

**Ontario Land Tribunal**  
Tribunal ontarien de l'aménagement  
du territoire



**ISSUE DATE:** February 20, 2024

**CASE NO(S):**

OLT-23-000163

**PROCEEDING COMMENCED UNDER** subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant: Sweid Holdings Inc.  
Subject: Request to amend the Official Plan – Failure to adopt the requested amendment  
Description: To permit the development of 45 new residential units, being 15 single detached dwellings and 30 townhouse dwelling units  
Reference Number: OPA 57  
Property Address: 6, 10 and 14 Elmhurst Street  
Municipality/UT: Middlesex Centre/Middlesex  
OLT Case No.: OLT-23-000163  
OLT Lead Case No.: OLT-23-000163  
OLT Case Name: Sweid Holdings Inc. v. Middlesex Centre (Municipality)

**PROCEEDING COMMENCED UNDER** subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant: Sweid Holdings Inc.  
Subject: Application to amend the Zoning By-law – Refusal or neglect to make a decision  
Description: To permit the development of 45 new residential units, being 15 single detached dwellings and 30 townhouse dwelling units  
Reference Number: ZBA-16-2021  
Property Address: 6, 10 and 14 Elmhurst Street  
Municipality/UT: Middlesex Centre/Middlesex  
OLT Case No.: OLT-23-000164  
OLT Lead Case No.: OLT-23-000163

**PROCEEDING COMMENCED UNDER** subsection 41(12) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: Sweid Holdings Inc.  
 Subject: Site Plan  
 Description: To permit the development of 45 new residential units, being 15 single detached dwellings and 30 townhouse dwelling units  
 Reference Number: SP05-2021  
 Property Address: 6, 10 and 14 Elmhurst Street  
 Municipality/UT: Middlesex Centre/Middlesex  
 OLT Case No.: OLT-23-000165  
 OLT Lead Case No.: OLT-23-000163

**PROCEEDING COMMENCED UNDER** subsection 51(34) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant: Sweid Holdings Inc.  
 Subject: Proposed Plan of Subdivision – Failure of Approval Authority to make a decision  
 Description: To permit the development of 45 new residential units, being 15 single detached dwellings and 30 townhouse dwelling units  
 Reference Number: 39T-MC-CDM2101  
 Property Address: 6, 10 and 14 Elmhurst Street  
 Municipality/UT: Middlesex Centre/Middlesex  
 OLT Case No.: OLT-23-000190  
 OLT Lead Case No.: OLT-23-000163

**Heard:** January 29, 2024 by Video Hearing

**APPEARANCES:**

**Parties**

Sweid Holdings Inc.

County of Middlesex, and  
 Municipality of Middlesex  
 Centre

**Counsel**

A. Baroudi

W. Meagher

## MEMORANDUM OF ORAL DECISION DELIVERED BY STEVEN T. MASTORAS ON JANUARY 29, 2024 AND ORDER OF THE TRIBUNAL

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[Link to Order](#)

### INTRODUCTION AND BACKGROUND

[1] The matter is before the Tribunal as a Settlement Proposal (“Settlement”) following the appeals of the Municipality of Middlesex Centre (“Municipality”) and County of Middlesex’s (“County”) failure to adopt an Official Plan Amendment (“OPA”) application and a refusal or neglect to make a Decision on a Zoning By-law Amendment (“ZBA”) application pursuant to sections 22(7), and 34(11) of the *Planning Act* (the “Act”) respectively. Additionally, there are also the appeals of a refusal or neglect to make a Decision relating to a Site Plan Application (“SPA”) and a Draft Plan of Condominium (“DPC”) application pursuant to sections 41(12) and 51(34) of the Act respectively (together the “Appeals”). The Appeals have been filed by Sweid Holdings Inc. (“Appellant”) regarding the properties municipally known as 6, 10 and 14 Elmhurst Street (“Subject Lands”).

