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ONTARIO MUNICIPAL BOARD
Commission des affaires municipales de l'Ontario

1463069 Ontario Limited, Kennedy Elgin Developments Limited, Colebay Investments Inc. et al have appealed to the Ontario Municipal Board under subsection 17(36) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, from a decision of The Regional Municipality of York to modify and approve Proposed Amendment No. 116 to the Official Plan for the Town of Markham for the purpose of implementing the Rouge North Management Plan

Approval Authority File No. D06.54.02.116
O.M.B. File No. O040068

1463069 Ontario Limited, 1512406 Ontario Limited, Kennedy Elgin Developments Limited, Warden Mills Developments Limited, Major Kennedy Developments Limited, 1212763 Ontario Limited, E.M.K. Construction Ltd., Treelawn Construction Ltd., Mackenzie 48 Investments Limited, Colebay Investments Inc., Summerlane Realty Corp. Firwood Holdings Inc., Highcove Investments Inc., Guscon Enterprises Ltd. and Mary Margaret Shank have appealed to the Ontario Municipal Board under subsection 17(36) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, from a decision of the Regional Municipality of York to modify and approve Proposed Amendment No. 140 to the Official Plan for the town of Markham for the purpose of incorporating the vision, goal and objectives of the Rouge North Management Plan (2001), incorporating the boundary delineation criteria for Rouge Park North, incorporating supporting policies to secure Rouge Valley lands and associated tablelands as Rouge park North lands in Markham and the inclusion of the regulated boundary of the Provincial Greenbelt Plan (2005) as it applies to this amendment area.

Approval Authority File No.: D06 02.15.260
OMB File No.: O060107

MINUTES OF SETTLEMENT

BETWEEN:

THE CORPORATION OF THE TOWN OF MARKHAM

Hereinafter referred to as the "Town"

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**COLEBAY INVESTMENTS INC., SUMMERLANE REALTY CORP.,
FIRWOOD HOLDINGS INC., HIGHCOVE INVESTMENTS INC.,
1463069 ONTARIO LIMITED, 1512406 ONTARIO LIMITED,
GUSCON ENTERPRISES LTD., KENNEDY ELGIN DEVELOPMENTS
LIMITED, WARDEN MILLS DEVELOPMENTS LIMITED,
MAJOR KENNEDY DEVELOPMENTS LIMITED,
1212763 ONTARIO LIMITED, MACKENZIE 48
INVESTMENTS LIMITED, MARY MARGARET SHANK**

Hereinafter referred to as the “Landowners”

TORONTO AND REGION CONSERVATION AUTHORITY

Hereinafter referred to as the “TRCA”

THE REGIONAL MUNICIPALITY OF YORK

Hereinafter referred to as the “Region”

WHEREAS the Landowners own the lands shown on Maps 1, 2 and 3 of Schedule A to these Minutes of Settlement;

AND WHEREAS some of the Landowners appealed Town of Markham Official Plan Amendment No. 116 (Rouge North Management Area) to the Ontario Municipal Board;

AND WHEREAS the Town of Markham repealed OPA No. 116 (Rouge North Management Area) on October 25, 2005, subject to approval of OPA No. 140 (Rouge North Management Area/Greenbelt) incorporating the Greenbelt Plan Area boundary and appropriate interpretation references;

AND WHEREAS the Landowners identified in these Minutes of Settlement appealed Town of Markham Official Plan Amendment No. 140 (Rouge North Management Area/Greenbelt) to the Ontario Municipal Board;

AND WHEREAS the Town engaged the Landowners and TRCA in a series of field investigations to confirm the Preliminary Rouge Park boundary as identified in OPA No. 140 (Rouge North Management Area/Greenbelt);

AND WHEREAS the Preliminary Rouge Park Boundary for the Landowners lands is depicted on Maps 1, 2 and 3 of Schedule A attached hereto;

AND WHEREAS the Parties hereto accept the Preliminary Rouge Park boundary as depicted on Schedule “J” to OPA 140 as amended, attached as Schedule B hereto in

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accordance with the policies in Official Plan Amendment No. 140 (Rouge North Management Area/Greenbelt), as proposed to be modified in accordance with these Minutes of Settlement;

AND WHEREAS OPA 140 has been amended to incorporate the modifications to Schedule “J” of the Rouge North Management Plan as shown in more detail on Maps 1, 2 and 3 of Schedule A;

AND WHEREAS the Landowners have agreed to support the modifications to OPA 140 as proposed, at the OMB;

AND WHEREAS the TRCA and the Region support the modifications to OPA 140 as proposed, at the OMB.

