

July 15, 2024

Development Services Committee  
Markham Civic Centre  
101 Town Centre Boulevard  
Markham, Ontario L3R 9W3

Re: Proposed Designation of 11534 McCowan Road, Markham  
under section 29 of the Ontario Heritage Act,  
Objection to Designation

Dear Members of the Development Services Committee,

I have been engaged by Antonietta Maiorano and her son Joseph, the owners of 11534 McCowan Road, Markham ON. Their property is going to be considered for designation by the Development Services Committee on July 16th, 2024, and Council on July 17th, 2024. I will be representing the Maiorano Family at both meetings.

The Maiorano Family object to the proposed designation of their farmhouse. On July 11, 2024, I visited the site and noted that the building has been extensively renovated over the years, such that there are no significant heritage attributes remaining on the building (refer to Appendix A for existing photos).

In the few days since I have been engaged by the Maiorano Family, I have completed a partial review of hundreds of pages of documents kept by Mrs. Maiorano. I have determined that for many years, the Maiorano Family has been fighting against the City of Markham to prevent the demolition of the farmhouse. Furthermore, until recently, the Markham Heritage Committee has shown little interest in designating the house and scored it a B+ and described as 'Moderate' in the Markham Heritage Estates Study 2004. Since then, the windows have been replaced with contemporary windows, aluminium soffits and fascia have been added on the roof eaves, and the exterior walls including the foundation, has been covered in metal siding. Furthermore, several small additions have been built on the rear of the building.

## Part 1 – Property Description

11534 McCowan Road (Part of Lot 31, Concession 6) is a 5.5 ha (13.6 acre) agricultural lot located on the west side of McCowan Road, north of 19<sup>th</sup> Avenue. The property is surrounded by agricultural properties including a garden centre with multiple farm buildings to the south (owned and operated by the Maiorano family).

The neighborhood consists primarily of medium and large agricultural properties with a few newer rural residential properties. The lot is located at the north edge of the boundaries of the City of Markham.

The site is zoned RR4, Rural Residential 4 (and partially O1) under the old Zoning by-law and GWY2, Greenway 2, under the new Comprehensive Zoning bylaw 2024-19, which is subject to appeal. Based on its location at the northernmost edges of Markham, the lot is not a good candidate for conversion to residential development for several decades and the GWY2 zoning does not permit suburban-style residential development, meaning that if an application to develop the lot were proposed in the future, a rezoning with all appropriate municipal checks and balances would be required.



Figure 1 - Zoning map for 11534 McCowan Road, Zoning bylaw 2024-19.

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There are several farm buildings south of the subject farmhouse. The lot is also occupied by two residential buildings, the original wood frame farmhouse (the subject building) and an early 1990's brick veneer bungalow.

The farmhouse (subject to proposed designation) is a 1½ storey Ontario Vernacular farmhouse that has been extensively altered over the years, and that has had multiple one-storey additions added to both the rear and south side of the property. The exterior consists of metal siding covering exterior board insulation that was added over the foundation and exterior wall finish, and aluminum soffits and fascias at the roof eaves. The windows have all been replaced with aluminum and vinyl windows. The roofing consists of asphalt shingles with some 20<sup>th</sup> century metal shingles on the west side of the 1½ storey building.



Figure 2 - Front Elevation of 11534 McCowan Road (Zillow.com)

The farmhouse building has been listed on the City of Marham [Register of Properties of Cultural Heritage Value or Interest](#) since 1991. The front wall of the 1½ story building is unusually close to the road, being only +/- 6 metres from the east lot line fronting McCowan Road.



