

**MINUTES OF SETTLEMENT**

BETWEEN:

**THE CORPORATION OF THE COUNTY OF SIMCOE**

("County")  
Of the first part

and

**MIDHURST DEVELOPMENT DORAN ROAD INC.  
and CARSON ROAD DEVELOPMENT INC.**

("Midhurst Doran")

and

**CARSON TRAIL ESTATES INC.**

("Carson Trail")

and

**ESTATE OF MARIE LOUISE FRANKCOM**

("Frankcom")

and

**285622 ONTARIO LTD.**

("Midves")

and

**MIDHURST ROSE ALLIANCE INC.**

("Alliance")

Collectively (the "Landowners")  
Of the second part

**WHEREAS** the purpose of these Minutes of Settlement ("Minutes") is to resolve for certain lands the appeal by the Minister of Municipal Affairs and Housing ("Ministry") of Official Plan Amendment No. 38 ("OPA 38") to the Township of Springwater ("Township") Official Plan under OMB File PL111181;

**AND WHEREAS** certain lands within OPA 38 ("Subject Lands") owned by four of the Landowners are identified on the attached map;

**AND WHEREAS** the Subject Lands are located within the existing Midhurst settlement area as approved in the Township's Official Plan and in the County's Official Plan;

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**AND WHEREAS** OPA 38, being a secondary plan, was adopted by the Township on November 3, 2008, modified and approved by the County on October 12, 2011 and appealed to the Board by the Ministry on October 28, 2011 for reasons including that it exceeded population forecasts;

**AND WHEREAS** subsequent to the Ministry appeal, on January 19, 2012, Amendment #1 to the *Growth Plan for the Greater Golden Horseshoe* ("Growth Plan") came into effect and provided unique growth management policies for the County;

**AND WHEREAS** Growth Plan Policy 6.3.2.2 permits the County to approve adopted official plans or adopted official plan amendments regarding lands within settlement areas that re-designate "*lands not for urban uses*" to "*lands for urban uses*" in excess of the forecasts in Schedule 7 of the Growth Plan;

**AND WHEREAS** the Ministry has indicated that the threshold issue for maintaining its appeal is growth allocation which may be accomplished through, inter alia, Growth Plan Policy 6.3.2.2;

**NOW THEREFORE** the Parties enter into these Minutes to resolve the Ministry appeal for certain lands **AND HEREBY AGREE AS FOLLOWS:**

1. The recitals above are true and binding on the parties hereto.
2. Pursuant to Growth Plan policies 6.3.2.2 and 6.3.2.3, and by Orders of the Board (OMB Case No. PL091167) dated May 15, 2014 and July 28, 2014, County OP policies 3.5.10 to 3.5.13 were approved permitting the approval of adopted official plans or adopted official plan amendments by the County to accommodate up to 20,000 additional persons beyond the Growth Plan forecasts in Schedule 7 of the Growth Plan.
3. The parties acknowledge that OPA 38 as modified and approved by the County conforms with the Growth Plan and the County OP.
4. The approval of an additional 2,961 people collectively for the Subject Lands shown on the attached map meets the required criteria of Growth Plan policy 6.3.2.2 and County OP policy 3.5.10.
5. The County allocates 2961 persons to permit approval of OPA 38 for the Subject Lands identified on the attached map under Growth Plan policy 6.3.2.2, as follows:
  - a. To the lands of Midhurst Doran as shown on the map attached as 36.58 ha, 553 persons subject to adjustment from Midves;

- b. To the lands of Midhurst Doran as shown on the map attached as 62.81 ha, 1462 persons subject to adjustment from Midves;
  - c. To the lands of Carson Trail as shown on the map attached as 9.64 ha, 252 persons subject to adjustment from Midves;
  - d. To the lands of Frankcom as shown on the map attached as 20.32 ha, 414 persons subject to adjustment from Midves;
  - e. To the lands of Midves as shown on the map attached as 29.25 ha, 280 persons conditional on obtaining urban residential land use designations for such lands (to be determined as part of the resolution of Midves' appeal of OPA 38). If Midves fails to receive urban residential land use designations for its lands, or receives urban residential land use designations for less than the total 280 persons, then the remaining available population out of the total available 280 persons (the "Available Population") will be distributed as follows: the first 140 persons to the lands of Midhurst Doran with any additional Available Population distributed a third each among the lands of Carson Trail, Frankcom and Midhurst Doran.
6. The Landowners will ensure that all future development applications to implement OPA 38 will conform with the Secondary Plan policies including Policy 9.2 f) and will also conform with applicable provincial and County policies, plans, and requirements.
  7. Upon execution of these Minutes, the County with the consent of the Landowners herein given will withdraw its jurisdictional motion currently pending before the Board.
  8. The Landowners agree to take no action or challenge with respect to the County's By-law 6544 or to any allocations made by the County under Growth Plan Policy 6.3.2.2.
  9. Upon execution of these Minutes by all parties, the Landowners and the County will exchange mutual releases pertaining to the County's By-law 6544, Growth Plan Policy 6.3.2.2 and the actions taken under them.
  10. Upon execution of these Minutes by all parties, the Board and all Parties and Participants will be advised of this settlement and the Minutes of Settlement will be filed with the Board.

