

ISSUE DATE:

**Sept. 1, 2006**

DECISION/ORDER NO:

**2475**



Ontario

Ontario Municipal Board

Commission des affaires municipales de l'Ontario

PL060414

Sayd Compani-Azad and Mansoureh Alasti have appealed to the Ontario Municipal Board under subsection 45(12) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from a decision of the Committee of Adjustment of the Town of Markham which granted an application by Renee Exton and Lennie Exton numbered A/26/06 for variance from the provisions of By-law 2237, as amended, respecting 21 Sprucewood Drive  
OMB File No: V060226

**APPEARANCES:**

**Parties**

Renee and Lennie Exton

Town of Markham

Sayd Compani-Azad and Mansoureh Alasti

**Counsel**

L. Townsend

R. Boxma

**MEMORANDUM OF ORAL DECISION DELIVERED BY R. ROSSI ON 30 AUGUST 2006 AND ORDER OF THE BOARD**

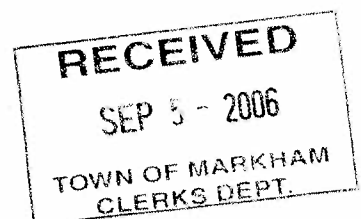
The Board approves the application as granted by the Committee of Adjustment. Counsel L. Townsend for the Applicants provided a letter from the Appellants, confirming that the Appellants have withdrawn their appeal before the Board. The Applicants and Appellants have entered into an agreement with conditions that settles all issues related to Board File No. PL060414. This agreement is attached to this decision as Attachment 1.

So orders the Board.

Copy - V. Shuttleworth  
to Conrad.

"R. Rossi"

R. ROSSI  
MEMBER



**THIS AGREEMENT MADE THIS 26<sup>TH</sup> DAY OF AUGUST, 2006**

**BETWEEN:**

Renee Exton

(Party of the First Part)

**AND**

Sayd Compani-Azad

(Party of the Second Part)

**AND**

Mansoureh Alasti

(Party of the Third Part)

**WHEREAS** the Party of the First Part owns the property known municipally as 21 Sprucewood Drive in the Town of Markham,

**AND WHEREAS** the Party of the First Part made an application under the name of the previous owner to the Committee of Adjustment for the Town of Markham for permission to increase the maximum lot coverage for her property being Markham Committee File No. A/26/06

**AND WHEREAS** the Committee of Adjustment granted the application,

**AND WHEREAS** the Parties of the Second and Third Part have appealed the decision of the Committee of Adjustment to the Ontario Municipal Board being OMB File No. PL060414

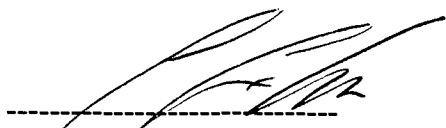
**AND WHEREAS** the Parties hereto have made an agreement, which will settle any and all issues related to OMB File No. PL060414

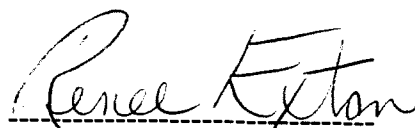
**NOW THEREFORE THIS AGREEMENT WITNESSETH THAT** in consideration of the Ontario Municipal Board approving the said application as granted by the Committee of Adjustment, the covenants hereinafter expressed and other good and valuable consideration, the Parties hereto covenant and agree as follows:



1. The Party of the First Part agrees that she shall construct the dwelling on 21 Sprucewood Drive substantially in accordance with the plans filed with the Ontario Municipal Board and attached hereto in reduced form as Schedule "A".
2. The Party of the First Part agrees to be bound by the conditions of the Tree Preservation Report filed with the Ontario Municipal Board and attached hereto as Schedule "B".
3. The Parties of the Second and Third Parts agree that they shall file with the Ontario Municipal Board a letter withdrawing their appeal or appear in person and so notify the Board.
4. The Parties of the Second and Third Parts agree that no further objections of any kind shall be made in connection with the matters at issue in OMB File No. PL060414, including any further issue regarding the trees located on the lands owned by them.
5. The Parties release each other from any claim for costs before the Ontario Municipal Board in respect of this case.
6. The schedules to this agreement shall form part of this agreement.

IN WITNESS WHEREOF WE HAVE SET OUR HANDS AND SEALS THIS 25  
DAY OF AUGUST, 2006.

  
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Witness

  
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Renee Exton

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Witness

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Sayd Compani-Azad

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Witness

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Mansoureh Alasti