

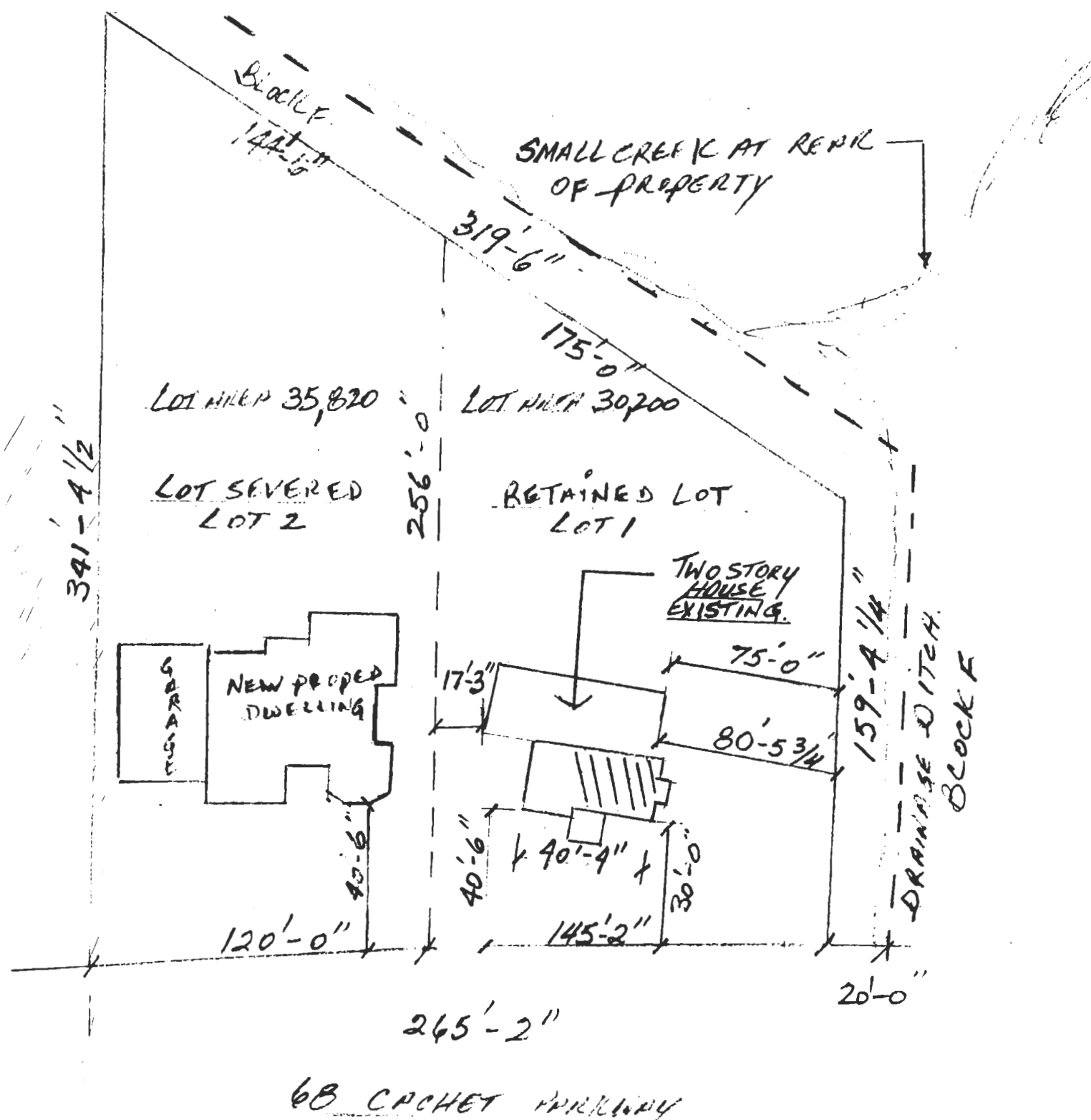
CHART SHOWING LOT AREAS OF SURROUNDING PROPERTIES

