

**APPLICATION FOR APPROVAL OF AN OFFICIAL PLAN  
AMENDMENT AND/OR A REZONING**

To: City Clerk's Office  
City of Barrie  
70 Collier Street  
P.O. Box 400  
Barrie, Ontario  
L4M 4T5

OFFICE USE ONLY
Applicant: Pinemount Developments
File No: D14-1585
Reviewed By: Janet Foster (Planning Services Department)
Date: February 26, 2015
Circulated to: Stephen Naylor Ryan Windle Merwan Kalyanwalla Councillor Prowse
Subject Property: 400 & 430 Ferndale Drive & 134 Hawthorne Crescent
Date Received by Planning Services: February 10, 2015

Personal information contained on this form is collected under the authority of the Planning Act, c.P.13, as amended and the Corporation of the City of Barrie's Resolution 93-P-75 and will be used in processing this application. Information regarding the estimated/anticipated selling/rental price will be treated as confidential. Questions regarding this collection should be directed to: Manager of Planning, City of Barrie, 70 Collier Street, P.O. Box 400, Barrie, Ontario, L4M 4T5, (705)726-4242.

**NOTE: THIS FORM IS TO BE COMPLETED IN DUPLICATE.  
THIS FORM HAS SEVENTEEN (17) PAGES.**

**INCOMPLETE APPLICATIONS WILL BE RETURNED TO APPLICANT**

**FEES**

- i. Official Plan Amendment \$9,500.
- ii. Rezoning \$12,000.
- iii. Official Plan Amendment and Rezoning \$14,500.
- iv. Removal of the Hold provision or "H" if applicable \$3,000.
- v. The City retains the full amount in the event of an approval, denial or withdrawal.

**NOTE: TO AVOID DELAYS, PLEASE MAKE SURE A COMPLETE APPLICATION IS SUBMITTED**

**IF A PUBLIC MEETING IS REQUIRED, A SIGN IS TO BE ERECTED AND REMOVED 2 WEEKS AFTER THE PUBLIC MEETING AT OWNER'S EXPENSE.**

**THE DEEMING OF A COMPLETE APPLICATION DOES NOT CONSTITUTE SUPPORT OF THE APPLICATION BY THE PLANNING SERVICES DEPARTMENT.**

Pursuant to Sections 17 & 34 of the Planning Act R.S. 1990, and amendments, I/We hereby submit an application for:

- 1) Rezoning/Official Plan Amendment, and enclose the required fee of \$\_\_\_\_\_.
- 2) Rezoning, and enclose the required fee of \$ 12,000\_\_\_\_\_.
- 3) Official Plan Amendment, and enclose the required fee of \$\_\_\_\_\_.

\_\_\_\_\_  
SIGNATURE OF REGISTERED OWNER  
(or Authorized Signing Officer)

\_\_\_\_\_  
AUTHORIZED SIGNING OFFICER  
(Please Print Name)

**Please read carefully**

This form is to be used by individuals wishing to make an application to the Corporation of the City of Barrie for an Official Plan amendment and/or an amendment to the Zoning By-law. The application consists of 5 forms, Schedules A, B, C, D and E. Schedule A and D must be filled out by all applicants for an Official Plan Amendment and amendment to the Zoning By-law. Schedule B must be filled out by all applicants for an Official Plan amendment. Schedule C must be filled out by all applicants for an amendment to the Zoning By-law. Schedule E (Cost Recovery Agreement) must be filled out and signed by all applicants. To ensure the quickest and most complete review, all information should be submitted at the time of making an application to the City. In the absence of this information, it may not be possible to do a complete review within the legislated time frame for making a decision. As a result the application may be denied.

