

PL000411

ONTARIO MUNICIPAL BOARD

724903 Ontario Inc., and 771322 Ontario Inc. have appealed to the Ontario Municipal Board under subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P13, from Council's refusal to enact a proposed amendment to Zoning By-law 1979-50, as amended, of the Town of Newmarket to rezone lands composed of Part Lots 28 & 29, Concession 3, E.Y.S. from Rural Residential (RR1) and Rural General Second (RU2) to single Detached Dwelling Second Density (R2), Two Family Residential Third Density (R3), Institutional (I) and Open Space and Conservation (O) to permit a residential plan of subdivision

OMB File No. Z000055

At the request of 724903 Ontario Inc., and 771322 Ontario Inc., the Town of Newmarket has referred to the Ontario Municipal Board under subsection 51(5) of the *Planning Act*, R.S.O. 1990, c. P.13, a plan of subdivision on lands comprised of Part Lots 28 & 29, Concession 3, E.Y.S., Town of Newmarket

Region's File No. 19T-90064

OMB File No. S000057

AMENDED MINUTES OF SETTLEMENT

BETWEEN

724903 Ontario Inc. and 771322 Ontario Inc. (the "Owners")

and

The Corporation of the Town of Newmarket (the "Town")

and

The Corporation of the Regional Municipality of York (the "Region")

and

Kingdale Road Residents Group, a company to be incorporated, (currently being the owners of the properties known municipally as: 1163, 1168, 1171, 1173, 1176, 1181, 1184, 1185, 1189, 1192, 1196, 1197, 1201 and 1205 Kingsdale Road (the "Residents")

collectively the "Parties"

WHEREAS: The Parties have in good faith entered into an agreement for the purposes of settling the matters presently before the Ontario Municipal Board (the "Board") regarding the lands subject to applications for zoning by-law amendment and plan of subdivision 19T-90064, located on Part Lots 28 and 29, Concession 3, E.Y.S., Town of Newmarket (the "subject property"); and,

WHEREAS: The Parties entered into Minutes of Settlement which were filed with the Board at the

hearing of this matter on November 14, 2001; and,

WHEREAS: The Parties have mutually agreed to amend those Minutes of Settlement.

The Parties agree as follows:

1. Paragraph 17 of the original Minutes of Settlement is deleted and replaced with the following:

As a condition of draft approval, the Owner shall implement the groundwater monitoring system set out in the report titled "Proposed Groundwater Monitoring System", April, 2005 by Dillon Consulting Ltd. Further, the Owner shall agree in the subdivision agreement to carry out the monitoring system, and to provide financial security to the satisfaction of the Town to ensure the completion of the monitoring.

2. The Owner will agree in the subdivision agreement to be responsible for the interim provision of water to any Kingdale residence should a well be unusable for reason of a decrease in quantity or quality below the relevant provincial water quality standards. The Owner's initial responsibility shall be for a period of two months while the cause of well interference is determined. If the interference is determined not to have been caused by construction activities on the Owner's property, the Owner's responsibility to provide water shall cease. If the interference is determined to have been caused by construction activities on the Owner's property, then the Owner will continue to be responsible for the provision of water to affected residences until such time as the well is again usable, or another permanent water solution is provided.
3. The Parties will ask the Board, on consent, to amend the conditions of draft approval to add a condition reflecting the requirement to complete the groundwater monitoring program, in accordance with the Minutes of Settlement, as amended by paragraph 1, above.
4. In all other respects the original Minutes of Settlement remain binding and in full force and effect.

724903 Ontario Inc.

I have authority to bind the corporation

By:

Name: _____ Name: _____

Date: _____

771322 Ontario Inc.

I have authority to bind the corporation

By:

Date: _____

The Corporation of the Town of Newmarket
By their solicitor:

Kingdale Road Residents Group
By their solicitor:

Name: _____ Name: _____

Date: _____ Date: _____

**The Corporation of the Regional
Municipality of York**
By their solicitor:

Name: _____

Date: _____