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the mutual covenants herein contained and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto hereby covenant and agree as follows:

1. The Town, Landowners, TRCA and the Region consent to an order of the OMB modifying Official Plan 140 in accordance with the Official Plan Amendment attached to these Minutes of Settlement as Schedule B.
2. Forthwith upon execution of these Minutes of Settlement, the Landowners (save and except Mary Margaret Shank, who did not appeal OPA116) agree to withdraw their appeals of OPA No. 116 (Rouge North Management Area).
3. The Parties acknowledge and agree that the Preliminary Rouge North boundary as delineated on Schedule ‘J’ – ROUGE NORTH MANAGEMENT AREA and as further detailed on Maps 1, 2 and 3 to Schedule A attached hereto, has been delineated in accordance with the ecological and other criteria identified in OPA No. 140 and “groundtruthed” to the extent possible. Environmental studies required in support of any future urban expansion or scoped environmental studies required in support of development applications may result in some minor variations to the boundary, but will not substantially revise the boundaries of the Rouge North Lands as shown on Maps 1, 2 and 3 to Schedule A attached hereto.
4. The Parties hereto agree that no party shall seek costs from any other party and no party will support any other party, directly or indirectly, in seeking costs against a signatory to these Minutes in respect of the appeals of OPA 116 and OPA 140.

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5. These Minutes of Settlement shall be governed by the laws of the Province of Ontario and the laws of Canada applicable therein.
6. The parties agree that these Minutes of Settlement shall be filed with the Ontario Municipal Board.
7. The parties hereto agree that it is their intent to bind their successors and assigns;
8. These Minutes of Settlement may be executed in counterpart and may be distributed by facsimile to other parties.
9. These Minutes of Settlement are conditional upon approval of same by the Councils of The Corporation of the Town of Markham and the Region.

LIST OF SCHEDULES

Schedule A, Maps 1, 2 and 3 - Detailed map of Appellants Lands
Schedule 'B' - Official Plan Amendment No. 140 as modified

IN WITNESS WHEREOF the parties have affixed their respective corporate seals attested by the hands of their respective officers duly authorized in that behalf.

DATED at Markham, this day of October, 2008.

**THE CORPORATION OF THE TOWN OF
MARKHAM**

By its Solicitor

Per: _____
Catherine M. Conrad
Town Solicitor

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**TORONTO AND REGION CONSERVATION
AUTHORITY**

Per: _____

Name:

Title:

Per: _____

Name:

Title:

**THE REGIONAL MUNICIPALITY OF
YORK**

By its Regional Solicitor

Per: _____

Name: Joy Hulton

Title: Regional Solicitor

COLEBAY INVESTMENTS INC.

Per: _____

Name:

Title:

c/s

Per: _____

Name:

Title:

I/We have authority to bind the Corporation.

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SUMMERLANE REALTY CORP.

Per: _____
Name:
Title:
c/s

Per: _____
Name:
Title:

I/We have authority to bind the Corporation

FIRWOOD HOLDINGS INC.

Per: _____
Name:
Title:
c/s

Per: _____
Name:
Title:

I/We have authority to bind the Corporation

HIGHCOVE INVESTMENTS INC.

Per: _____
Name:
Title:
c/s

I/We have authority to bind the Corporation

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1463069 ONTARIO LIMITED

Per: _____

Name:

Title:

c/s

I/We have authority to bind the Corporation

1512406 ONTARIO LIMITED

Per: _____

Name:

Title:

c/s

I/We have authority to bind the Corporation

GUSCON ENTERPRISES LTD.

Per: _____

Name:

Title:

c/s

I/We have authority to bind the Corporation

**KENNEDY ELGIN DEVELOPMENTS
LIMITED**

Per: _____

Name:

Title:

c/s

Per: _____

Name:

Title:

I/We have authority to bind the Corporation

**WARDEN MILLS DEVELOPMENTS
LIMITED**

Per: _____
Name: _____
Title: _____
c/s

Per: _____
Name: _____
Title: _____

I/We have authority to bind the Corporation

**MAJOR KENNEDY DEVELOPMENTS
LIMITED**

Per: _____
Name: _____
Title: _____
c/s

Per: _____
Name: _____
Title: _____

I/We have authority to bind the Corporation

121763 ONTARIO LIMITED

Per: _____
Name: _____
Title: _____
c/s

Per: _____
Name: _____
Title: _____

I/We have authority to bind the Corporation

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MACKENZIE 48 INVESTMENTS LIMITED

Per: _____

Name:

Title:

c/s

Per: _____

Name:

Title:

I/We have authority to bind the Corporation

WITNESS:

MARY MARGARET SHANK