**Submission of an application**

The following information must be submitted in order to initiate an application for an Official Plan amendment and/or Zoning By-law amendment with the Corporation of the City of Barrie:

- Two (2) copies of a completed Schedule A and/or B and/or Schedule C to this application signed by the registered owner or an authorized signing officer. If the applicant (agent or solicitor) is not the registered owner of the land, a written and signed statement by the owner must accompany the application which authorizes the applicant to act on behalf of the owner.
- Six (6) copies of the planning report and other required studies referenced in Schedule D.
- Two (2) copies of a completed Schedule E Cost Recovery Agreement.
- Three (3) copies of the proposed Official Plan Amendment including the text of the proposed amendment and/or proposed schedule (if applicable).
- Ten (10) copies of a recent survey showing the applicant's total land holdings in the area.
- Ten (10) copies of a concept plan identifying the items under Drawing Information listed below.
- One (1) 11" x 17" reduction of the concept plan.
- Digital drawing copy of the concept plan.
- Original signed Cost Recovery Agreement (Schedule E).
- The appropriate application fee based on the Schedule of Fees listed below.

**Schedule of Fees**

The following is a schedule of the fees required to process an application for an Official Plan amendment and/or Zoning By-law amendment by the Corporation of the City of Barrie:

- |   |             |
|---|-------------|
| • Official Plan Amendment                   | \$ 9,500.00 |
| • Zoning By-law Amendment                   | \$12,000.00 |
| • Official Plan and Zoning By-law Amendment | \$14,500.00 |
| • Removal of Holding Provision              | \$ 3,000.00 |

**Drawing Information**

All applications for an Official Plan and/or Zoning By-law amendment to the Corporation of the City of Barrie must include an accurate to scale drawing preferably prepared by a qualified professional showing the following:

- The land subject to the application including its boundaries and dimensions; area, frontage and depth; and the location and nature of any easements or restrictive covenants which affect the subject lands.
- The uses of adjacent and abutting land (i.e. residential, commercial, industrial, recreational, institutional).
- The location of all existing and proposed buildings and structures, their uses, dimensions and setbacks.
- The location of all natural and manmade features on the land (i.e. fencing, parking areas, railways, road allowances, wooded areas, watercourses, drainage ditches, banks of rivers or streams, wetlands, wooded areas, wells and septic tanks, etc.) and the location of any of these features on adjacent lands which may affect this application.
- The location of all existing and proposed services (i.e. water, sewer, electrical, storm).

To be Completed by Applicant (Please Print)

1. Name of Applicant and Full Mailing Address

Pinemount Developments c/o Eli Turkienicz

24 Martin Ross Ave. Unit # 3, Toronto, ON

Postal Code M3J 2K8

Telephone Number (416) 665-6061

Email Address eliturk@pinemount.ca

Fax Number (416) 736-9994

2. Name of Applicant's Agent and full Mailing Address

Innovative Planning Solutions c/o Greg Barker

150 Dunlop Street, E. Suite 201, Barrie, ON

Postal Code L4M1B2

Telephone Number (705) 812-3281

Email Address gbarker@ipsconsultinginc.com

Fax Number (705) 812-3438

3. Name of Registered Owner(s) of Subject Land(s) and Full Mailing Address

Same as applicant

Postal Code \_\_\_\_\_

Telephone Number \_\_\_\_\_

Email Address \_\_\_\_\_

Fax Number \_\_\_\_\_

4. Name of Key Consultants and Full Mailing Address (Note: unless otherwise instructed by you, the City will contact the first name as the application co-ordinator).

Postal Code \_\_\_\_\_

Telephone Number \_\_\_\_\_

Email Address \_\_\_\_\_

Fax Number \_\_\_\_\_

5. Resubmission of an earlier application?

Yes

No

Do Not Know

If yes, please identify file number D\_\_-\_\_

**PURPOSE OF THE APPLICATION**

1. Is this an Official Plan Amendment that proposes to add a new policy or change, replace or delete an existing Official Plan policy?

a) Describe the purpose of the proposed Amendment

\_\_\_\_\_

\_\_\_\_\_

b) Identify the policy to be changed, replaced or deleted

\_\_\_\_\_

\_\_\_\_\_

2. Is this an Official Plan amendment that proposes to change the approved Official Plan land use designation of the subject land?

a) What is the location of the subject property? (Municipal Address)

\_\_\_\_\_

\_\_\_\_\_

b) What is the legal description of the subject property?

