

Developer sues town for \$1.6 million

BY KATHLEEN GRIFFIN
Staff Writer

A former town employee-turned-developer is suing Markham for \$1.6 million, claiming the town reneged on an agreement to sell The Stiver Mill to his company for redevelopment.

Bob Swayze, the former town solicitor and a principal of Blue Jay Developments, has been negotiating with the town and residents — at times bitterly — for more than five years to buy and redevelop the historic Unionville property, converting it to office space.

The suit comes after council's June decision to not extend Blue Jay's option to purchase for another five months because it had already granted a year-long extension in 2001 and little progress was made during that time.

Blue Jay was to have submitted a site plan and restoration proposals for the 1930s building, considered to have several heritage features, for town approval before the land was turned over. Despite the earlier extension, it failed to do so.

In fact, council heard Blue Jay did not communicate at all with town staff between August 2001 and April 2002, just weeks before the second deadline.

In a statement of claim filed with the Ontario Superior Court of Justice in Toronto, Blue Jay asserts

it was ready to close the deal on Aug. 16.

Because the town did not respond, the company claims it is owed \$300,000 for the loss of use and enjoyment of the lands until the site is turned over to the company; or, if the court does not agree, that it is then entitled to \$1.6 million for breach of contract.

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Mr. Swayze declined comment when reached, saying the matter was before the courts.

Ward 3 Councillor Joe Virgilio said council is confident the suit is easily defensible.

"It's not that he didn't know the law or know about how municipalities operate," he said.

"If anyone should know, it's Bob. We don't feel good about doing stuff like that and the mood of this council is if he had done what he was supposed to do everything would have been OK."

After the town declared the site surplus, Blue Jay won a 1999 tender for the building and was successful in a rezoning application to permit, among other things, medical

uses. Despite the fact residents had been consulted prior to the rezoning, they decided they did not support medical uses after all and began lobbying council to permit strictly office uses.

In June 2001, the town granted Blue Jay a one-year extension on its option to purchase the property at 9 Station Lane, time to market the building and resolve several restoration issues with Heritage Markham.

Mr. Swayze told council in June Blue Jay had done some marketing, but the heritage issues — including a plan to demolish the eastern portion of the building — were not resolved because of miscommunication within



JOE VIRGILIO: Town should have no problem defending itself.

his company.

"We let him go on over two years and went through a lot of anguish," Councillor Virgilio said. Council denied the exten-

sion by an eight-to-five vote.

Richard Talbot, president of the Unionville Villagers Association, noted developers looking at infill projects are usually eager to work with residents and town staff in order to obtain quick approval with minimum fuss.

"Developers usually like to move fast because time costs them money, but they (Blue Jay Developments) have had a cavalier attitude and have been foot-dragging all along," he said.

"We thought the town had gone out of its way to dot every i and cross every t in this deal.

"But I'm not 100 per cent surprised by this. He is, after all, a lawyer."

CORRECTION NOTICE

THE BRICK

Please be advised of an error in our "DO NOT PAY UNTIL 2004" Flyer in effect from October 24 through October 30, 2002. On the left hand inside fold-out page in the GE section the "GE Deluxe Ceran Smooth-Top Stainless-Steel Range" is pictured and described at an incorrect price. The price displayed is for the White and Black versions. The Stainless Steel version should actually be priced at 1099.95 after rebate - \$1149.95 less a \$50 mail-in rebate - for a total savings of \$200. A TREMENDOUS VALUE!

We sincerely apologize for any inconvenience this error has caused.



CORRECTION NOTICE

We Wish to Draw your Attention to the following in our current 'Canadian Tire' flyer.

Page 34: - Gas-Charged Struts and Cartridges, 22-0700X/2100X

Copy Reads: REG. FROM 18.88. SALE FROM 16.99. SAVE 10%
Should Read: REG. FROM 46.31. SALE FROM 41.68. SAVE 10%

Page 34: - Gas-Charged Shocks, 22-0800X/2260X/3938X

Copy Reads: REG. FROM 46.31. SALE FROM 41.68. SAVE 10%
Should Read: REG. FROM 18.88. SALE FROM 16.99. SAVE 10%

We Sincerely regret any inconvenience we may have caused you. All zones

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Winner shall be contacted by phone and will have her makeover, outfit & photograph on November 10th.

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