[2] The Subject Lands are approximately 2.035 hectares (5.02 acres) in area and located on the west side of Elmhurst Street and south of Glendon Drive (County Road 14) in Kilworth. The Subject Lands are legally described as Concession 1 S Part Lot 10 and Concession 1 Part Lot 10 RP 33R12238 Part 1, the Municipality (geographic Township of Lobo), the County.

[3] The purpose of the OPA application is to facilitate the proposed redevelopment of the Subject Lands and to re-delineate the Natural Environment designation to permit development. The proposed amendment reflects the Development Assessment Report completed by the Appellant.

[4] The purpose of the ZBA application is to rezone the lands from ‘Urban Residential First Density exception 3 (UR1-3)’ to two new site-specific zones to facilitate

development – ‘Urban Residential First Density (UR1-x)’ zone to permit townhouse dwellings.

[5] The purpose of the SPA and DPC applications is to provide for a total of 45 dwelling units within a vacant land condominium. 15 units will be for the development of single detached dwellings and 30 units will be for the development of townhouse dwelling units. Each dwelling unit is proposed to have two parking spaces. 18 visitor parking spaces and a common amenity area will be located at the centre of the proposed development. All lots will front onto an internal private road that will have one access point onto Elmhurst Street. The proposed servicing is a connection to the municipal water and municipal sanitary service system located along Kilworth Park Drive.

[6] The Tribunal was previously in receipt of a sworn Affidavit of Service of Hesham Baroudi dated April 21, 2023, confirming proper Notice of Hearing for the Case Management Hearing in June 2023, which was marked as **Exhibit 1**.

[7] For the purposes of the Settlement Hearing, the Tribunal is in receipt of the following Exhibits:

- **Exhibit 2** - Witness Affidavit by Matthew Campbell, and AED, signed on January 18, 2024, on behalf of the Appellant;
- **Exhibit 3** - Draft Final Instruments inclusive of the following Schedules:  
(1.OPA, 2. ZBA, 3.DPC, 4. Conditions of DPC, 5. SPA)
- **Exhibit 4** - Draft Order submitted by the Parties, on consent.

[8] There were no other requests for Party or Participant Status.

## **LEGISLATIVE FRAMEWORK**

[9] In deciding on the matters before it, the Tribunal must be satisfied that the proposed development is representative of good planning and in the public interest. The proposed planning instruments pursuant to sections 22(7), 34(11), 41(12) and 51(34), must be found to have appropriate regard for the matters of Provincial interest in s. 2 of the Act;

[10] The Settlement must also be consistent with the Provincial Policy Statement, 2020 (“PPS”), conform with the County of Middlesex Official Plan (“COP”), conform with the Municipality of Middlesex Centre Official Plan (“MMOP”) and conform with the Middlesex Centre Zoning By-law No. 2005-005 (“ZBL”).

## **SETTLEMENT EVIDENCE AND SUBMISSIONS**

[11] Counsel for the Applicant requested the Tribunal’s concurrence that the appeals be allowed in part and approve the proposed OPA and ZBA, along with the amended SPA and DPC as they relate to these Appeals with the agreed upon conditions referenced in the Tribunal’s final Order below.

[12] Matthew Campbell a Registered Professional Planner on behalf of the Appellant was qualified by the Tribunal to provide land use planning opinion evidence, both through the comprehensive Affidavit and oral testimony relating to planning rationale in support of the Settlement. Mr. Campbell has been associated with this matter since 2023 and confirmed for the Tribunal’s information that he has visited the Subject Lands.

### **OPA, ZBA and DPC with Conditions**

[13] Mr. Campbell opined that the proposed planning instruments tied to the development will permit and satisfy all requisite legislative tests and are representative of good planning and in the public interest. He added that the Settlement represents a

change from low-density to medium-density and practically encourages compatibility, excellent site design and proper servicing requirements.

