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direct line: 416.263.4513  
File No. 702679

March 4, 2015

By E-Mail to [denis.kelly@york.ca](mailto:denis.kelly@york.ca)

Chair Wayne Emmerson and Members of York Regional Council  
The Regional Municipality of York  
York Region Administrative Centre  
17250 Yonge Street  
Newmarket, Ontario L3Y 6Z1

**Attention: Mr. Denis Kelly, Regional Clerk**

Dear Mr. Kelly:

**Re: Proposed Amendment No. 10 to the Newmarket Official Plan  
Newmarket Urban Centres Secondary Plan**

We are counsel to The Estate of Thomas Mulock, Joyce Mulock Trust (the "Estate"). The Estate is the owner of lands located at the northwest corner of the intersection of Yonge Street and Mulock Drive in the Town of Newmarket, municipally known as 16780 Yonge Street (the "Lands").

We understand that at its meeting on March 5, 2015, the Region's Committee of the Whole will be considering a report of the Commissioner of Corporate Services and Chief Planner dated February 24, 2015 (the "Staff Report"), regarding the proposed Newmarket Urban Centres Secondary Plan (the "Secondary Plan").

The Staff Report recommends, among other things, that Regional Council approve the Secondary Plan, subject to the modifications described in Attachment 1 to the Staff Report, and that the Region defer its decision in relation to the Lands, which are identified on Attachment 2 to the Staff Report as "Deferral Area 2".

We are writing to advise that the Estate does not support the Secondary Plan, either as adopted or as proposed to be modified, nor does the Estate support the proposed "deferral" in relation to the Lands.

Following the delivery of a letter from the Town's Director of Planning and Building Services to the Region's Director of Community Planning dated December 17, 2014, which recommended that the Region approve the Secondary Plan with certain modifications, we wrote to the Region's Director by letter dated January 5, 2015. A copy of our letter is attached for your reference.



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In our letter of January 5, 2015, we expressed our client's objection to the Secondary Plan, as well as the proposed "deferral". We also confirmed the Estate's position that the Lands should be designated in the Secondary Plan at this time for medium and high density mixed use development, and that any references to the Lands constituting a potential "Neighbourhood Park" should be removed.

In addition, we offered to meet with Regional staff to discuss our client's concerns with the proposed Secondary Plan. In response to this offer, we met with both Regional and Town staff on February 3, 2015, which is referred to on page 9 of the Staff Report. However, whereas the Staff Report states that "The Region and Town ... agreed to include additional policies that relate to the property be deferred, in accordance with Section 16 (Deferrals) of the Secondary Plan", we wish to clarify that there is no "agreement" as between our client on the one hand, and staff of the Region and the Town on the other, regarding the appropriateness of the proposed "deferral". To be clear, our client continues to object to the Secondary Plan in its current form, including the proposed deferral in relation to the Lands.

Kindly ensure that we receive notice of any decision(s) made by the Committee and/or Regional Council concerning this matter.

DAVIES HOWE PARTNERS LLP

Mark R. Flowers  
Professional Corporation

attach.

copy: Client  
Gabe Szobel, Regional Municipality of York  
Karen Whitney, Regional Municipality of York  
Jason Ezer, Regional Municipality of York  
Esther Armchuk-Ball, Town of Newmarket  
Robert Shelton, Town of Newmarket  
Richard Nethery, Town of Newmarket  
Marion Plaunt, Town of Newmarket  
Jason Unger, Town of Newmarket



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January 5, 2015

**By E-Mail and Courier**

Ms. Karen Whitney, Director, Community Planning  
The Regional Municipality of York  
17250 Yonge Street  
P.O. Box 147  
Newmarket, Ontario  
L3Y 6Z1

Dear Ms. Whitney:

**Re: Proposed Newmarket Urban Centres Secondary Plan**

We are counsel to The Estate of Thomas Mulock, Joyce Mulock Trust (the "Estate"). The Estate is the owner of lands located at the northwest corner of the intersection of Yonge Street and Mulock Drive in the Town of Newmarket, municipally known as 16780 Yonge Street (the "Lands").

On behalf of the Estate, we made various submissions to the Town of Newmarket (the "Town") in respect of the Town's proposed Urban Centres Secondary Plan (Official Plan Amendment No. 10) (the "Secondary Plan") prior to its adoption by Town Council.

We understand that by letter dated December 17, 2014 from its Director of Planning and Building Services, the Town provided you with a series of proposed modifications to the Secondary Plan and requested that the Region approve the proposed Secondary Plan together with the requested modifications.

We note that the Town's proposed modifications to the Secondary Plan include, among other things, a proposed modification to section 10.3.2(ii)(c), regarding the proposed identification of the Lands as a Neighbourhood Park (NP3), and the addition of a new item 2 in section 16.0, which proposes to defer the Town's proposed Parks and Open Space designation on the Lands until some future "site specific amendment".

Please refer to: **Mark Flowers**  
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direct line: 416.263.4513  
File No. 702679

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As the Town is well aware, our client does not support the Secondary Plan, either as adopted or as proposed to be modified, including the proposed designation of the Lands as "Parks and Open Space", the identification of the Lands for a potential Neighbourhood Park, and the proposed deferral of a land use designation until a future site specific amendment.

By contrast, we are of the view that the Lands should be designated for medium and high density mixed use development in the Secondary Plan at this time, a position which we have repeatedly communicated to the Town.

Accordingly, as part of an approval of the Secondary Plan, we request that the Region modify the Secondary Plan to designate the Lands for medium and high density mixed use development, and remove any references to the Lands constituting a potential "Neighbourhood Park".

In this regard, we would be pleased to meet with Regional staff at your convenience to identify specific revisions to the Secondary Plan to address our client's concerns.

Kindly ensure that we receive notice of any decision made by the Region regarding the proposed Secondary Plan.

Yours truly,

**DAVIES HOWE PARTNERS LLP**

Mark R. Flowers  
Professional Corporation

copy: Client (by email only)

Karen Reynar, Senior Solicitor, Town of Newmarket (by email only)

Robert Shelton, Chief Administrative Officer, Town of Newmarket (by email only)

Richard Nethery, Director of Planning and Building Services, Town of Newmarket  
(by email only)