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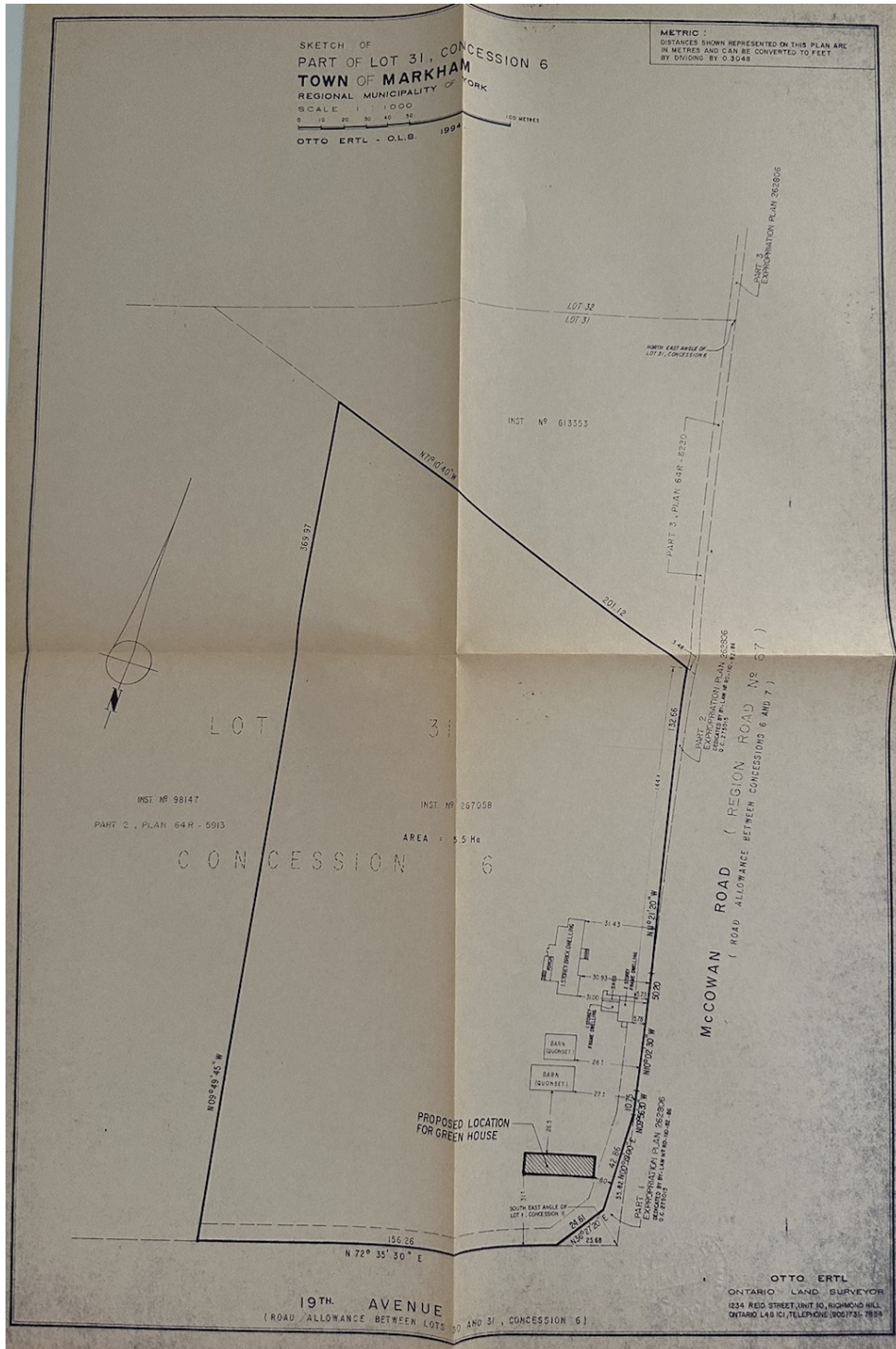


Figure 3 - Overall site plan of 11534 McCowan Road, Markham, circa 1994.  
(Otto Ertl, OLS)