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11. At any Board hearing, the parties will collectively ask the Board to resolve the Ministry appeal for the Subject Lands by approving the modified OPA 38 for such lands. The parties will provide evidence and make submissions in support of this request.
12. The parties support the continued adjournment *sine die* of the lands within OPA 38 remaining under appeal by the Ministry after this settlement until completion of municipal comprehensive reviews of growth by the Township and the County or after four years from the date of execution of these Minutes, whichever is sooner. Notwithstanding the foregoing, the parties can seek to convene the hearing sooner upon mutual consent.
13. The parties will not request any cost awards from the Board against each other in respect of the appeal of OPA 38.
14. To the extent allowable by law, these Minutes are binding and enure to the benefit of the parties, their successors and assigns.
15. Subject to applicable law and policies, the Parties shall execute diligently and expeditiously such further documents and take such further action as may be reasonably required to implement and give full legal effect to the terms of these Minutes.
16. The Parties agree to act reasonably and with good faith in respect of all dealings between the parties pursuant to these Minutes.
17. These Minutes constitute the entire agreement between the parties with respect to the appeal and supersede any prior agreements, negotiations and understandings with respect thereto.
18. Any amendment to or waiver of any provision of these Minutes must be in writing and signed by the parties.
19. If any provision of these Minutes is deemed illegal, invalid or unenforceable by an arbitrator or any court of competent jurisdiction from which no appeal exists or is taken, such provision will be severed from these Minutes and the remaining provisions will continue in full force and effect.
20. These Minutes may be executed in one or more counterparts that together shall constitute a complete set of these Minutes, and executed counterparts may be delivered by email or facsimile transmission.

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21. Nothing in these Minutes:

- a. Fetters the legislative or policy discretion of the Province of Ontario, the County of Simcoe or the Township of Springwater to enact legislation, regulations, policies, guidelines, orders or any other directives whatsoever that may impact the ability to develop the Subject Lands; or
- b. Restricts the rights of the parties under the *Planning Act*, R.S.O. 1990, c. P.13, as amended, or any other legislation.

***The remainder of this page has been intentionally left blank.***

**IN WITNESS WHEREOF** the Parties have executed these Minutes as of the dates indicated below:

Date: Oct 6/16

**THE CORPORATION OF THE COUNTY OF SIMCOE**

By its Solicitors, Thomson, Rogers

*AB Beaman*

Date: \_\_\_\_\_

**MIDHURST DEVELOPMENT DORAN ROAD INC. and**

**CARSON ROAD DEVELOPMENT INC. By their Solicitors, Davies Howe Partners LLP**

Date: \_\_\_\_\_

**CARSON TRAIL ESTATES INC. By its Solicitors, Overland LLP**

Date: \_\_\_\_\_

**ESTATE OF MARIE LOUISE FRANKCOM By its Solicitors, Feehely, Gastaldi**

Date: \_\_\_\_\_

**285622 ONTARIO LTD. By its Solicitors, Turkstra Mazza Associates**

Date: \_\_\_\_\_

**MIDHURST ROSE ALLIANCE INC. By its Solicitors, Kagan, Shastri LLP**

*AB*

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**CARSON TRAIL ESTATES INC.**  
By its Solicitors, Overland LLP

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By its Solicitors, Feehely, Gastaldi

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By their Solicitors, Davies Howe Partners LLP

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Date: October 6/16

**CARSON TRAIL ESTATES INC.**  
By its Solicitors, Overland LLP



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Date: \_\_\_\_\_

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By its Solicitors, Feehely, Gastaldi

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By its Solicitors, Turkstra Mazza Associates

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Date: \_\_\_\_\_

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ROAD INC. and  
CARSON ROAD DEVELOPMENT INC.  
By their Solicitors, Davies Howe Partners  
LLP**

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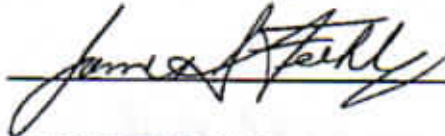
Date: \_\_\_\_\_

**CARSON TRAIL ESTATES INC.  
By its Solicitors, Overland LLP**

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Date: OCTOBER 6/16

**ESTATE OF MARIE LOUISE FRANKCOM  
By its Solicitors, Feehely, Gastaldi**



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Date: \_\_\_\_\_

**285622 ONTARIO LTD.  
By its Solicitors, Turkstra Mazza  
Associates**

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Date: \_\_\_\_\_

**MIDHURST ROSE ALLIANCE INC.  
By its Solicitors, Kagan, Shastri LLP**

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By their Solicitors, Davies Howe Partners LLP