[14] Mr. Campbell asserted that the DPC, with the requisite conditions in the Settlement instruments, maintains robust and sufficient requirements to ensure good development of the Subject Lands. He expanded on the importance of the protection of natural heritage elements along the north and north-west portions of the site, which will be left vacant and form part the site's common areas, with appropriate fencing providing added protection, as referenced in Schedule 5, attached to this Order. The provision of adequate parking, visitor parking and the extended setbacks from the normal 6 metres ("m") to 8 m, combined with all other Site Plan requirements in the Settlement, represents sound land-use planning, maintaining a less urbanized design, which further encourages compatibility.

#### **Regard for Matters of Provincial Interest of Section 2 of the Act**

[15] At the Hearing, the following were identified as relevant considerations related to s.2 requirements of the Act:

- (a) the protection of ecological systems, including natural areas, features and functions;
- (d) the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;
- (e) the supply, efficient use and conservation of energy and water;
- (f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
- (g) the minimization of waste;
- (h) the orderly development of safe and healthy communities;
- (h.1) the accessibility for persons with disabilities to all facilities, services and matters to which this Act applies;
- (i) the adequate provision and distribution of educational, health, social, cultural and recreational facilities;
- (j) the adequate provision of a full range of housing, including affordable housing;
- (k) the adequate provision of employment opportunities;
- (l) the protection of the financial and economic well-being of the Province and its municipalities;
- (m) the co-ordination of planning activities of public bodies;
- (n) the resolution of planning conflicts involving public and private interests;

- (o) the protection of public health and safety;
- (p) the appropriate location of growth and development;
- (q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;
- (r) the promotion of built form that,
  - (i) is well-designed,
  - (ii) encourages a sense of place, and
  - (iii) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;
- (s) the mitigation of greenhouse gas emissions and adaptation to a changing climate.

[16] While initially and inadvertently overlooked in the witness Affidavit, Mr. Campbell was provided the opportunity to share his opinion with the Tribunal. He testified in considerable detail on each of the aforementioned s. 2 requirements of the Act, adding that extensive study and consultation with the Municipality and County focused its peer-reviewed studies on ensuring the following as part of the Settlement:

- Adequate protection of ecological systems and ecological features and functions;
- No serious concerns of an archaeological nature in its studies;
- Effective municipal services extension to the site within a reasonable distance to the settlement area in Kilworth also representing an appropriate level of intensification;
- Traffic implications were minimized, and deemed very suitable for existing capacities, combined with a proposed left turn prohibition;
- Combining of municipal services as proposed and private waste collection;
- Healthy, safe and orderly development;
- Compliance with a detailed Site Plan and the anticipated requisites of the Ontario Building Code;
- No unreasonable adverse impact on the existing provision of community facilities including the local community centre and local parks;
- The provision of adequate and diverse range of housing options;
- No undue burden on the Municipality;

- Public bodies and agencies are fully satisfied and any planning related conflicts were reasonably and effectively resolved with revisions agreed to by the Parties;
- The promotion of sound built-form design, with excellent streetscape improvements and potential for sidewalk connectivity in the future if needed;
- Sensitivity to environmental impact mitigation and greenhouse gas emissions;

[17] In summary, Mr. Campbell concluded that the Settlement specific to the Subject Lands had appropriate regard for the requirements pursuant to s. 2 of the Act.

### **Consistency with the Provincial Policy Statement**

[18] Mr. Campbell provided a high-level review of the Settlement and its consistency with the PPS, including the following in Exhibit 2 (Pg7-8):

1. The PPS generally directs development to 'Settlement Areas as the primary location for development in order to utilize existing municipal services, and to use land efficiently. The Settled Application will utilize existing municipal services, through the extension of municipal services, and make more efficient use of the currently vacant Subject Site for residential dwelling units (1.1.3.1).
2. The Settled Application adds to the mix of residential densities in the neighbourhood; adds to the range and mix of housing types; and provides a significant opportunity for intensification and redevelopment within the Settlement Area where there is an appropriate level of infrastructure to support the development (1.1.3.2, 1.1.3.3, 1.4).
3. The proposed development will make use of full municipal sanitary sewer and water through the extension of municipal services. Stormwater management is accommodated on-site through the use of private on-site SWM controls, thus there is no need for additional municipal stormwater infrastructure (1.6.6, 1.6.6.7).
4. The Settled Application preserves a section of the Subject Site to provide protection of the Significant Woodland (2.1).