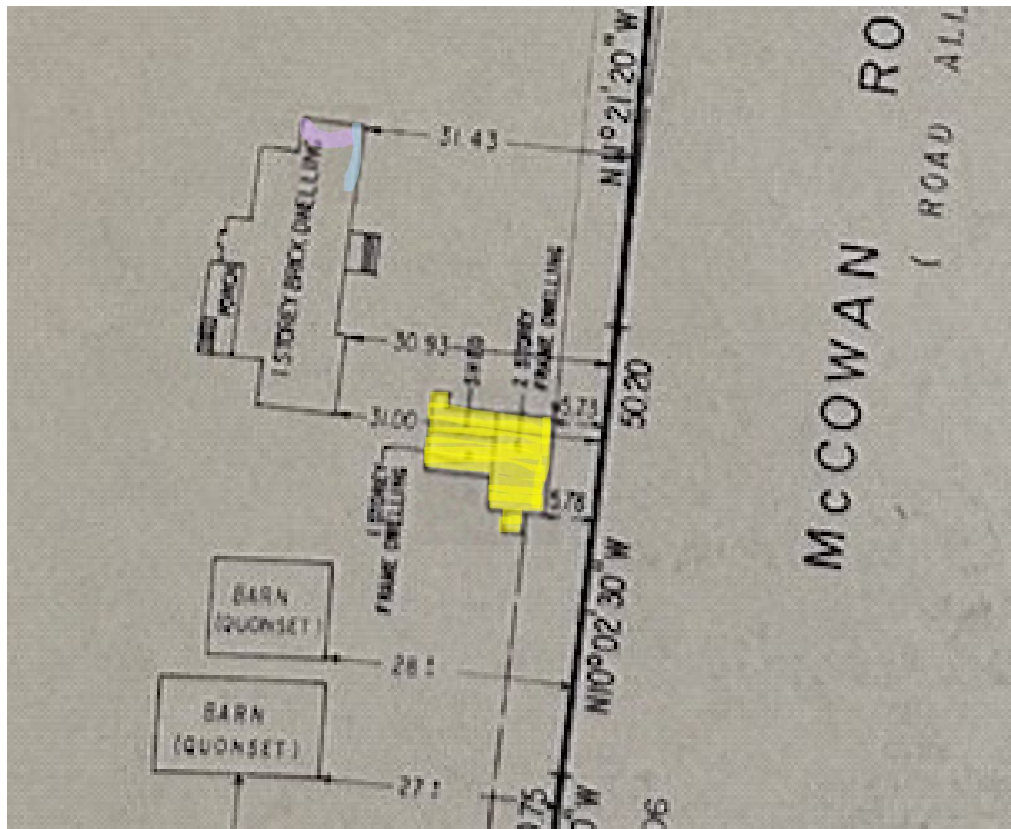


Figure 4 - Enlargement of the area around the houses, 11534 McCowan Road, circa 1994.  
Yellow highlighted building is farmhouse.  
(Otto Ertl, OLS)

## Part 2 – Preventing The Demolition of the Farmhouse

I have interviewed octogenarian Mrs. Antoinetta Maiorano about the history of the property and the construction of their (circa 1990's) new house. While her late husband Vincent generally managed the paperwork and face-to-face meetings with City officials, Mrs. Maiorano kept detailed paper records of the project and has a remarkable memory about the process the couple underwent to get their new house built and retain the original farmhouse.

My preliminary review of hundreds of pages of documentation kept by Mrs. Maiorano dating from the late 1980's to the early 1990's has revealed a very complicated past for this property and the farmhouse. The documentation includes correspondence from the City of Markham to the Owners, letters from the Owner's lawyers, and various municipal land use applications and agreements including the building permit for a new house, minor variances and rezoning etc.

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Based on research I was able to complete in the past few days, discussions with Mrs. Maiorano, and a review of documents provide by Evan Manning (Senior Heritage Planner) on Sunday July 14<sup>th</sup>, 2024, I was able to put together the following timeline of events:

1. In early summer of 1987, Vince Maiorano applied for a building permit for a new house,
2. On June 10, 1987, Building Staff informed Mr. Maiorano that his proposed dwelling would not be considered an addition to the existing farm house, nor could it be used as farm worker housing,<sup>1</sup>
3. On March 8, 1988, William C. Walker (Building Director) wrote to Mayor Carole Bell stating that a building permit for a new house at 11534 McCowan Road could only be issued if the owner agreed to “...**demolish the existing dwelling...or enter into an agreement with the Corporation [of the Town of Markham] to remove the existing dwelling when the new dwelling is ready for occupancy**”<sup>2</sup>.
4. Over several months, Mr. Maiorano indicated that rather than demolish the existing farmhouse, he would like to convert it for use as farm storage or farm worker housing. On multiple occasions the city indicated that “...**the existing house must be removed and that compliance with the applicable by-law must be maintained.**”<sup>3</sup>
5. On April 6<sup>th</sup>, 1988, Mr. Maiorano’s lawyers described a discussion they had with then Councillor Scarpetti:  
*“Mr. Frank Scarpetti is of the opinion that we can probably convince the politicians to instruct Building Staff to grant you a building permit providing you enter into an agreement with the Town to be backed up by some form of security (a Letter of Credit in an amount to be determined) that the house presently existing on the property will have all plumbing, kitchen and bathrooms removed from the same once an occupancy permit is obtained for the new house.”*<sup>4</sup>
6. Maiorano’s lawyers warned him that that Council did not trust him to demolish the building after the new house was completed:  
*“Council felt that because of your previously expressed intention to house people in the building that they could not rely on their letter of credit or their right of enforcement if a any time you subsequently put plumbing back into the building and therefore exercised their discretion as they are entitled in requiring that you tear down the residence after the new residence has been erected.”*<sup>5</sup>
7. On May 20<sup>th</sup>, 1988, the Maiorano’s signed an agreement with the City to demolish the existing house seven days after the new house was completed. And to ensure they

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<sup>1</sup> Memorandum to Mayor Carole Bell from William C. Walker, Building Director, March 08, 1988, pg. 1.

<sup>2</sup> Ibid, pg. 2.

<sup>3</sup> Ibid, pg.2.

<sup>4</sup> Letter from Cattanach, Hindson, Sutton & Hall to Vincent Maiorano, April 6, 1988.

<sup>5</sup> Letter from Cattanach, Hindson, Sutton & Hall to Vincent Maiorano, April 18, 1988.

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- demolished the existing house, they provided a \$10,000 letter of credit. That agreement was executed, signed, sealed and witnessed by the Maiorano's, Mayor Carole Bell and City Clerk Gary. F. Roseblade (See Appendix B).
8. Shortly thereafter (June 03, 1988), Building Permit No. 87-2455 was issued, for a new single-family dwelling to be located at 11534 McCowan Road.
  9. That same year, the City of Markham was actively pursuing the idea of developing a 'heritage' subdivision. The Markham Heritage Estates were established in 1988 to provide a place for heritage homes that otherwise faced demolition.
  10. The Maiorano's heard about the heritage estates and offered to move their farmhouse to the estates,<sup>6</sup>
  11. According to Mrs. Maiorano, the Town of Markham (Heritage Markham?) refused the offer, stating that **"the building was too far altered to be a good example of a heritage building."**<sup>7</sup>
  12. The original farmhouse was added to (listed in) the Markham Inventory of Heritage Buildings in 1991,<sup>8</sup>
  13. The new house was completed sometime in 1993,<sup>9</sup>
  14. On February 16, 1994, the Committee of Adjustment heard an application from Mr. Vincent Maiorano to retain the original farmhouse so that it can be used as "*housing [for] temporary farm help*".<sup>10</sup> The application was refused (Decision A/05/94).
  15. On July 4<sup>th</sup>, 1994, the owner's lawyer (Gowling, Strathy & Henderson) applied to rezone the property to allow for housing for farm workers.<sup>11</sup>
  16. On January 11<sup>th</sup>, 1995, Heritage Markham recorded that they had no objection to the proposed rezoning amendment provided that the heritage house is maintained and retained,<sup>12</sup>
  17. On January 24, 1995, Council agreed to the rezoning on condition that "*The proposed by-law amendment would expire three years from the date of passing by Council.*"<sup>13</sup>
  18. Three years later, Mr. Maiorano reapplied for a permanent zoning exemption which was refused by Council. On July 17, 1998, Heritage Markham Extract recorded:  
*"The Planner advised that the zoning application for 11534 McCowan Road has been refused by Council and the heritage structure on this property is now in danger of being demolished. However, he pointed out that this house is similar to several already located in Markham Heritage Estates."*<sup>14</sup>
  19. The same Heritage Committee minutes of meeting stated:

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<sup>6</sup> Conversation with Mrs. Antonietta Maiorano and her son Joseph, July 11<sup>th</sup>, 2024.

<sup>7</sup> Ibid.

<sup>8</sup> Email from Evan Manning to Francis Lapointe, July 14, 2024.

<sup>9</sup> Ibid.

