM # 5	5	10.00	10.00	0.22
BEDROOM # 6	6	10.00	10.00	0.22
BEDROOM # 7	7	10.00	10.00	0.22
BEDROOM # 8	8	10.00	10.00	0.22
BEDROOM # 9	9	10.00	10.00	0.22
BEDROOM # 10	10	10.00	10.00	0.22
BEDROOM # 11	11	10.00	10.00	0.22
BEDROOM # 12	12	10.00	10.00	0.22
BEDROOM # 13	13	10.00	10.00	0.22
BEDROOM # 14	14	10.00	10.00	0.22
BATHROOM # 1	1	5.00	5.00	0.11
BATHROOM # 2	2	5.00	5.00	0.11
BATHROOM # 3	3	5.00	5.00	0.11
BATHROOM # 4	4	5.00	5.00	0.11
BATHROOM # 5	5	5.00	5.00	0.11
BATHROOM # 6	6	5.00	5.00	0.11
BATHROOM # 7	7	5.00	5.00	0.11
BATHROOM # 8	8	5.00	5.00	0.11
BATHROOM # 9	9	5.00	5.00	0.11
BATHROOM # 10	10	5.00	5.00	0.11
BATHROOM # 11	11	5.00	5.00	0.11
BATHROOM # 12	12	5.00	5.00	0.11
BATHROOM # 13	13	5.00	5.00	0.11
BATHROOM # 14	14	5.00	5.00	0.11
LOCKER ROOM # 41	41	10.00	10.00	0.22
LOCKER ROOM # 42	42	10.00	10.00	0.22
LOCKER ROOM # 43	43	10.00	10.00	0.22
LOCKER ROOM # 44	44	10.00	10.00	0.22
LOCKER ROOM # 45	45	10.00	10.00	0.22
OFFICE # 1	1	10.00	10.00	0.22
OFFICE # 2	2	10.00	10.00	0.22
OFFICE # 3	3	10.00	10.00	0.22
OFFICE # 4	4	10.00	10.00	0.22
OFFICE # 5	5	10.00	10.00	0.22
OFFICE # 6	6	10.00	10.00	0.22
OFFICE # 7	7	10.00	10.00	0.22
OFFICE # 8	8	10.00	10.00	0.22
OFFICE # 9	9	10.00	10.00	0.22
OFFICE # 10	10	10.00	10.00	0.22
OFFICE # 11	11	10.00	10.00	0.22
OFFICE # 12	12	10.00	10.00	0.22
OFFICE # 13	13	10.00	10.00	0.22
OFFICE # 14	14	10.00	10.00	0.22
TOTAL		4500.00	4500.00	100.00



THE PHOENIX DESIGN GROUP

1405554 ONTARIO INC.

PHONE: 755-333-3532

phoenixdesigngroup@gmail.com

THE UNDERSIGNED HAS REVIEWED AND TAKES RESPONSIBILITY FOR THIS DESIGN AND THE QUALIFICATION AND STATUS OF THE PROFESSIONAL PERSONNEL SET OUT IN THE ONTARIO BUILDING CODE TO BE IN COMPLIANCE WITH THE REQUIREMENTS OF THE ONTARIO BUILDING CODE. THIS DESIGN IS SUBJECT TO THE REQUIREMENTS OF THE ONTARIO BUILDING CODE.

NAME: YANCY AMBING
SIGNATURE: [Signature]
ID: 11772

NAME: [Signature]
SIGNATURE: [Signature]
ID: [Blank]

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NAME: [Blank]
SIGNATURE: [Blank]
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PROJECT NUMBER: [Blank]

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CONTACT: Rouge River Farms Inc.
ADDRESS: 11303 Warden Ave., Markham, Ontario
PHONE: 647-239-5568
E-MAIL: evan@rougeriverfarms.com

REV.	DATE	COMMENT	SCALE: NOT TO SCALE	PAGE:
				6/13

DRAWN BY: YMA
DATE: February 16, 2024

FLOOR LAYOUT

APPENDIX “C” – TRCA Conditions of Approval



August 26th, 2024

CFN: PAR-DPP-2024-00200

VIA E-PLAN

Dear Shawna Houser,

Re: Minor Variance Application – (A/072/24)
11303 Warden Ave
Part Lot 29, Concession 5, City of Markham
(Warden Ave & 19th Ave)
Applicant: Thorstone Consulting Services
Owner: Gainview Development Inc.

Toronto and Region Conservation Authority (TRCA) staff provide the following comments in response to the referenced Committee of Adjustment application, received by TRCA on August 12th, 2024. We provide the following in accordance with TRCA's commenting role under the Planning Act and regulatory role under the Conservation Authorities Act (CA Act). For additional information, please see [TRCA Role in the Plan Input and Review Process](#).