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Date: \_\_\_\_\_

**CARSON TRAIL ESTATES INC.**  
By its Solicitors, Overland LLP

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Date: \_\_\_\_\_

**ESTATE OF MARIE LOUISE FRANKCOM**  
By its Solicitors, Feehely, Gastaldi

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Date: Oct 6, 2016

**285622 ONTARIO LTD.**  
By its Solicitors, **Turkstra Mazza Associates**



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Date: \_\_\_\_\_

**MIDHURST ROSE ALLIANCE INC.**  
By its Solicitors, Kagan, Shastri LLP

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Date: October 6, 2016

**MIDHURST ROSE ALLIANCE INC.**  
**By its Solicitors, Kagan, Shastri LLP**



*Ira T. Kagan*

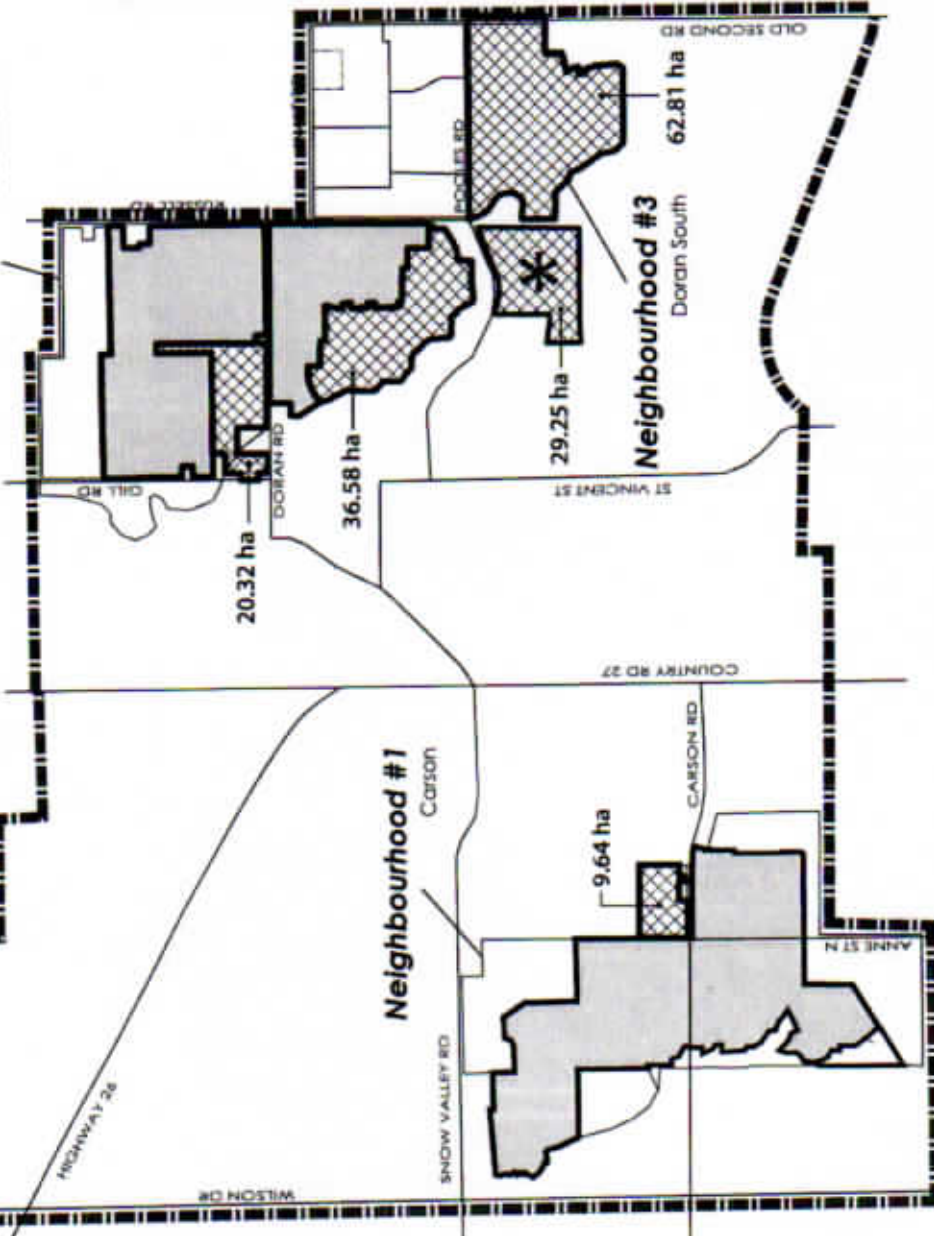
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Per: Ira T. Kagan



# Subject Lands

**Neighbourhood #2**  
Doran North



-  Midhurst Settlement Area Boundary
-  Neighbourhood Boundary
-  Lands within 300 ha.
-  Subject Lands
-  \* Population will apply to Urban Land Uses Determined by the Planning Process