<sup>10</sup> Committee of Adjustment Resolution (Markham), A/05/95, March 18, 1994.

<sup>11</sup> Letter from Gowling, Strathy & Henderson to Town of Markham, July 4, 1994.

<sup>12</sup> Email from Evan Manning to Francis Lapointe, July 14, 2024.

<sup>13</sup> Markham Planning Public Meeting Agenda, January 24, 1995.

<sup>14</sup> Heritage Markham Extract, July 17, 1998.

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*“That the house at 11534 McCowan Road not be relocated to the Markham Heritage Estates;*

*And that, in the event that the house is to be demolished, the applicant be required to comply with the Heritage Markham salvage policy.”<sup>15</sup>*

20. The Owner appealed Council’s rezoning decision to the OMB, and in June 1999, the OMB ruled that he could retain the farmhouse for use as farm worker housing, and that if he did not comply, the OMB decisions could be rescinded by the Board.<sup>16</sup> I have reached out to the Ontario Municipal Board (now OLT) for a copy of that decision but have not hear back yet.

In summary, since 1988, the City of Markham has been insisting that the farmhouse at 11534 McCowan Road, Markham, had to be demolished as a condition for building a new house. The owners fought those orders and offered to move the building to the Markham Heritage Estates. Extracts from the Markham Heritage Committee revealed that there were already similar buildings in the estates, and that they did not want the house moved there. According to Mrs. Maiorano, the City of Markham deemed the farmhouse ‘unworthy’ of preserving. So, you can imagine the Maiorano family’s surprise to find out that the structure (further altered over the years) is suddenly subject to designation!

### **Part 3 – Markham’s Designation Process**

On June 21, 2024, the City of Markham issued (mailed?) a letter to the Owners of 11534 McCowan Road stating that Markham City Council will consider whether to initiate the designation process for their property on July 16th and 17th, 2024. The letter also stated that:

*“The purpose of this letter is to begin the conversation about the future potential designation of your property.”*

I have been asked to consult on several other objections to designation in the City of Markham, and none of the owners of those properties have reported any attempts by City staff to ‘begin a conversation’ with them. Instead, the process appears to be designed to get as many projects designated before the January 2025 deadline, notwithstanding outside expert advice on the suitability of designation. The ‘courtesy’ City memo is more likely designed to simply weed out any potential opposition early in the process and is not a true effort to “begin a conversation”.

The ‘courtesy’ notice prepared by Heritage Staff and sent to my clients was dated June 21, 2024 but received more than a week later. The Notice states that the provincial government’s Bill 23 has set a “...two-year period beginning January 1, 2023...” for designation and if the property was not designated it would “...be removed from the [heritage] register”.

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<sup>15</sup> Heritage Markham Extract, July 17, 1998.

<sup>16</sup> Both Sides Claim Victory in OMB Ruling, Stouffville Tribune, Saturday June 19, 1999. Pg 3.



The City notice fails to mention that 15 days earlier (June 6, 2024) the Province had extended that deadline by an additional two years with Bill 200. The extension was as a result of Community Heritage Ontario asking the City of Markham and other municipalities to agree to lobby the Province for a 5-year extension.<sup>17</sup>

Heritage Staff knew that the extension had been approved prior to June 12<sup>th</sup>, 2024, recorded in the minutes of the Heritage Markham Committee Meeting on that same day:

*“Evan Manning, Senior Heritage Planner, provided a high-level summary of the changes to the Ontario Heritage Act, explaining Bill 200 extended the deadline for the designation of listed properties by two years.”<sup>18</sup>*

So why the continued rush to designate listed properties? And why not consider slowing the process down to allow for better consultation with the affected parties? As shown in the Heritage Markham Committee Minutes, Heritage Staff were more interested in accomplishing their task on budget, rather than taking the time to ‘begin the conversation’ with the affected property owners of Markham:

*“Mr. Manning advised that Heritage Section Staff do not wish to alter current processes as they have allocated resources to complete the designation process by the end of 2024...”<sup>19</sup>*

On June 18<sup>th</sup>, 2024, two weeks after the 2-year extension had been approved by the Province, Staff continued to (incorrectly) warn against deferral of the designation process in the June 2024 DSC Recommendation Report:

***“Deferral of the Notice of Intention of Designate is not recommended. Staff have thoroughly researched and carefully selected the properties proposed for designation. The properties recommended for designation are, in the opinion of Staff, the most significant heritage properties currently listed on the Heritage Register. This position is substantiated by the detailed research undertaken by Staff for each property.”<sup>20</sup>***

The Recommendation Report provided misleading information to members of the Development Services Committee, neglecting to inform the Committee about Bill 200 and that the deadline had been extended by two years (now January 01, 2027):

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<sup>17</sup> Heritage Markham Committee Minutes, Meeting No. 2, Feb 20, 2024, item 7.3

<sup>18</sup> Heritage Markham Committee Minutes, Meeting No. 6, June 12, 2024, item 6.4

<sup>19</sup> Heritage Markham Committee Minutes, Meeting No. 6, June 12, 2024, item 6.4.

<sup>20</sup> Recommendation Report, Development Services Committee, June 18<sup>th</sup>, 2024.

*“Further, Staff opine that the tight timeline as imposed by Bill 23 (any properties that remain on the Heritage Register at the end of 2024 will automatically be **removed from the Register as of January 1, 2025**) make deferrals **unadvisable.**”<sup>21</sup>*

The report incorrectly warned that heritage properties may be lost forever if Council did not act quickly:

*This could lead to unnecessary delays that may prevent Council from considering designation by the aforementioned timeline. **Should this happen, the City risks losing valuable heritage properties to either demolition or insensitive alteration.**”<sup>22</sup>*

and...

*Should a property not be designated within the two-year time period and be removed from the register, **a municipality would have no legal mechanism to deny a demolition or alteration request.** The same applies to properties that are not listed at the time a Planning Act application is submitted as they would not be eligible for designation under the Act.”<sup>23</sup>*

**Noteworthy is that Heritage Staff did inform me earlier this morning that there was a note in the Recommendation Report about Bill 200 and the change in the deadline on page 2, notwithstanding that the above quoted information has remained unchanged in the report, and could lead to a misinterpretation of the regulations.**

The City of Markham is now in an uncertain and precarious position. Notices of designation containing false and prejudicial information have been sent to multiple property owners after June 06, 2024. The owners of the following properties have received ‘curtesy’ notices warning that their properties must be designated or will be de-listed by January 01, 2025:

- 5970 Elgin Mills Road East (Ward 6): “Peter Milne Jr. House”,
- 11534 McCowan Road (Ward 6): “Hastings-Francy House”,
- 10235 Highway 48 (Ward 5): “Byer-Shank House”.

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<sup>21</sup> Recommendation Report, Development Services Committee, June 18<sup>th</sup>, 2024

<sup>22</sup> Recommendation Report, Development Services Committee, June 18<sup>th</sup>, 2024.

<sup>23</sup> Recommendation Report, Development Services Committee, June 18<sup>th</sup>, 2024.

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Other properties in the process of designation may also have been provided with false information after the deadline change (we are not sure of the date of issuance of the NOID), including:

- 2501 Denison Street (Ward 7): “William Macklin House”,
- 6864 Fourteenth Avenue (Ward 7): “Lydia Beebe House”,
- 60 Meadowbrook Lane (Ward 3): “Philip Eckardt Jr. House”,
- 15 Victoria Street (Ward 2): “Frisby House”

Most property owners are not knowledgeable about the Ontario Heritage Act designation process and may fear interacting with City officials, or they may not have a strong comprehension of English or may not have the financial means to engage heritage consultants. Moving too rapidly with the designation process robs citizens of their right to be heard. Heritage Staff have argued that property owners have plenty of time:

*Also, to allow a review of the proposed designation material, owners are typically provided over 50 days including the 30-day official objection period required by the Act.”<sup>24</sup>*

But in practical terms, and considering the slow delivery of mail, affected property owners only have a few days to assess the situation and eventually realize that they need to consult with a lawyer and/ or heritage consultant. Owners and their hastily hired consultants generally have less than a week to complete research and prepared an objection, whereas the City has been researching these properties for months and years and can rely on research prepared decades ago.