Concession Number(s)	Lot Number(s)	Registered Plan No.	Lot(s)/Block(s)
Reference Plan No.	Part Number(s)	Name of Street/Road	Street No.

c) Area of the property?

\_\_\_\_\_

d) What is the current land use designation of the subject property?

\_\_\_\_\_

e) What land uses are permitted by the current designation of the subject land?

\_\_\_\_\_

f) What is the land use designation proposed by this application?

\_\_\_\_\_

g) What land uses would be permitted by the proposed plan amendment on the subject land?

\_\_\_\_\_

h) What Utilities and Services are existing on/to the subject lands or which will be provided:  
(check with "x")

Sanitary Sewerage \_\_\_\_\_      Water Supply (Mains) \_\_\_\_\_  
Storm Water Sewerage \_\_\_\_\_      Electric Power \_\_\_\_\_  
Water Supply (Well) \_\_\_\_\_      Gas \_\_\_\_\_

*Note: Amendments proposing development on privately owned and operated communal sanitary sewage systems will not be considered.*

i) Name and widths of abutting roads, highways or other public rights-of-way:

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**EXISTING AND PREVIOUS LAND USES**

1. Existing uses of the subject land:

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2. Previous land uses:

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- a) Has there been an industrial use on the site? Yes  No
- b) Has there been filling or regrading of the site? Yes  No
- c) Has there ever been a gas station or other fuel dispensing/storage facility on the site? Yes  No
- d) Is there any reason to believe the site may be contaminated by former uses on the site or adjacent sites? Yes  No

If **YES** to any of the above, then at minimum a Phase 1 Environmental Site Assessment will be required. This study must be prepared by a qualified consultant.

**ASSOCIATED APPLICATIONS**

1. Are there any other applications for approval under the Planning Act such as a zoning by-law amendment, a plan of subdivision, a site plan, a consent or a minor variance that includes land:

- a) that is the subject land Yes  No  Unknown
- b) that is within 120 metres of the subject land Yes  No  Unknown
- c) If the answer to a) or b) above is yes, please complete the following:

Location of the land affected by the application

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Type of application and File No.

---

Name of the approval authority considering the application

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Purpose of the application and the effect of the application on the subject Official Plan and/or Zoning By-law amendment

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Status of the application

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**Office Use Only**

**Contact Information:**

Name of Municipal Staff Contact	Telephone No.	Fax No.
Name(s) of Other Agency Contact(s)	Telephone No.	Fax No.
Name	Telephone No.	Fax No.

**Internal Information:**

File No.	Project Name
Date received By Clerk's Office	Date Received by Planning Services Department

**Authorization**

Pursuant to Section 17 of the Planning Act, I/We hereby submit an application to amend the Official Plan of the Corporation of the City of Barrie. Enclosed with this application is the required fee as prescribed on Page 1 of this application form.

I, \_\_\_\_\_ of \_\_\_\_\_ of the County of \_\_\_\_\_,  
do solemnly declare that all above statements contained in all of the exhibits submitted herewith are true, and I make this solemn declaration conscientiously believing it to be true and knowing it has the same force and effect as if made under oath and by virtue of the "CANADA EVIDENCE ACT".

Declared before me at \_\_\_\_\_

of \_\_\_\_\_ in the County of

\_\_\_\_\_ this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
SIGNATURE OF OWNER OR AGENT

COMMISSIONER OF OATHS

APPLICATION ACCEPTED AS COMPLETE:

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

To be Completed by Applicant (Please Print)

**PURPOSE OF THE APPLICATION**

1. Is this a Zoning By-law Amendment that proposes to add a new section or change, replace or delete an existing section of the City's Comprehensive Zoning By-law?

a) Describe the purpose of the proposed Amendment

To rezone the subject lands from RM2(SP-82)(H-12) and RM2(SP-191)(H-58) to RA1(SP\_\_\_) in order to permit the development of a 6-storey, 90 unit apartment building. Please see Planning Justification Report

b) Identify the section to be changed, replaced or deleted

Zoning By-law 2009-141 Schedule 'A'; Addition of site specific section

2. Is this a Zoning By-law amendment that proposes to change the approved zoning of the subject land?

a) What is the location of the subject property? (Municipal Address)

400 & 430 Ferndale Drive South; 134 Hawthorne Crescent

b) What is the legal description of the subject property?