### **Conformity with the County Official Plan (“COP”) and the Municipality of Middlesex Official Plan (“MMOP”)**

[19] Mr. Campbell expanded on his written evidence through his testimony emphasizing the natural heritage elements of the Subject Lands, servicing, water and sanitation and stormwater management dynamics of the site. He expanded on the proposed stormwater infiltration galleries for water diversion located beneath the sodded, common amenity areas, along with reasonable service extensions, all effectively conformed with COP policies.

[20] Furthermore, Mr. Campbell opined that a number of the MMOP’s objectives were achieved including:

- The protection of the boundaries at the north and north-west section of the Subject Lands;
- Effective land-use planning;
- An assortment of vacant land preservation;
- A positive mix of density townhomes and detached dwellings, with an appeal to prospective homeowners seeking to “down-size”, resulting in reduced maintenance and snow removal among other reasons;
- Consistency in urban design and the Municipality’s ZBL, with 8 m setbacks (greater than what is required);
- No adverse compatibility concerns, with adequate servicing and pedestrian-friendly design;
- Efficient use of the Subject Lands and abutting property.

[21] It was also noted that the County has jurisdiction over the approval, implementation and oversight of the OPA and DPC in these circumstances and the Municipality is responsible for the approval, implementation and oversight of the ZBA and Site Plan in this matter.

## The Draft Plan of Condominium and Conditions

[22] Counsel for both Parties submitted that the DPC is within the Tribunal's jurisdiction as it relates to s. 51 of the Act and recommended approval of the DPC with very detailed conditions, attached in Schedule 4, contained in the Order below. This gives the appropriate direction in the administration and oversight of these terms to the County. Reference was given to the provisions of Section 9 of the *Condominium Act* 1998 which will be applicable as necessary and states the following:

(2) Subject to this section, the provisions of sections 51, 51.1 and 51.2 of the *Planning Act* that apply to a plan of subdivision apply with necessary modifications to a description or an amendment to a description...

## DISPOSITION

[23] Based on the uncontroverted testimony of Mr. Campbell, accompanied with his Affidavit and the agreement at the hearing by both Parties, the Tribunal finds that the requisite tests have been met, including having regard to matters of Provincial interest in s. 2 of the Act and consistency with the PPS, and the Tribunal agrees with Mr. Campbell's opinion, that the Settlement conforms with both the COP and MMOP.

[24] Therefore, the Tribunal concurs with the Settlement and the appeals shall be allowed in accordance with the terms of the Settlement and the Order as follows below.

## ORDER

[25] **THE TRIBUNAL ORDERS** that the appeals are allowed in part and:

- (a) The Official Plan for the Municipality of Middlesex Centre is amended as set out in **Schedule 1** to this Order;

- (b) Directs the Municipality to amend Zoning By-law No. 2005-005 as set out in **Schedule 2** to this Order. The Tribunal authorizes the municipal clerk of the Municipality to assign a number to this by-law for record keeping purposes;
- (c) The Draft Plan of Condominium is approved as set out in **Schedule 3** to this Order, subject to the fulfillment of the conditions as set out in **Schedule 4** to this Order.
- (d) The Site Plan is modified as set out in **Schedule 5** to this Order, and as modified is approved.

[26] **THE TRIBUNAL FURTHER ORDERS** that pursuant to subsection 51(56.1) of the *Planning Act*, the County shall have the authority to clear the conditions of Draft Plan Approval and to administer final approval of the Plan of Condominium as partially approved by this Order for the purposes of s. 51(58) of the Act.

[27] **THE TRIBUNAL FURTHER ORDERS** that the County may, on the consent of the Applicant/Appellant or a subsequent owner of the lands, make minor modifications to the Draft Plan Approval or the Draft Conditions that are consistent with the intent of the Tribunal's substantive approval for the purpose of clearing conditions of Draft Plan Approval and administering Final Approval, if those minor modifications are on the consent of the Applicant/Appellant or a subsequent owner.