Purpose of the Application

TRCA staff understand that the purpose of this application is to facilitate the development of proposed farm labour residence with a gross floor area of 497 square metres (5,349.7 square feet) totaling 30 lodging rooms.

By-law 2024-19:

- a) **By-law 2024-19, Section 4.8.1b)ii):** To permit a maximum gross floor area of 497 square metres, whereas the by-law permits a maximum of 60 square metres;
- b) **By-law 2024-19, Section 10.3.4.1.f):** To permit a farm labour residence defined as a dwelling unit, multiple dwelling, a camp containing temporary or mobile dwelling units or, other forms of shared housing which provides accommodations for employees of an agricultural use;

By-law 304-87:

- a) **By-law 304-87, Section 6.1:** To permit a farm labour residence, whereas the by-law does not permit the use;

By-law 28-97:

- a) **By-law 28-97, Section 3:** To permit no parking requirements for the farm labour residence, whereas the by-law requires 1 space per 25 square metres of net floor area for other uses

Background

TRCA Staff had originally provided a clearance for this property back on June 3rd, 2024 as it relating to the proposed development.

TRCA Permit Requirements

The subject lands contain floodplain hazards, meander belt hazard, and an area of interference due to wetlands hazards associated with a tributary of the Rouge River Watershed and its adjacent regulated allowance.

Based on the review of materials circulated with this application, the proposed development is located outside of the regulated portions of the property. Thus, a **permit is not required** from TRCA to facilitate the development associated with this application.

TRCA Plan Review Fee

By copy of this letter, the applicant is advised that TRCA have implemented a fee schedule for its planning application review services in accordance with applicable provincial regulations. This Minor Variance Application is subject to a fee of \$660.00 (Minor Variance – Residential – Minor). The applicant is responsible for fee payment within 60 days of the committee hearing date. Interest will be charged and accumulated beyond that time. Please contact the Planner noted below for an electronic invoice to facilitate payment.

Recommendations

Based on the comments provided, TRCA staff have **no objection** to the approval of Minor Variance Application (A/072/24) subject to the conditions identified in Appendix A. TRCA staff recommend that the applicant install erosion and sediment control measures to isolate the work from the wetlands. Please refer to the City of Markham for further details

Should you have any questions or comments, please contact the undersigned.

Regards,



Matthew Pereira
Planner 1
Development Planning and Permits | Development and Engineering Services
437-880-2416
Matthew.pereira@trca.

Attached: Appendix A: TRCA Conditions of Approval

Appendix A: TRCA Conditions of Approval

#	TRCA Conditions
1	The applicant submits the TRCA plan review fee of \$660.00 within 60 days of the committee hearing date.

APPENDIX “D” – TCPL Conditions of Approval

KITCHENER | WOODBRIDGE | LONDON | BARRIE | HAMILTON



Authorized commenting Agency for



August 26, 2024

Shawna Houser
Secretary-Treasurer, Committee of Adjustment

City of Markham
101 Town Centre Boulevard
Markham, ON L3R 9W3

Via email: coa@markham.ca

Dear Shawn Houser:

**RE: Minor Variance Application
11303 Warden Avenue, Markham**

Gainview Development Inc./Rouge River Farms c/o Thorstone Consulting Services
Municipal File: A/07/24
MHBC File: PAR 50405


MacNaughton Hermsen Britton Clarkson Planning Limited (MHBC) are the planning consultants for TransCanada PipeLines Limited (TCPL). This letter is in response to a notification and request for comments for the Minor Variance application outlined above. We understand that the purpose of the Minor Variance application is to permit the proposed farm labour residence on the lands identified as 11303 Warden Avenue in the City of Markham (the "Subject Lands"). TCPL has two (2) high-pressure natural gas pipelines contained within a right-of-way crossing the Subject Lands.

TCPL's pipelines and related facilities are subject to the jurisdiction of the Canada Energy Regulator (CER) – formerly the National Energy Board (NEB). As such, certain activities must comply with the Canadian Energy Regulator Act ("Act") and associated Regulations. The Act and the Regulations noted can be accessed from the CER's website at www.cer-rec.gc.ca.

TCPL has no concerns with the Minor Variance application as the proposed farm labour residence is located outside TCPL's Prescribed Area. TCPL requests the following regulatory requirements be forwarded to the Applicant for information:

1. Written consent from TCPL must be obtained before any of the following:
 - a. Constructing or installing a facility across, on, along or under a TCPL pipeline right-of-way (easement). A facility may include, but is not limited to: driveways, roads, access ramps, trails, pathways, utilities, berms, fences/fence posts;
 - b. Conducting ground disturbance (excavation or digging) on TCPL's pipeline right-of-way or within 30 metres of the centreline of TCPL's pipeline (the "Prescribed Area");
 - c. Driving a vehicle, mobile equipment or machinery across a TCPL pipeline right-of-way outside the travelled portion of a highway or public road;
 - d. Using any explosives within 300 metres of TCPL's pipeline right-of-way; and

 301-12 James Street North, Hamilton, ON | L8R 2J9

 905-639-8686

 www.mhbcplan.com

- e. Use of TCPL's Prescribed Area for storage purposes.