*Blocks 16 & 17, Plan 51M-642 and Block 223, Plan 51M-526*

Concession Number(s)	Lot Number(s)	Registered Plan No.	Lot(s)/Block(s)
13	Pt. 4 & 5		
Reference Plan No.	Part Number(s)	Name of Street/Road	Street No.

c) What is the current official plan designation of the subject property?

Residential

d) What is the current zoning category of the subject property?

RM2(SP-82)(H-12) & RM2 (SP-191)(H-58)

e) What land uses are permitted by the current zoning of the subject land?

Residential - Walk-up Apartments

f) What is the zoning category proposed by this application?

RA1-(SP\_\_\_)

g) What land uses would be permitted by the proposed Zoning By-law amendment on the subject land?

Residential - Apartment Building



h) What Utilities and Services are existing on/to the subject lands or which will be provided:  
(check with "x")

Sanitary Sewerage	<u>  X  </u>	Water Supply (Mains)	<u>  X  </u>
Storm Water Sewerage	<u>  X  </u>	Electric Power	<u>  X  </u>
Water Supply (Well)	<u>      </u>	Gas	<u>  X  </u>

Note: Amendments proposing development on privately owned and operated communal sanitary sewage systems will not be considered.

i) Name and widths of abutting roads, highways or other public rights-of-way:

  Ferndale Drive South - Approximately 22 m    
  Hawthorne Crescent - Approximately 21 m    
\_\_\_\_\_

j) Frontage   141.14 m   Depth \_\_\_\_\_ Area   0.78 ha. (1.92 ac.)  

**EXISTING AND PREVIOUS LAND USES**

1. Existing uses of the subject land

  Vacant  

- a) Are there any buildings or structures on the subject land? Yes  No
- b) If the answer to a) is yes, the following information for each building or structure:
- c) the type of building or structure \_\_\_\_\_; and
- d) front yard setback \_\_\_\_\_
- e) rear yard setback \_\_\_\_\_
- f) side yard setbacks \_\_\_\_\_ and \_\_\_\_\_
- g) height of the building or structure \_\_\_\_\_
- h) buildings dimensions or floor area \_\_\_\_\_

2. Proposed uses of the subject land

  Residential - 6-Storey Apartment Building (90 Units)  

- a) Are there any buildings or structures proposed to be built on the subject land? Yes  No
- b) If the answer to a) is yes, the following information for each proposed building or structure:
- c) the type of building or structure   6-Storey Apartment  ; and
- d) front yard setback   7.0 m
- e) rear yard setback   53.2 m
- f) side yard setbacks   5.0 m   and   40.1 m
- g) height of the building or structure   20.0 m
- h) buildings dimensions or floor area   1,511 m<sup>2</sup>

3. If known,

a) The date the subject land was acquired by the current owner

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b) The date any existing buildings or structures on the subject property were constructed

N/A

---

c) The length of time that the existing uses of the subject property have continued

Vacant

---

4. Previous land use:

Vacant

---

a) Has there been an industrial use on the site?

Yes

No

b) Has there been filling or regrading of the site?

Yes

No

c) Has there ever been a gas station or other fuel dispensing/storage facility on the site?

Yes

No

d) Is there any reason to believe the site may be contaminated by former uses on the site or adjacent sites?

Yes

No

If **YES** to any of the above, then at minimum a Phase 1 Environmental Site Assessment will be required. This study must be prepared by a qualified consultant.

#### ASSOCIATED APPLICATIONS

1. Are there any other applications for approval under the Planning Act such as an Official Plan amendment, a plan of subdivision, a site plan, a consent or a minor variance that includes land:

a) that is the subject land

Yes

No

Unknown

b) that is within 120 metres of the subject land

Yes

No

Unknown

c) If the answer to a) or b) above is yes, please complete the following:

Location of the land affected by the application

---

Type of application and File No.