[28] **THE TRIBUNAL FURTHER ORDERS** that it may be spoken to in the event any matter or matters should arise in connection with the implementation of this Order, including if minor modifications to the plans, Draft Plan, Site Plan or Conditions are sought without consent of the other party. The Tribunal will also retain jurisdiction and may be spoken to if a dispute arises in connection with a subsequent agreement required under the *Planning Act* relating to the Draft Plan of Condominium and/or Site Plan.

[29] This concludes the Appeals of Sweid Holdings Inc.

[30] The Member may also be spoken to relating to this Order by contacting the Case Coordinator if required.

*“Steven T. Mastoras”*

STEVEN T. MASTORAS  
MEMBER

### **Ontario Land Tribunal**

Website: [www.olt.gov.on.ca](http://www.olt.gov.on.ca) Telephone: 416-212-6349 Toll Free: 1-866-448-2248

The Conservation Review Board, the Environmental Review Tribunal, the Local Planning Appeal Tribunal and the Mining and Lands Tribunal are amalgamated and continued as the Ontario Land Tribunal (“Tribunal”). Any reference to the preceding tribunals or the former Ontario Municipal Board is deemed to be a reference to the Tribunal.

## Schedule 1



**Municipality of Middlesex Centre  
By-Law 2024-XXX**

**Being a By-Law to adopt Amendment No. 57 to the Official Plan of Middlesex Centre**

**WHEREAS** the Council of the Municipality of Middlesex Centre deems it advisable to amend the Middlesex Centre Official Plan;

**AND WHEREAS** this amendment is consistent with the Provincial Policy Statement, 2020 and is in conformity with the County of Middlesex Official Plan;

**THEREFORE** the Council of the Municipality of Middlesex Centre, in accordance with the provisions of Section 21 of the *Planning Act*, R.S.O. 1990, c. P. 13, hereby enacts as follows:

1. Amendment No. 57 to the Official Plan of the Municipality of Middlesex Centre consisting of the attached text and map schedule is hereby adopted.
2. The Clerk is hereby authorized to make application to the County of Middlesex for approval of the aforementioned Amendment No. 57 to the Official Plan of the Municipality of Middlesex Centre.
3. The By-Law shall come into force and take effect on the day of the final passing thereof.

**READ A FIRST, SECOND AND THIRD TIME, AND FINALLY PASSED** this \_\_\_th day of \_\_\_\_\_, 2024.

Passed this xx day of \_\_\_\_\_, 2024.

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Aina DeViet, Mayor

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James Hutson, Clerk

**AMENDMENT NO. 57**

**TO**

**THE OFFICIAL PLAN**

**OF THE**

**Municipality of Middlesex Centre**

**Location:** The property is located on the west side of Elmhurst Street and south of Glendon Drive (County Road 14). The subject property is legally described as Concession 1 S Pt Lot 10 and Concession 1 Pt Lot 10 RP 33R12238 Part 1 (geographic Township of Lobo), Municipality of Middlesex Centre.

**Date:**           , 2024

**Approval Authority:** County of Middlesex

AMENDMENT NO. 57

To the Official Plan of the Municipality of Middlesex Centre

The attached, constituting Amendment No. 57 to the Official Plan of the Municipality of Middlesex Centre, as authorized by the provisions of Section 22 of the Planning Act, R.S.O. 1990, c.P.13, was adopted by Council of the Municipality of Middlesex Centre by By-law 2023-~~XXX~~ on the [redacted] day of [redacted], 2023, in accordance with the Planning Act, R.S.O. 1990, c.P.13.

\_\_\_\_\_  
Aina DeViet, Mayor

\_\_\_\_\_  
James Hutson, Clerk

## AMENDMENT NO. 57

To the Official Plan of the Municipality of Middlesex  
Centre

PART A - THE PREAMBLE - does not constitute part of this Amendment.

PART B - THE AMENDMENT - consisting of the text which constitutes Amendment No. 57

PART C - THE APPENDICES - do not constitute part of this Amendment.