How to apply for written consent:

- Determine the location of your work relative to TCPL's facilities.
 - When planning, and before any of the work or activities, listed above, can begin, a request for written consent must be submitted to TCPL through our online application form
 - We no longer accept applications through email
 - Location of the work is required, along with the proximity to TCPL's right-of-way
 - This information can be obtained through survey plans, or through a locate request
 - Make a locate request either online (ClickBeforeYouDig.com) or by calling your local One-Call Centre.
 - The One-Call Centre will notify the Proponent of buried utilities in your area, who will send representatives to mark these facilities with flags, paint or other marks, helping you avoid damaging them. Often written consent for minor activities can be obtained directly from a regional TCPL representative through a locate request.
 - Apply for written consent using TCPL's [online application form](#) or call 1-877-872-5177.
 - Application assessment and consent. Once your information has been assessed and potential impacts have been evaluated, TCPL may:
 - Grant consent without any conditions
 - Grant consent that requires certain conditions to be met to assure safety, or
 - Not grant consent
2. No buildings or structures shall be installed anywhere on TCPL's right-of-way. Permanent buildings and structures are to be located a minimum of 7 metres from the edge of the right-of-way. Temporary or accessory buildings are to be located a minimum of 3 metres from the edge of the right-of-way.
3. A minimum setback of 7 metres from the nearest portion of a TCPL right-of-way shall also apply to any parking area or loading area, including any parking spaces, loading spaces, stacking spaces, bicycle parking spaces, and any associated drive aisle or driveway.
4. During any construction activities in proximity of the right-of-way, the Proponent must install and maintain temporary fencing along the limits of TCPL's right-of-way to prevent unauthorized access onto the pipeline right-of-way with heavy equipment. The fence must meet TCPL's specifications concerning type, height and location and must be maintained by the Proponent for the duration of construction.
5. Storage of materials and/or equipment on TCPL's right-of-way is not permitted.
6. Any landscaping of TCPL's right-of-way is to be approved in writing by TCPL and done in accordance with the following guidelines:
- a. TCPL's right-of-way is to be seeded with Canada #1 seed.
 - b. A 5-metre continuous access way shall be maintained over, through and within the right-of-way to facilitate access for future pipeline operation and maintenance activities.
 - c. No portion of trees or shrubs at the time of maturity shall be permitted to encroach within 5 metres of the edge of the TCPL pipeline within the right-of-way.
 - d. No trees or shrubs at the time of maturity that will reach a height greater than 4 metres shall be planted within the right-of-way.
 - e. Tree roots must not interfere with the pipeline.
 - f. A minimum of 10 metres between all groups of trees/shrubs will be established. A group is defined as 3-5 trees/shrubs.
 - g. Irrigation systems are not permitted within TCPL's right-of-way.

7. If TCPL's pipelines suffer contact damage or other damage as a result of a Proponent's operations, stop work immediately and notify TCPL at once.
8. The Proponent shall ensure through all contracts entered into, that all contractors and subcontractors are aware of and observe the foregoing terms and conditions.

Enclosed is a copy of TC Energy's Work Safely Handbook for additional information on constructing near TCPL's pipelines. Additional information can be found on TC Energy's [website](#).

Thank you for the opportunity to provide comments. Kindly forward a copy of Notice of Decision to TCEnergy@mhbcplan.com. If you have any questions, please do not hesitate to contact our office.

Sincerely,

MHBC



Kaitlin Webber, MA
Planner | MHBC Planning

on behalf of TransCanada PipeLines Limited

APPENDIX “E” – A/072/24 Conditions of Approval

1. The variances apply only to the proposed development as long as it remains;
2. That the variances apply only to the subject development, in substantial conformity with the plan(s) attached as ‘Appendix B’ to this Staff Report and received by the City of Markham in July 2024, and that the Secretary-Treasurer receive written confirmation from the Supervisor of the Committee of Adjustment or designate that this condition has been fulfilled to his or her satisfaction;
3. That the gross floor area of the farm labour residence on the subject lands be limited to a maximum of 500 m²;
4. That the farm labour residence is only allowed to be used for the accommodation of persons necessary to the operation of the permitted use(s) undertaken on agricultural lands owned and operated within the City of Markham, by Rouge River Farms.
5. That the owner implement and maintain all of the works required in accordance with the conditions of this variance.
5. That the applicant satisfies the requirements of the TRCA, financial or otherwise, as indicated in their letter to the Secretary-Treasurer attached as Appendices “C” and “D” to this Staff Report, to the satisfaction of the TRCA, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the TRCA

CONDITIONS PREPARED BY:



Nusrat Omer, MCIP, RPP, Senior Planner, West District