PROPERTY ADDRESS	LOT AREA (Acres)
68 Cachet Parkway	0.8 (severed), 0.7 (retained)
70 Cachet Parkway	1.05
72 Cachet Parkway	1.08
74 Cachet Parkway	1.01
76 Cachet Parkway	1.08
62 Cachet Parkway	1.57
60 Cachet Parkway	1.29
58 Cachet Parkway	1.46
56 Cachet Parkway	1.43
52 Cachet Parkway	1.45
81 Cachet Parkway	0.95
79 Cachet Parkway	1.08
77 Cachet Parkway	1.05
75 Cachet Parkway	1.0
67 Cachet Parkway	1.11
65 Cachet Parkway	1.18
63 Cachet Parkway	1.02
61 Cachet Parkway	1.01
59 Cachet Parkway	1.0
50 Personna Blvd	1.2
54 Richard Person Dr	1.56
57 Richard Person Dr	1.08
2 Blencathra Hill	1.0

Figure 5

LOT 4 REGISTERED PLAN 5316
YORK TOWNSHIP OF MARKHAM
SCALE 1" = 50'-0"

NOTES: BLOCK F IS 20'-0"
FRONTAGE AND OWNED
BY TOWN OF MARKHAM
FOR DRAINAGE.



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Ronald K. Webb Q.C.
Christian G. Schulze Q.C.
Neil G. Davis
Christopher L. Moon
Ronald S. Sleightholm
Shawn R. Douglas
Ellen S. Pefhany
Barbara Skupien
James S.G. Macdonald

December 30, 2005.

DELIVERED

Ms. Stacia Muradall, Secretary-Treasurer,
Committee of Adjustment,
Town of Markham,
101 Town Centre Boulevard,
Markham, Ontario.
L3R 9W3

Dear Ms. Muradall:

Re: Appeal to the Ontario Municipal Board - Planning Act Section 53
68 Cachet Parkway - Lot 4, Plan 5316, Town of Markham
Application for Provisional Consent, File No. B/42/05

We have been retained by Dudley Kissoore (hereinafter "Kissoore"). On September 23, 2005, Kissoore applied to the Town of Markham Committee of Adjustment for a Provisional Consent to sever the subject lands into two (2) lots, with accompanying minor variances respecting the lot areas of the lot to be retained and the lot to be conveyed. The Committee of Adjustment denied the subject applications at a hearing of the Committee held on December 14, 2005.

Kissoore appeals to the Ontario Municipal Board and requests that the application for Provisional Consent be referred to the Ontario Municipal Board on the following grounds:

1. The Committee had before it and relied on a Staff Memorandum dated November 10, 2005, recommending refusal of the application. The Memorandum was prepared by the Secretary-Treasurer and submitted by the Director of Planning and Design. The Memorandum contains a fulsome discussion of a number of technical matters including planning merits, requirements for private sewage systems and Toronto Region Conservation Authority policies.

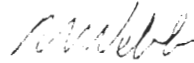
2. This Memorandum, although dated November 10, 2005, was not made available to Kissoore until Friday, December 2, 2005, and due to the lateness of the hour, could not be picked up until Monday, December 5, 2005.
3. Kissoore and his agent immediately recognized the need to retain a professional planner to advise and assist them with their presentation to the Committee of Adjustment on December 14. A professional planner was interviewed on December 7. The planner reviewed the file, met with members of Markham Staff, consulted with legal counsel and reported back to Kissoore that a professional planner, a professional engineer and possibly an arborist would have to be retained to address the technical matters raised in the Memorandum.
4. The planner was retained on December 9 for a hearing on December 14. The planner advised Kissoore to seek an adjournment sine die of the Committee of Adjustment hearing to permit time to retain the identified professionals and to prepare a submission to the Committee that addressed all matters raised in the Memorandum. The planner drafted and Kissoore filed a written request for adjournment. The written request asked for time to prepare and file an amendment to the Official Plan referred to in the Memorandum if such amendment were, in the opinion of Kissoore's planner and legal counsel, in fact required.
5. The planner was out of town on December 14. Kissoore and his agent attended at the hearing. Some members of the public were present. The Committee denied the request for an adjournment. Kissoore was not able to present his application due to the shortness of time to prepare. The Committee denied the application without having had the benefit of a professional presentation on the merits. The Chair remarked that there was no sense in granting an adjournment as the outcome was likely to be the same, or words to that effect.
6. Toronto Region Conservation Authority had no objection to the granting of the minor variance and so advised the Secretary-Treasurer in writing.
7. The Committee of Adjustment has, on many occasions, adjourned hearings to permit outstanding issues to be resolved and/or more thoroughly canvassed, whether or not members of the public were present.
8. The application has merit, represents good planning practice and ought to have been approved; or at the very least, have had a fair hearing on the merits.
9. The intent of the Official Plan and the Zoning By-law is met in that the lots created will have sufficient area for the construction of a private sewage system conforming with the current regulations governing such systems.