---

Name of the approval authority considering the application

---

Purpose of the application and the effect of the application on the subject Official Plan and/or Zoning By-law amendment

---

Status of the application

---

**Office Use Only**

**Contact Information:**

Name of Municipal Staff Contact	Telephone No.	Fax No.
Name(s) of Other Agency Contact(s)	Telephone No.	Fax No.
Name	Telephone No.	Fax No.

**Internal Information:**

File No.	Project Name
	Date Received by Planning Services Department

**Authorization**

Pursuant to Section 34 of the Planning Act, I/We hereby submit an application to amend the Zoning By-law of the Corporation of the City of Barrie. Enclosed with this application is the required fee as prescribed on Page 1 of this application form.

I, GREG BARBER of The City of Barrie of the County of Simcoe  
do solemnly declare that all above statements contained in all of the exhibits submitted herewith are true, and I make this solemn declaration conscientiously believing it to be true and knowing it has the same force and effect as if made under oath and by virtue of the "CANADA EVIDENCE ACT".

Declared before me at The City

of Barrie in the County of

Simcoe this 10

day of February, 2015

  
COMMISSIONER OF OATHS

Lisa Cheryl Pearson, a Commissioner,  
etc., County of Simcoe, for the  
Corporation of the City of Barrie.  
Expires August 6, 2015.

  
SIGNATURE OF OWNER OR AGENT

APPLICATION ACCEPTED AS COMPLETE:

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**Justification for the Amendment**

Required

- Whether the requested amendment(s) are consistent with the policy statements (i.e. Provincial Policy Statements) issued under subsection 3(1) of the Act.

Prepared by Innovative Planning Solutions Date February 2015

- Whether the requested amendment(s) conform to or do not conflict with the applicable provincial plan or plans (i.e. Places to Grow).

Prepared by Innovative Planning Solutions Date February 2015

Required if Applicable

- If the requested amendment(s) remove the subject land from an area of employment, how the requested amendment(s) are in conformity with the current Official Plan policies dealing with the removal of land from an area of employment.

Prepared by \_\_\_\_\_ Date \_\_\_\_\_

- If the requested amendment removes the subject land from an Environmental Protection Area land use category, an Environmental Evaluation Study (EES) shall be required.

Prepared by \_\_\_\_\_ Date \_\_\_\_\_

- If the requested amendment is adjacent to an Environmental Protection Area an Environmental Impact Study (EIS) shall be required.

Prepared by Azimuth Environmental Date February 2015

Where applicable, an Environmental Impact Study (EIS) may be combined with an Environmental Evaluation Study (EES) and prepared as one study.

- A tree inventory and assessment may be required.

Prepared by Landmark Environmental Date February 2015

- A function servicing study indicating how the property shall be serviced with a municipal supply and sewage system shall be provided. A preliminary stormwater management report is also to be submitted.

Prepared by Pearson Engineering Date February 2015

- For potentially contaminated sites the City may require that a Phase 1 Environmental Site Assessment be prepared and submitted to the City and the Ministry of Environment for review.

Prepared by \_\_\_\_\_ Date \_\_\_\_\_

- Should the Phase 1 determine that further investigation is warranted, a Phase 2 Environmental Site Assessment will be required and once the site is cleaned to the satisfaction of the City and the Ministry of the Environment, a Record of Site Condition shall be prepared.

Prepared by \_\_\_\_\_ Date \_\_\_\_\_

- Where there is a potential for a proposed development to pose a significant risk to a vulnerable aquifer located in a wellhead protection area, the City may require a risk assessment and/or hydrologic analysis.

Prepared by \_\_\_\_\_ Date \_\_\_\_\_

May be Required

- A traffic study may be required.

Prepared by \_\_\_\_\_ Date \_\_\_\_\_

- If the development proposal includes multiple unit residential buildings, noise studies may be required.