## AMENDMENT NO. 57

To the Official Plan of the Municipality of Middlesex CentrePART A - THE PREAMBLE

## 1.0 PURPOSE AND EFFECT

The purpose of the Official Plan Amendment No. 57 is to amend the land use schedule by re-delineating the 'Natural Environment' designation and redesignating 'Natural Environment' and 'Residential' areas to 'Medium Density Residential' and 'Natural Environment'. The effect of the Amendment is to facilitate the development of 44 dwelling units on the subject property.

## 2.0 LOCATION

The property is located on the west side of Elmhurst Street and south of Glendon Drive (County Road 14). The subject property is legally described as Concession 1 S Pt Lot 10 and Concession 1 Pt Lot 10 RP 33R12238 Part 1 (geographic Township of Lobo), Municipality of Middlesex Centre.

## 3.0 BASIS OF THE AMENDMENT

This Amendment is consistent with the Provincial Policy Statement and is in conformity with the County of Middlesex Official Plan which support development of underutilized lands and intensification of land uses within the settlement boundary of Komoka-Kilworth.

Kilworth is one of the primary areas to accommodate urban growth in Middlesex Centre and permits a range of residential forms including low and medium density housing. New residential development should aim to provide for varying housing forms that meet the needs and lifestyles of current and future residents.

Medium density residential uses are appropriately located within proximity to major roads that can carry the additional traffic generated from the use.

The amendment will result in the re-delineation of the 'Natural Environment' designation and redesignation to 'Medium Density Residential' to facilitate development. The application has demonstrated and implemented the appropriate measures to avoid or mitigate negative impacts to the natural heritage features and implemented the recommendations of the Development Assessment Report that reflect existing conditions. The revised 'Natural Environment' designation would apply to land along the northern property line. The balance of the lands will be designated 'Medium Density Residential'.

The proposal is in keeping with the Provincial and County policy framework for development.

PART B - THE AMENDMENT

## 4.0 DETAILS OF THE AMENDMENT

4.1 The document known as the Official Plan of the Municipality of Middlesex Centre is hereby amended by amending Schedule "A-2":

- i. By amended Schedule 'A-2' of the Official plan by changing the land use designation of the land described as Concession 1 S Pt Lot 10 and Concession 1 Pt Lot 10 RP 33R12238 Part 1 (geographic Township of Lobo), Municipality of Middlesex Centre, as shown on Schedule 'A' attached to this amendment, from

'Natural Environment' to 'Medium Density Residential' and 'Residential' to 'Natural Environment' and 'Medium Density Residential'.

PART C - THE APPENDICES

SCHEDULE A: TO OFFICIAL PLAN AMENDMENT #57



SCHEDULE A: LAND USE PLAN

MUNICIPALITY OF MIDDLESEX CENTRE OFFICIAL PLAN




**LEGEND**

	Medium Density Residential		Proposed Plan of Condominium (39T-MC-CDM2101)		Settlement Boundary		Municipal Boundary
	Natural Environment						
<b>Official Plan Designation</b>							
	Agriculture		Residential		Parks and Recreation		
	Natural Environment		Settlement Commercial				

NOTE: Schedules should be read in conjunction with applicable policies of the Plan and other Schedules

SCALE 1:5,000

0 40 80 160 240 320 Meters



## Schedule 2



Municipality of Middlesex Centre  
By-Law 2024-xx

Being a by-law to amend the Middlesex Centre Comprehensive Zoning By-Law 2005-005 with respect to Concession 1 S PT Lot 10 and Concession 1 PT Lot 10 RP 33R12238 Part 1, Municipality of Middlesex Centre (Geographic Township of Lobo), Middlesex County, roll numbers: 393900001023400, 393900001023500, and 393900001023600.

