

ISSUE DATE:

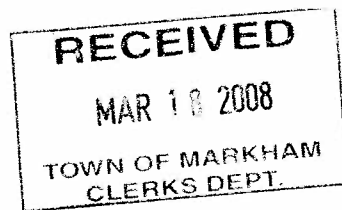
MARCH 17, 2008



Ontario

Ontario Municipal Board

Commission des affaires municipales de l'Ontario



Copy.
Jim Baird
v. Shuttlesworth
B. Karumanchery
Legal
PL070823
Lucy

IN THE MATTER OF subsection 41(12) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Subject:	Site Plan
Referred by:	1358023 Ontario Limited
Property Address/Description:	Part of Lot 5, Concession 7, municipally known as 7760 Markham Road
Municipality:	Town of Markham
OMB Case No.	PL070823
OMB File No.	M070087

APPEARANCES:

Parties

Town of Markham

1358023 Ontario Limited

Counsel

B. Ketchesen

J. Ayres

MEMORANDUM OF ORAL DECISION DELIVERED BY D. R. GRANGER ON MARCH 12, 2008 AND ORDER OF THE BOARD

This is an appeal by 1358023 Ontario Limited (applicant) from the refusal of the Town of Markham (Town) to approve an application for an amendment to the site plan control agreement regarding the applicant's property at 7760 Markham Road (subject property).

The applicant has taken over ownership of the subject property from Markham 14th Developments Inc.

The dispute relates to a previous condition of site plan approval that provides for the payment by the owner of the subject lands of monies to Armadale Developers Group and Metrus Development Inc. (benefiting owners) for certain infrastructure improvements already in place. The applicant believes that only \$1,762.08 is owed with

1. By deleting existing clause 17(xx);
2. By deleting existing clause 17 (III) and substituting the following:

"17. (III) The Armadale Developers Group through their Trustee, Bratty and Partners ("Armadale"), and Metrus Development Inc. ("Metrus") have submitted area recovery claims with regards to the infrastructure improvements previously constructed to accommodate development of the subject lands in the total amount of \$87,287.25 (including \$72,960.82 for Armadale and \$14,326.43 for Metrus)."
3. By deleting clause 17(mmm) and substituting the following:

"17(mmm) Notwithstanding the area recovery claims set out in clause (III), the financial obligation of the Owner still outstanding with regard to the infrastructure improvements and due and payable to the Town is in the amount of \$1,762.08 inclusive, which will be forwarded upon receipt by the Town to Armadale and Metrus in their respective interests."

The Board congratulates the parties for their efforts in resolving this dispute.

The Board so Orders.

"D.R. Granger"

D. R. GRANGER
VICE-CHAIR