

IN THE MATTER OF AN APPEAL TO THE ONTARIO MUNICIPAL BOARD OF a
Decision of the Markham Committee of Adjustment to permit:

- a) A Severed Lot to have a minimum lot frontage of 20.81metres whereas the By-law requires a minimum lot frontage of 30 metres;
- b) A Severed Lot to have a minimum lot area of .083 hectares whereas the By-law requires a minimum lot area of .13 hectares;
- c) A Remainder Lot to have a frontage of 26.95 metres where the By-law requires a minimum of 30 metres.

Property: Lot 27 Plan 2440 Markham, 90 Lee Avenue Markham Committee of Adjustment Application A/80/05 and A/51/05.

Applicant: 1606090 Ontario Limited (Tom and Vangie Gunovski)

Appellants: The Corporation of the Town of Markham
Hans Benzinger and Elizabeth Benzinger
Dale Halliday

AND IN THE MATTER OF AN APPEAL TO THE ONTARIO MUNICIPAL BOARD OF a
Decision of the Markham Committee of Adjustment to permit the Severance of Lot 27
Plan 2440 Markham:

Applications: B/13/05

Municipal Address: 90 Lee Avenue, Markham

Applicant: 1606090 Ontario Limited (Tom and Vangie Gunovski)

Appellants The Corporation of the Town of Markham
Hans Benzinger and Elizabeth Benzinger
Dale Halliday

AND IN THE MATTER OF AN APPEAL TO THE ONTARIO MUNICIPAL BOARD OF a
Decision of the Markham Committee of Adjustment to:

- a) permit the frontage of a retained lot to have a frontage of 26.7 metres whereas the By-law requires a minimum frontage of 30 metres;

Property: Lot 26 Plan 2440 Markham;

Application: A/50/05

Applicant: 1606090 Ontario Limited (Tom and Vangie Gunovski)

Appellants: The Corporation of the Town of Markham
Hans Benzinger and Elizabeth Benzinger
Dale Halliday

AND IN THE MATTER OF AN APPEAL TO THE ONTARIO MUNICIPAL BOARD of a Decision of the Markham Committee of Adjustment to permit the severance of Lot 26 Plan 2440 Markham:

Application: B/12/05

Municipal Address: 78 Lee Avenue, Markham

Applicant: 1606090 Ontario Limited (Tom and Vangie Gunovski)

Appellants: The Corporation of the Town of Markham
Hans Benzinger and Elizabeth Benzinger
Dale Halliday

MINUTES OF SETTLEMENT

The undersigned Applicant and Appellants agree and by the execution of these Minutes of Settlement consent to an Ontario Municipal Board Order as follows:

Re: 90 Lee Avenue, Markham, Lot 27 Plan 2440 Markham

- a) A Minor Variance to permit a Retained Lot to have a frontage of 25.49 metres and a Severed Lot to have a frontage of 22.26 metres whereas By-law 193-81 requires a minimum frontage of 30 metres;
- b) A Severed Lot to have a minimum lot area of .234 hectares whereas By-law 193-81 requires a minimum lot area of .3 hectares.

Subject to the following Conditions:

- 1. That the Variances apply only to the subject development as long as it remains.
- 2. That the Variances apply only if Severance B/13/05 for Lot 27 Plan 2440 Markham, hereinafter referred to, is registered and finalized.
- c) A Severance of Lot 27 Plan 2440 Markham be permitted subject to the following Conditions:
 - 1. That both the Severed and Retained Lot be subject to Site Plan Control pursuant to Section 41 of the Planning Act;
 - 2. That any dwelling constructed on either the Severed or Retained Lot be set back a minimum of 40' from the front lot line;
 - 3. Payment of all outstanding realty taxes and local improvement charges owing to date against both the subject and retained parcels;
 - 4. Submission to the Secretary-Treasurer of the required Transfer, in duplicate, conveying the subject lands, and

issuance by the Secretary-Treasurer of the Certificate required under subsection 53(42) of the Planning Act;

5. Submission to the Secretary-Treasurer of 7 white prints of a deposited Reference Plan showing the subject land, which conforms substantially with the Application as submitted;
6. Payment by the owner of all applicable fees, recoveries, development charges, cash-in-lieu of parkland, and other financial obligations;
7. Payment by the owner of cash-in-lieu of a street tree for each of the severed parcels on 90 Lee Avenue at a rate of \$350.00 per tree;
8. That the owner provides a minimum 4.5 metre side yard setback for any new structure for the preservation of the trees on the east side hedgerow;
9. Fulfillment of Conditions 1 – 7 prior to February 28, 2007.

Re: 78 Lee Avenue, Markham Lot 26 Plan 2440 Markham

- a) A Minor Variance to permit the frontage of a severed lot of 26.76 metres whereas By-law 193-81 requires a minimum frontage of 30 metres subject to the following Conditions:
 1. That the Variance apply only to the subject development as long as it remains;
 2. That the Variance apply only if Severance B/12/05 for Lot 26 Plan 2440 Markham, hereinafter referred to, is registered and finalized.
- b) A Severance of Lot 26 Plan 2440 Markham be permitted subject to the following Conditions:
 1. That the Remainder Parcel be subject to Site Plan Control pursuant to Section 41 of the Planning Act.
 2. That any new dwelling on either the Severed or Retained Lot be set back a minimum of 40' from the front lot line;
 3. Payment of all outstanding realty taxes and local improvement charges owing to date against both the subject and retained parcels;
 4. Submission to the Secretary-Treasurer of the required Transfer, in duplicate, conveying the subject lands, and issuance by the Secretary-Treasurer of the Certificate required under subsection 53(42) of the Planning Act;

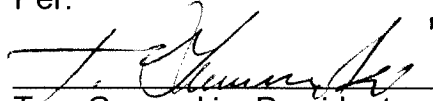
5. Submission to the Secretary-Treasurer of 7 white prints of a deposited Reference Plan showing the subject land, which conforms substantially with the Application as submitted;
6. Payment by the owner of all applicable fees, recoveries, development charges, cash-in-lieu of parkland, and other financial obligations;
7. Payment by the owner of cash-in-lieu of a street tree for each of the severed parcels on 78 Lee Avenue at a rate of \$350.00 per tree;
8. Fulfillment of Conditions 1 – 6 prior to February 28, 2007.

DATED at Markham, this

day of February, 2006.

1606090 Ontario Limited

Per:

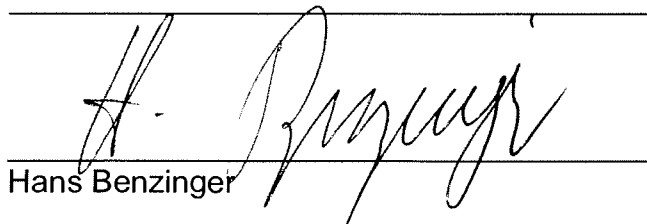


Tom Gunovski – President

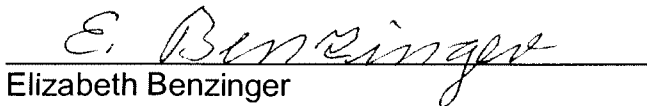
I have authority to bind the corporation

The Corporation of the Town of Markham

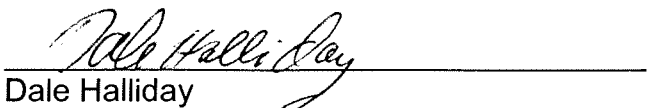
Per:



Hans Benzinger



Elizabeth Benzinger



Dale Halliday