

MEMORANDUM OF UNDERSTANDING AND INDEMNITY FOR THE INSTALLATION OF PRIVATE POOLS

For use by Principal Authority			
Date Received:		Permit number:	
		Roll number:	
Project information			
Owner			Unit number
Building number, street name			Lot/con.
Municipality: The Blue Mountains	Postal code	Legal Description / Plan No.	

THIS MEMORANDUM OF UNDERSTANDING AND INDEMNITY made the ____ day of _____, 20__.

B E T W E E N: _____
(Hereinafter called the "Owner")

- and -

THE CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS
(Hereinafter called the "Town")

WHEREAS the Owner is the Owner of certain land as described above;

AND WHEREAS Private Pool By-law, as amended, requires the owner to obtain a pool fence permit prior to the installation or erection of a pool;

AND WHEREAS Alteration and Fill By-Law No. 2002-78, prohibits or regulates the placing or dumping of fill or the alteration of the grade of land, within the Town;

AND WHEREAS the property is subject to a Subdivider's Agreement or a Condominium Agreement and the acceptance of the Works and the assumption of same has not commenced;

AND WHEREAS the owner of the subject lands proposes to construct a pool on the property that may affect the lot grading and drainage;

NOW THEREFORE THIS MEMORANDUM OF UNDERSTANDING WITNESSETH that the owner agrees and acknowledges as follows:

1. *Not to affect the existing lot grading or intended design of the drainage patterns within 1.0 metres of all property boundaries.*
2. *To remediate any lot grading and drainage concerns associated with the installation of the pool to the satisfaction of The Blue Mountains.*
3. *The undersigned owner further agrees to indemnify The Blue Mountains for any loss or damages and all such costs resulting in the alteration to the approved drainage and grading plan.*
4. *The undersigned owner agrees to register this notice on title for any subsequent owners; the contents of this Memorandum of Understanding and Indemnity prior to the sale transaction unless released from this obligation by The Blue Mountains.*
5. *The undersigned owner hereby acknowledges that in issuing any building permit or permit for a private pool, the Corporation of The Town of The Blue Mountains does not permit or approve of any changes to the elevations or grading and drainage of the property which would adversely affect or cause damage to the surrounding properties.*

The owner further acknowledges where an issue with respect to drainage and/or grading arises during the construction activities associated with this acknowledgment; may be considered a civil matter and may be actionable.

SIGNATURE OF HOMEOWNER _____ **DATE:** _____
(D/M/YYYY)