10. The requested variance is desirable for the appropriate development of the lot. the general intent and purpose of the By-law and the Official Plan will be maintained.

We enclose herewith our general account cheque, payable to the Minister of Finance, in the amount of \$125.00.

Yours truly,

DAVIS WEBB SCHULZE & MOON LLP



Ronald K. Webb, Q.C.

RKW:ht

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December 30, 2005.

DELIVERED

Ms. Stacia Muradall, Secretary-Treasurer,
Committee of Adjustment,
Town of Markham,
101 Town Centre Boulevard,
Markham, Ontario.
L3R 9W3

Dear Ms. Muradall:

Re: Appeal to the Ontario Municipal Board - Planning Act Section 45
68 Cachet Parkway - Lot 4, Plan 5316, Town of Markham
Application for Minor Variance, File No. A/153/05

We have been retained by Dudley Kissoore (hereinafter "Kissoore"). On September 23, 2005, Kissoore applied to the Town of Markham Committee of Adjustment for a minor variance respecting the lot area of the lots to be retained and conveyed. The Committee of Adjustment denied the subject applications at a hearing of the Committee held on December 14, 2005.

Kissoore appeals to the Ontario Municipal Board and requests that the application for minor variance to permit a lot area of 0.33 ha for the conveyed lot whereas the by-law requires a minimum of 0.4 ha be referred to the Ontario Municipal Board on the following grounds:

1. The Committee had before it and relied on a Staff Memorandum dated November 10, 2005, recommending refusal of the application. The Memorandum was prepared by the Secretary-Treasurer and submitted by the Director of Planning and Design. The Memorandum contains a fulsome discussion of a number of technical matters including planning merits, requirements for private sewage systems and Toronto Region Conservation Authority policies.

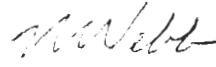
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4. The planner was retained on December 9 for a hearing on December 14. The planner advised Kissoore to seek an adjournment sine die of the Committee of Adjustment hearing to permit time to retain the identified professionals and to prepare a submission to the Committee that addressed all matters raised in the Memorandum. The planner drafted and Kissoore filed a written request for adjournment. The written request asked for time to prepare and file an amendment to the Official Plan referred to in the Memorandum if such amendment were, in the opinion of Kissoore's planner and legal counsel, in fact required.
5. The planner was out of town on December 14. Kissoore and his agent attended at the hearing. Some members of the public were present. The Committee denied the request for an adjournment. Kissoore was not able to present his application due to the shortness of time to prepare. The Committee denied the application without having had the benefit of a professional presentation on the merits. The Chair remarked that there was no sense in granting an adjournment as the outcome was likely to be the same, or words to that effect.
6. Toronto Region Conservation Authority had no objection to the granting of the minor variance and so advised the Secretary-Treasurer in writing.
7. The Committee of Adjustment has, on many occasions, adjourned hearings to permit outstanding issues to be resolved and/or more thoroughly canvassed, whether or not members of the public were present.
8. The application has merit, represents good planning practice and ought to have been approved; or at the very least, have had a fair hearing on the merits.
9. The intent of the Official Plan and the Zoning By-law is met in that the lots created will have sufficient area for the construction of a private sewage system conforming with the current regulations governing such systems.

10. The requested variance is desirable for the appropriate development of the lot. The general intent and purpose of the By-law and the Official Plan will be maintained.
11. The requested variance is minor in nature.

We enclose herewith our general account cheque, payable to the Minister of Finance, in the amount of \$125.00.

Yours truly,

DAVIS WEBB SCHULZE & MOON LLP



Ronald K. Webb, Q.C.

RKW:ht

encl.

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Kissoore appeals to the Ontario Municipal Board and requests that the application for minor variance to permit a lot area of 0.28 ha for the retained lot whereas the by-law requires a minimum of 0.4 ha be referred to the Ontario Municipal Board on the following grounds:

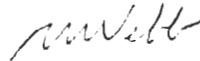
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