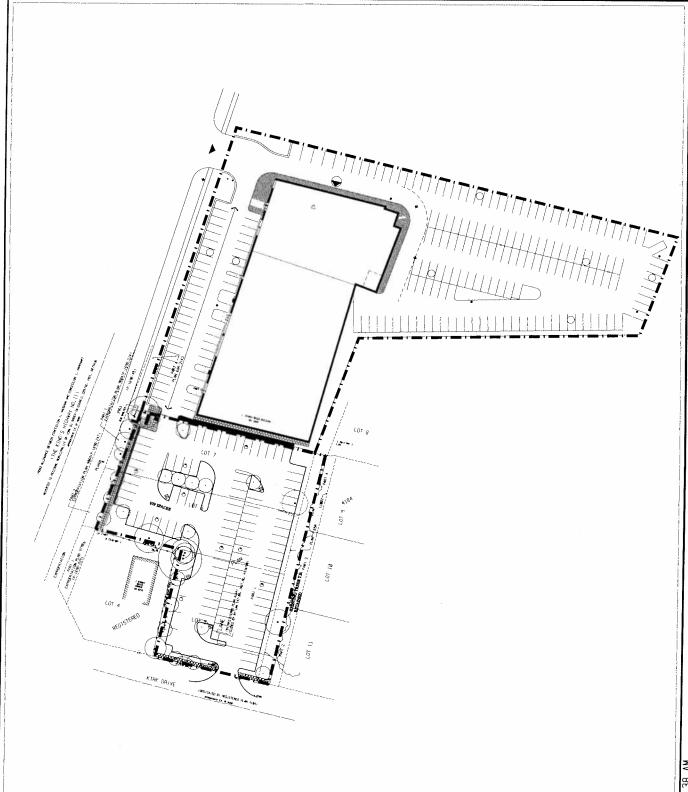


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SITE PLAN

APPLICANT: EXTREME FITNESS

8275 YOUNGE STREET

FILE No:

DY06114694;SC06109102(GD)

RKHAM DEVELOPMENT SERVICES COMMISSION

DWN BY: DD

CHK BY: GD

SCALE 1:

· - ' SUBJECT LANDS

FIGURE No.2

DATE: 06/06/06

WAIVER AND UNDERTAKING

TO: The Corporation of the Town of Markham

Lots 5, 6 and 7, Registered Plan 4184, Town of Markham, Regional Municipality of York RE:

(the "Property")

WHEREAS:

- A. The undersigned is the registered owner of the Property;
- B. In order to proceed with the development of the Property, it is desirable that the Property be one lot within the meaning and intention of the Planning Act, the Building Code Act, and the General Zoning By-law of the Town of Markham;
- C. The Town has proposed and the owner of the Property has agreed that the appropriate mechanism to accomplish the goals set out in the recital B is to have the Council of the Town of Markham enact a by-law pursuant to Section 50(4) of the Planning Act to designate the Property to be deemed not to be within a registered plan of subdivision for the purposes of Section 50(3) of the *Planning Act* (the "Deeming By-law");
- D. Section 50(29) of the Planning Act requires that the Town give notice of passing of the deeming by-law to the undersigned (the "Notice of the Deeming By-law");
- E. Section 50(30) of the Planning Act requires that the Council of the Town shall hear the undersigned if the undersigned desires to make representations respecting the amendment or repeal of the Deeming By-law (the "Hearing"); and
- F. The undersigned desires that the Deeming By-law be enacted and registered against title to the Property as soon as possible.

NOW THEREFORE in consideration of the enactment of the Deeming By-law by the Council of the Town, the undersigned hereby:

- Waives notice of the Deeming By-law.
- Waives its right to the Hearing.
- 3. Undertakes to reimburse the Town for the cost of registration of the Deeming By-law against title of the property.

DATED this & day of JUNE 2006.

Name:

Title: President

And Per:

Name:

Title: Secretary/Treasurer

We have authority to bind the corporation

A by-law to deem certain lands not to be a registered plan of subdivision for the purposes of subsection 50(3) of the *Planning Act*Extreme Fitness (2044922 Ontario Ltd.)

WHEREAS subsection 50(4) of the Planning Act permits a local municipality to designate any plan of subdivision, or part thereof, that has been registered for eight years or more, and deem it not to be a registered plan of subdivision for the purpose of subjection 50(3) of the Planning Act;
AND WHEREAS Lots 5, 6 and 7 and part of Lane, Registered Plan 4184, Town of Markham, Regional Municipality of York are within a plan of subdivision registered for more than eight years;
NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF MARKHAM HEREBY ENACTS AS FOLLOWS:
That the following lands are designated and deemed not to be a registered plan of subdivision for the purpose of Subsection 50(3) of the Planning Act:
Lots 5, 6 and 7 and part of Lane, Registered Plan 4184, Town of Markham, Regional Municipality of York
READ A FIRST, SECOND, AND THRID TIME AND PASSED THISTH DAY OF, 2006.
SHEILA BIRRELL, TOWN CLERK DON COUSENS, MAYOR