

RE: Settlement between 9704 McCowan Rd and 9718 McCowan Rd

The DSC Meeting held on April 29th, 2019, 9704 McCowan Rd received approval for the Rezoning Application (ZA-17 174837), Official Plan Amendment (OP-17 174837) and Site Plan in principle. The approval by the DSC committee was based on reaching a settlement with the neighbour to the north, 9718 McCowan Rd, Markham, known as Radiant Way Montessori.

Here is the list of items that have been agreed upon by 9704 McCowan Rd, Markham to satisfy 9718 McCowan Rd, owners Behram and Anahita Farooqh, Radiant Way Montessori:

CONDITIONS THAT CONFIRM AN AGREEMENT BETWEEN THE PARTIES INVOLVED.

- 1) During the redevelopment, services found on the municipal easement abutting the property known as 9704 McCowan Rd at the north west corner, will be brought forward, approximately to the middle of the northern property line for 9718 McCowan Rd to utilize as deemed necessary by 9718 McCowan Rd. Services are defined as Storm connection, Sanitary connection and Domestic water connection.
- 2) A private access easement will be granted that permits 9718 McCowan to come onto 9704 McCowan Rd lands to repair, maintain their service connections, noted as (1).
- 3) At the request of 9718 McCowan Rd, the domestic water line will be increased to 150 mm diameter from 100 mm.
- 4) A sanitary connection will be made during the redevelopment of 9704 McCowan Rd. for the offices of 9718 McCowan Rd. The existing septic tank would also be decommissioned prior to making the connection.
- 5) Prior to demolition and construction, a temporary fast fence structure, will be erected on 9704 McCowan Rd property defined as 8ft high for the entire length of the 9718 McCowan Rd property. The fence structure will also have a privacy screen attached to the structure to minimize dust transfer and act as a screen for parents and children. Upon completion of the underground portion of the work, and the start of the above ground work, the fast fence system would be removed and replaced by the permanent fence along the property line, as per City by-laws.
- 6) Power washing of the asphalt paving at 9718 McCowan Rd, the building located thereon, as well as the side facing south, every four weeks during the construction phase of the redevelopment. The privacy screen on the temporary fast fence will also be washed as needed.
- 7) Forthwith upon demand by 9718 McCowan Rd, acting reasonably, clean up any debris, marks or construction waste that falls onto their property. Repair any damage that results from the redevelopment of the 9704 McCowan Rd.

- 8) On the lands known as 9704 McCowan Rd, an inter-connection driveway is accommodated for 9718 McCowan Rd and would be made available with the redevelopment of their property.
- 9) For pedestrian safety, an encroachment agreement would be in place, that permits scaffolding over the sidewalk to be extended approximately 3 metres north of 9704 McCowan Rd onto 9718 McCowan, as per City by-laws.
- 10) No crane swing agreement will be provided for the redevelopment of 9704 McCowan Rd by 9718 McCowan Rd.
- 11) Prior to entering into a tieback agreement, 9718 McCowan Rd requires 9704 McCowan Rd to grant a right of access by way of an easement on our lands, as noted on (8), as per City by-laws and York Region.
- 12) Once the redevelopment is completed, the condominium corporation will grant an easement in favour of the occupants of 9718 McCowan Rd to enter on to and seek shelter in an event of an emergency situation.
- 13) 9718 McCowan Rd acknowledges that in order to develop 9704 McCowan Rd, the City of Markham and/or the Regional Municipality of York may require a possible alteration in the existing curb cut in order to all access for emergency and waste removal vehicles onto the property. Any changed curb cut will have a radius of approximately 9 meters, a portion of which will be in front of the 9718 McCowan Rd lands.
- 14) 9704 McCowan Rd is required to incur legal, planning costs and expenses for 9718 McCowan Rd as a result of the development. Upon execution of the agreement, 9704 McCowan Rd will pay, pursuant to invoices, all legal costs for 9718 McCowan Rd.
- 15) 9704 McCowan Rd shall take out and keep in full force and in effect at all times during the term, comprehensive general liability insurance naming 9718 McCowan Rd as an insured party with limits in an amount of not less than \$2,000,000 per occurrence, on an occurrence basis, with the usual provisions for cross-liability and severability of interests and including coverage for personal injury liability, bodily injury liability, contractual liability, death and damage to property, including loss of use thereof.

All items listed reflect the settlement of demands by 9718 McCowan Rd. The owners will then sign a letter of support and therefore will not object to the redevelopment of 9704 McCowan Rd.

I hope this is to the satisfaction of the City of Markham. If you wish to discuss any of these points, feel free to call me at anytime.

Sincerely,
Shakeel Walji, P.Eng
Partner. Creative.
Nascent Sher (9704 McCowan) Inc.

cc: Dave Miller, City of Markham
Ronald Blake, City of Markham
Biju Krumanchery, City of Markham
Arvin Prasad, City of Markham
Mohammed Rawra, Nascent Sher (9704 McCowan) Inc