Prepared by \_\_\_\_\_ Date \_\_\_\_\_

- Market impact studies may be required for applications proposing new commercial development.  
Prepared by \_\_\_\_\_ Date \_\_\_\_\_
- An urban design study (i.e. built form, massing, height, shadows) may be required.  
Prepared by \_\_\_\_\_ Date \_\_\_\_\_
- An assessment of the property's cultural heritage (e.g. archaeological potential and/or heritage buildings) may be required.  
Prepared by \_\_\_\_\_ Date \_\_\_\_\_

In addition, applications for Zoning By-law Amendments shall be accompanied by a Planning Report outlining the following:

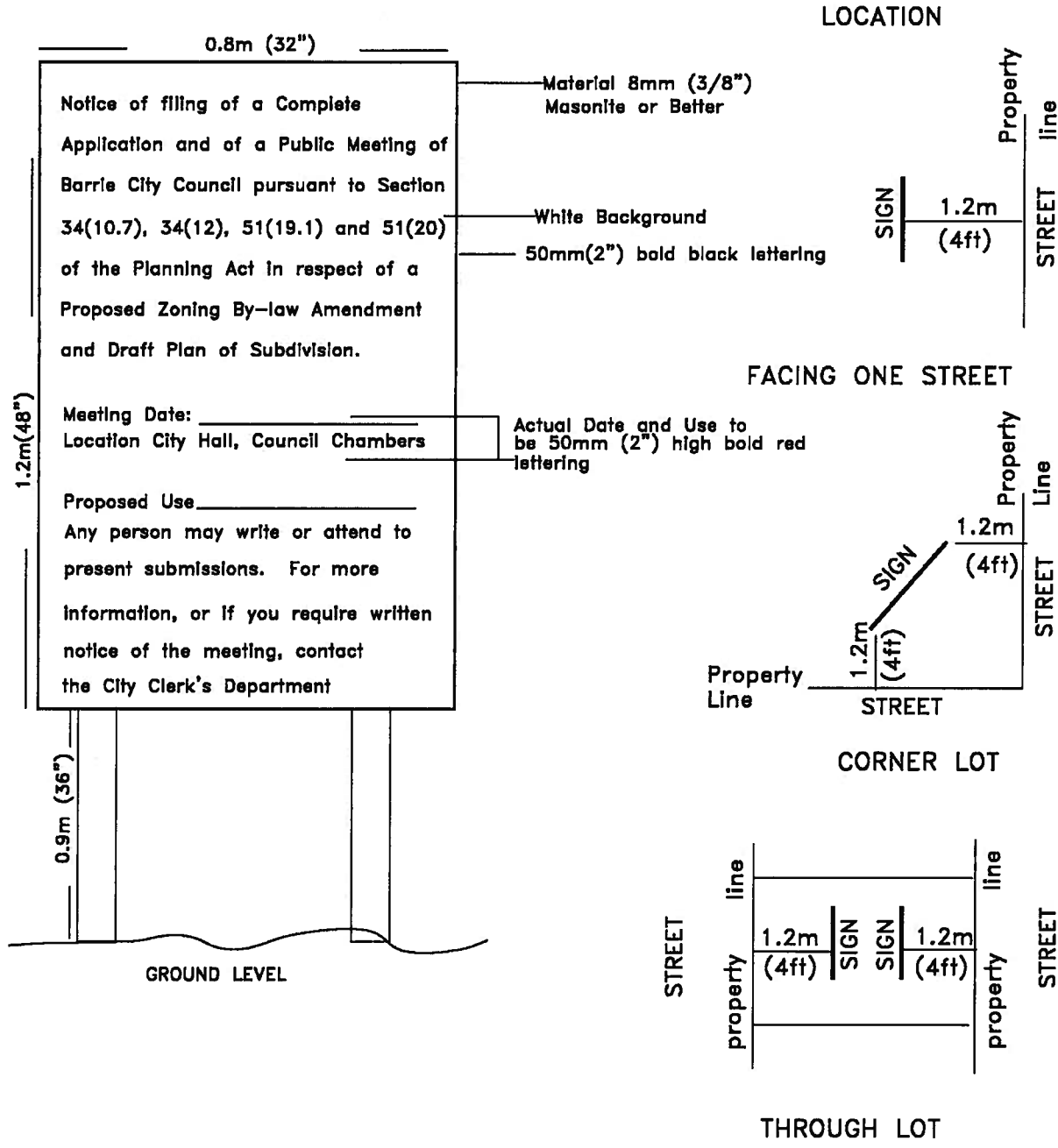
- Whether the requested amendment is in conformity with the Official Plan.  
Prepared by \_\_\_\_\_ Date \_\_\_\_\_
- If the subject land is within an area where the municipality has pre-determined the minimum and maximum density requirements or the minimum and maximum height requirements, a statement of these requirements.  
Prepared by \_\_\_\_\_ Date \_\_\_\_\_
- If the application is to remove land from an area of employment, details of the Official Plan policies that deal with the matter.  
Prepared by \_\_\_\_\_ Date \_\_\_\_\_
- If the subject land is within an area where zoning with conditions may apply, an explanation of how the application conforms to the Official Plan policies relating to zoning with conditions.  
Prepared by \_\_\_\_\_ Date \_\_\_\_\_