**To summarize the matter, the City of Markham may have provided false and misleading information to affected property owners and should now retract every application for designation initiated after June 06, 2024, that contained false or misleading information. Doing so would allow affected property owners and City Staff more time to properly review each property and complete site visits, archival research and review historic documents and finally discuss the process and the findings with all affected parties.**

### **Part 4 – Review of the Statement of Designation**

I have read the Statement of Significance and noted several missing items or discrepancies. While I haven’t had time to fully detail the issues, I can offer the following comments:

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<sup>24</sup> Recommendation Report, Development Services Committee, June 18<sup>th</sup>, 2024.

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1. The exterior finishes of the building have been completely altered over the years. There are no visible/ remaining heritage features on the building.
2. The interior of the building is generally unaltered. The original finishes, including wide trim and casing, wainscoting, flooring, ceiling and wall finishes are generally intact, except in the kitchen and bathrooms.
3. If an application to develop the property was submitted in the future, the City would likely ask for the exterior of the building to be restored. This would require the removal of the exterior siding (which currently protect/conceals the exterior wall insulation) in order to expose the (assumed) original wall finishes behind the insulation.
4. To meet the regulations of the current Ontario Building Code, the interior finishes would have to be removed to allow for additional wall insulation to be added (OBC currently requires +/- R-24).
5. The end result would be that a generally intact heritage interior would have to be demolished in order to restore a heritage exterior, and exterior that we are unsure exists, and for which we have no evidence of its design or appearance.

I recommend that the 11534 McCowan Road be removed from the City of Markham's Register of Properties of Cultural Heritage Value or Interest, as required by recent changes to the Ontario Heritage Act, detailed in Bill 23, More Homes Built Faster Act, and that the City's Notice of Intention to Designate be withdrawn.

#### **Part 4 - Conclusion**

On June 06, 2024, the Province of Ontario enacted Bill 200, which extended the deadline for designation of buildings under the Ontario Heritage Act to January 1<sup>st</sup>, 2027, 2½ years from now.

On June 12, 2024, Heritage Staff informed the Markham Heritage Committee of the extension.

On June 21, 2024, Heritage Staff issued their letter titled Future Designation Under Part IV of the Ontario Heritage Act for 11534 McCowan Road and likely at least two other properties. Those noticed included information about designation deadlines that was false and misleading.

The July 16<sup>th</sup>, 2024 DSC Recommendation Report is the basis for this meeting. It also contains false and misleading information about Bill 23 and Bill 200 (although it was partially corrected), specifically concerning the deadline for designation under the Heritage Act, and the suggestion that Council must act now or forever lose the opportunity to protect subject heritage buildings.

The DSC Committee Members and Councillors are being asked to decide whether to start the designation process. This decision should be deferred until such a time as the information provided to the affected property owners, the citizens of Markham and their Municipal Councilors is corrected.

Deferring this decision will NOT affect the ability of Council to designate the building at a later date. Council still has 2 ½ years to designate any building in Markham.

Providing extra time to allow the process to proceed on a timely basis, to allow for consultations with the owners, to allow for staff to visit the site, to allow for revisions to the Statement of Significance, and maybe even prove that the building is not worthy of designation, is not unreasonable. It is the appropriate thing to do.

Sincerely,



Francis J. Lapointe.

Dipl. Arch. Tech., B. Arch., M. Arch., OAA, MRAIC, CET, LEED® AP

- Attachments:    **Appendix A** – Existing Photographs  
                      **Appendix B** – Agreement to Demolish between Vincent and Antonietta  
                      Maiorano and The Corporation of the Town of Markham, May 20<sup>th</sup>, 1988  
                      **Appendix C** – OBM Decision (to follow)



# Appendix A

## Existing Photographs

**Objection to Proposed Heritage Designation  
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Figure 5 - Front (east) elevation of 11534 McCowan Road, Markham (Zillow.com)



Figure 6 - Right Side (north) elevation of 11534 McCowan Road, Markham (LA)





Figure 7 - Rear (west) elevation of 11534 McCowan Road, Markham (LA)



Figure 8 - Left Side (south) elevation of 11534 McCowan Road, Markham (LA)

Appendix B  
Agreement to Demolish  
May 1988



Objection to Proposed Heritage Designation  
11534 McCowan Road, Markham ON

THIS AGREEMENT made in duplicate this 20<sup>th</sup> day of May, 1988.

