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file number: 69023-00001

November 24, 2006

Ms. Catherine Conrad
Town Solicitor - Markham
Anthony Roman Centre
101 Town Centre Blvd.
Markham, ON L3R 9W3

Dear Ms. Conrad:

Re: Wynberry Developments

This letter is being written further to our brief telephone discussion of Wednesday, November 22, 2006.

Consistent with your request, we have discussed with our client the issue of whether or not we are prepared to reconsider our position, within the settlement that has been entered into, to have the zoning by-law allow our clients to construct homes (excepting the three bungalows) to a height of ten metres.

We have discussed this with our client.

Consistent with the evidence provided by our client's architect at the time of the hearing, it is necessary that we be allowed to build these houses to the ten metre height in order to construct them with a theme that is consistent with the prevalent architectural design found on Markham Heritage Estates being: Canadiana. This design approach requires heavily pitched roofs and, in turn, requires that we maintain a potential height of ten metres for these homes.

In the present situation, we are unprepared to change the settlement terms agreed to before the Board and trust that Council will find the settlement acceptable and that this project will be able to proceed without the need for any further consideration by the Ontario Municipal Board. We trust you understand our position.

Yours truly,

DAVIS & COMPANY LLP

Per:

Thomas R. Lederer

TRL/dyh

c.c.

Bobby Bhoola, Ballantry Homes
Roy Mason, KLM