**Applications to be submitted to:**

Planning Services Department, Corporation of the City of Barrie  
70 Collier Street, P.O. Box 400  
Barrie, Ontario, L4M 4T5

**PUBLIC NOTICE**

THE APPLICANT IS RESPONSIBLE FOR ALL COSTS ASSOCIATED WITH THE PREPARATION AND POSTING OF THE PUBLIC NOTICE FOR THE PUBLIC MEETING.



SCHEDULE E  
COST SHARING AGREEMENT  
LEGAL DESCRIPTION  
AND  
MUNICIPAL ADDRESS

Legal Description:

PART LOTS 4 + 5, CON 13  
BARRIE

Municipal Address:

400 + 430 FERNDALE DRIVE SOUTH  
+ 134 HAWTHORNE CRESCENT

(Schedule E)

This Agreement made this 9 day of FEBRUARY, 2015.

**COST RECOVERY AGREEMENT**

**BETWEEN:**

PINEMOUNT DEVELOPMENTS INC.  
(hereinafter referred to as "the Applicant")

**AND**

**THE CORPORATION OF THE CITY OF BARRIE**  
(hereinafter referred to as "the Corporation")

**WHEREAS** the Applicant has made application to the Corporation for planning approval necessary to develop the lands described in Schedule "A" (the "Lands");

**AND WHEREAS** the Applicant is the owner of the lands or has the consent of the owner of such lands to make such application;

**AND WHEREAS** it may be necessary to investigate and resolve planning, engineering, legal and/or other issues;

**AND WHEREAS** the Corporation may, at its sole discretion, find it necessary to engage professional planning, engineering, legal and other services in reviewing the application;

**NOW THEREFORE** in consideration of the sum of \$5 paid by the Corporation to the Applicant and in further consideration of the Corporation reviewing such application and incurring costs in so doing (the sufficiency of which is acknowledged by the Applicant), the parties agree as follows:

1. This agreement shall not be construed as the Corporation's acceptance or approval of the application.
2. The Corporation agrees to review the application and may retain such additional planning, engineering, environmental, legal and/or other consultants as are deemed necessary by the Corporation to thoroughly evaluate the application. Save and except for the legal services retainer disclosed in Paragraph 3 below, prior to retaining such additional consultants, prior to retaining such consultants, the Corporation shall advise the Applicant of its intention to do so and shall advise the Applicant as to the proposed purpose for such retainer, the proposed consultant, the proposed terms of reference and the proposed estimated costs. The Applicant may make submissions to the Corporation with respect to the foregoing information within 7 days of receipt of same. The Corporation shall consider such submissions in good faith, but shall retain its sole discretion with respect to such retainer. The Applicant shall be entitled to the provision of final reports submitted by such consultants but not to drafts, or communications which would otherwise be privileged. The Applicant agrees that with respect to legal consultants all such work shall be solicitor-client privilege to which it has no access.