B E T W E E N :

VINCE MAIORANO AND ANTONIETTA MAIORANO  
hereinafter referred to as the "Owners"

- and -

THE CORPORATION OF THE TOWN OF MARKHAM  
hereinafter referred to as the "Town"

WHEREAS the Owners represent that they are the owners of the lands known municipally as R.R. #2, Markham, and more particularly described as being Part of Lot 31, Concession 6, in the Town of Markham, in the Regional Municipality of York, and described in Schedule "A" attached hereto and hereinafter referred to as the subject lands;

AND WHEREAS the Owners wish to erect a new single family dwelling on the subject lands prior to the demolition of the existing dwelling located on the subject lands;

AND WHEREAS the Town will not issue a Building Permit for the new single family residential dwelling unless the Owners agree to demolish the existing dwelling forthwith upon the completion of the new single family dwelling;

AND WHEREAS the Owners agree to demolish the existing dwelling upon completion of the new dwelling as a condition of obtaining a Building Permit;

NOW THEREFORE WITNESSETH that in consideration of the premises and other good and valuable consideration, the Owners and the Town agree as follows:

1. The Owners acknowledge and agree that the Building Permit for the new single family dwelling is to be issued on the condition that the existing dwelling on the subject lands will be demolished forthwith upon the completion of the construction of the said single family dwelling, which said demolition will be at the sole expense of the owners; provided that should the Owners not demolish the existing dwelling on the subject lands within seven (7) days from a notice in writing by the Town to that effect, then the Town may enter upon the lands and demolish or cause to be demolished the existing dwelling and add the costs of the said demolition, over and above the sum of Ten Thousand Dollars (\$10,000.00), to the tax roll of the subject lands and the said costs may be collected in the same way and in the same manner as municipal taxes.

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**LaPointe**

ARCHITECTS  
108 Henry Street  
Trenton ON Canada, K8V 3T7  
T: 416.964.6641 [www.lapointe-arch.com](http://www.lapointe-arch.com)



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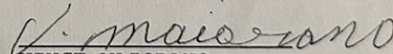
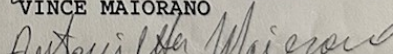
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2. The Owners covenant and agree to deliver to the Town an irrevocable Letter of Credit in a form satisfactory to the Town Solicitor, in the amount of TEN THOUSAND DOLLARS (\$10,000.00) to guarantee performance of the requirements of this Agreement and the Owners further covenant and agree that should the Owners breach or be in default of any of the terms and conditions of this Agreement that the Town may call upon the said Letter of Credit in the full amount and the Owners agree not to make any claim, demand or to take any action or suit to recover the said TEN THOUSAND DOLLARS (\$10,000.00) or any part thereof.
3. The Owners acknowledge and agree that this Agreement does not relieve them from their obligations under THE ONTARIO BUILDING CODE or any other Act, Regulation, By-law or Order.
4. The Owners covenant and agree not to object to any local improvements in this area and to pay their proportionate share of the cost of the construction of such, as required under the Local Improvements Act.
5. The Owners covenant and agree, prior to the issuance of a building permit, to deposit a Letter of Credit in an amount to be determined by the Director of Engineering, to ensure that lot grading is carried out in accordance with the approved lot grading plan.
6. This Agreement shall be binding upon the parties hereto, their heirs, executors, successors and assigns.

IN WITNESS WHEREOF the Owners have hereto set their hands and seals and The Corporation of the Town of Markham has caused this Agreement to be executed by affixing the corporate seal attested by the signatures of its proper officers duly authorized in that behalf.

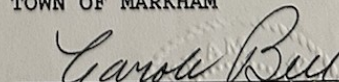
SIGNED, SEALED AND DELIVERED  
in the presence of

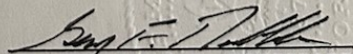


  
VINCE MAIORANO  
  
ANTONIETTA MAIORANO

THE CORPORATION OF THE  
TOWN OF MARKHAM



  
MAYOR CAROLE BELL

  
CLERK GARY F. ROSEBLADE

Appendix C  
OMB Decision, No. \_\_\_\_\_,  
*June 1999*  
*(To Follow)*