3. The Corporation hereby notifies the Applicant that it intends to retain Barrie's Solicitor to provide legal services relating to the preparation and execution of an agreement contemplated by the Planning Act.
4. The Applicant shall pay all reasonable costs specific to the application as incurred by the Corporation for its solicitor (on a complete indemnity basis) and other consultants and its administrative costs (application fees authorized pursuant to the Corporation's Fees By-law) as amended from time to time prior to the date of this agreement in respect of the application, including interest on arrears if incurred as the result of delay in payment by the Applicant. Notwithstanding the foregoing, in the event proceedings are commenced by the Applicant or the Corporation with respect to the application which results in the Applicant and the Corporation advocating positions which are opposed in interest, the Corporation shall not be entitled to collect such costs or recover expenses from the Applicant in connection therewith from the date of commencement unless so ordered by the tribunal or adjudicator determining the outcome of such proceedings.
5. The Applicant shall, upon being notified from time to time, deposit sufficient funds with the City to cover the estimated expenses including all consulting fees and disbursements. In default of such deposits being made, the Corporation may refuse to continue to process the application, refuse to execute any agreement required as a condition of development approval or take such legal action against the Applicant as it deems necessary.
6. The Corporation upon completion, termination, withdrawal of the application, or the filing of proceedings being commenced as contemplated in paragraph 4 above whereby the Applicant and the Corporation are advocating positions which are opposed in interest, shall prepare and submit a final statement of account to the Applicant, including copies of all invoices submitted to it by its consultants. Surplus funds held by the Corporation shall be returned to the Applicant within sixty (60) days of such completion, termination or withdrawal. Surplus funds shall not be returned to any mortgagee or subsequent owner of the property referred to in the application except on the written direction of the Applicant or pursuant to a Court Order.
7. This Agreement shall not stand in lieu of or prejudice the rights of the Corporation to require such further and other agreements permitted by provincial or federal legislation in respect of any application that the Corporation may deem necessary.
8. This Agreement constitutes the entire agreement of the parties to date with respect to the payment of the Corporation's costs for professional planning, engineering, legal and other services required in consideration of the application. Any subsequent agreement which includes a provision relating to costs incurred by the Corporation shall be deemed to be supplementary to this agreement and shall not supersede this agreement.
9. This Agreement shall be effective from the earlier of the date of this agreement and the date the application referred to herein was submitted to the Corporation.
10. The persons signing this Agreement on behalf of the parties warrant that each person who signs this Agreement is authorized to represent that party and to bind it in this Agreement.
11. This Agreement shall enure to the benefit of and be binding upon the parties and their respective successors and assigns.
12. Should any provision or any part of any provision of this Agreement be declared null, void or inoperative, the remainder of the Agreement shall remain in full force and effect and shall be interpreted as a complete entity.
13. The Agreement shall be governed by and construed in accordance with the laws of the Province of Ontario.

14. Any notice required pursuant to this Agreement shall be in writing and delivered personally, by confirmed facsimile transmissions ("fax") or sent by registered mail to the following addresses:

The Applicant: PINEMOUNT DEVELOPMENTS INC

Mailing address: 24 MARTIN ROSS AVE

UNIT 3, TORONTO, ON, M3J 2K8

Delivery address:

Fax number: 416 736 9994

Attention: ELI TURK

**The Corporation:**

The Corporation of the City of Barrie  
City Clerk's Office  
Attention: Dawn McAlpine, City Clerk  
70 Collier Street, Box 400  
Barrie, ON L4M 4T5  
(705) 739-4204 (Fax) 739-4243

or to such other addresses either of the Parties may indicate in writing to the other.

Any notice given in accordance with this shall be deemed to have been received:

- i) upon delivery, if delivered personally;
- ii) at the time of transmission if sent by fax between 9:00 a.m. and 4:00 p.m. EST, or, if sent before or after such times, on the next business day; or
- iii) on the fifth day after posting, if sent by registered mail, provided that if such day is a Saturday, Sunday or holiday, on the next business day thereafter.

**APPLICANT**

Per: \_\_\_\_\_ c/s

Name: Eli Turk  
Title: President

Per: \_\_\_\_\_ c/s

Name:  
Title:

**THE CORPORATION OF  
THE CITY OF BARRIE**

Per: \_\_\_\_\_  
Dawn A. McAlpine, City Clerk  
I have authority to bind the  
Corporation

I/We have authority to bind the corporation