WHEREAS the Council of the Municipality of Middlesex Centre deems it advisable to amend the Middlesex Centre Comprehensive Zoning By-law 2005-005;

AND WHEREAS this By-law is in conformity with the Middlesex Centre Official Plan;

NOW THEREFORE BE IT RESOLVED THAT the Council of the Corporation of the Municipality of Middlesex Centre enacts as follows:

- 1) That Zoning Key Map U-8 to the Middlesex Centre Comprehensive Zoning By-law 2005-005, is hereby amended by changing from the site-specific "Urban Residential First Density exception 3(UR1-3)" zone to a site specific "Urban Residential First Density exception 46 (UR1-46) (h-1)" zone, "Urban Residential Third Density exception 25 (UR3-25)(h-1)" zone, and "Open Space exception 9 (OS-9)" zone that land drawn in heavy solid lines and identified on Schedule 'A', attached hereto and described as being Concession 1 S PT Lot 10 and Concession 1 PT Lot 10 RP 33R12238 Part 1 (Geographic Township of Lobo), Municipality of Middlesex Centre.
- 2) That Section 8.3 "Exceptions" of the Middlesex Centre Comprehensive Zoning By-law 2005-005 be amended by adding the following subsection:

"8.3.46

(a) DEFINED AREA

UR1-46 as shown on Schedule A, Key Map U-8

(b) MINIMUM LOT FRONTAGE

14.0 m (45.9 ft)

(c) MINIMUM FRONT YARD SETBACK

6.0 m (19.7 ft); the attached garage shall not be closer to the front lot line than the porch or habitable portion of the dwelling

(d) MINIMUM SIDE YARD SETBACK

- |   |  |
|---|--|
| (i) interior lot  | 1.2 m (3.93 ft)  |
| (ii) corner lot   | 4.5 m (14.8 ft) on the side abutting a public or private internal street and 1.2 m (3.93 ft) on the other side |
| <br>(e) <u>MAXIMUM LOT COVERAGE</u>   |  |
| (i) main building   | 50%  |
| (ii) all buildings including accessory buildings subject to Section 4.1 a)" | 53%  |

3) That Section 10.3 "Exceptions" of the Middlesex Centre Comprehensive Zoning By-law 2005-005 be amended by adding the following subsection:

"10.3.25

- |   |   |
|---|---|
| (a) <u>DEFINED AREA</u>   | UR3-25 as shown on Schedule A, Key Map U-8  |
| (b) <u>MINIMUM FRONT YARD SETBACK</u>   | in accordance with Section 10.1.15; the attached garage shall not be closer to the street than the porch or habitable portion of the dwelling |
| (c) <u>MAXIMUM HEIGHT</u>   | 12.0 m (39.3 ft)  |
| (d) <u>MINIMUM OUTDOOR AMENITY AREA</u>   | 40.0 m <sup>2</sup> (430.5 ft <sup>2</sup> ) per unit   |
| <br>(e) Notwithstanding the definition of "LOT", the entire area zoned UR3-25 is considered a "Lot", and the regulations applicable to the subject lands apply to the zoned lands as a whole and not to any individual unit on a registered vacant land condominium plan. |   |
| <br>(f) Notwithstanding Section 4.24 e), 'Dimensions of Parking Spaces, all parking spaces shall have minimum rectangular dimensions of 2.7 m (8.9 ft) by 6.0 m (19.7 ft).  |   |
| <br>(g) Notwithstanding Section 4.24 g), 'Yards Where Permitted', a planting strip separating an uncovered parking area from a lot line shall not be required on one side of the uncovered parking area."   |   |

4) That Section 24.3 "Exceptions" of the Middlesex Centre Comprehensive Zoning By-law

2005-005 be amended by adding the following subsection:

"24.3.9

- (a) DEFINED AREA  
OS-9 as shown on Schedule A, Key Map U-8
- (b) PERMITTED USES  
conservation use, excluding buildings and structures  
unless used for public utility subject to Section 4.26"

5) This by-law comes into force and takes effect upon the day of passing in accordance with the provisions of Section 34 of the Planning Act, R.S.O. 1990, c. P.13.

**READ A FIRST, SECOND AND THIRD TIME, AND FINALLY PASSED** this XX day of XXXXX, 2024.

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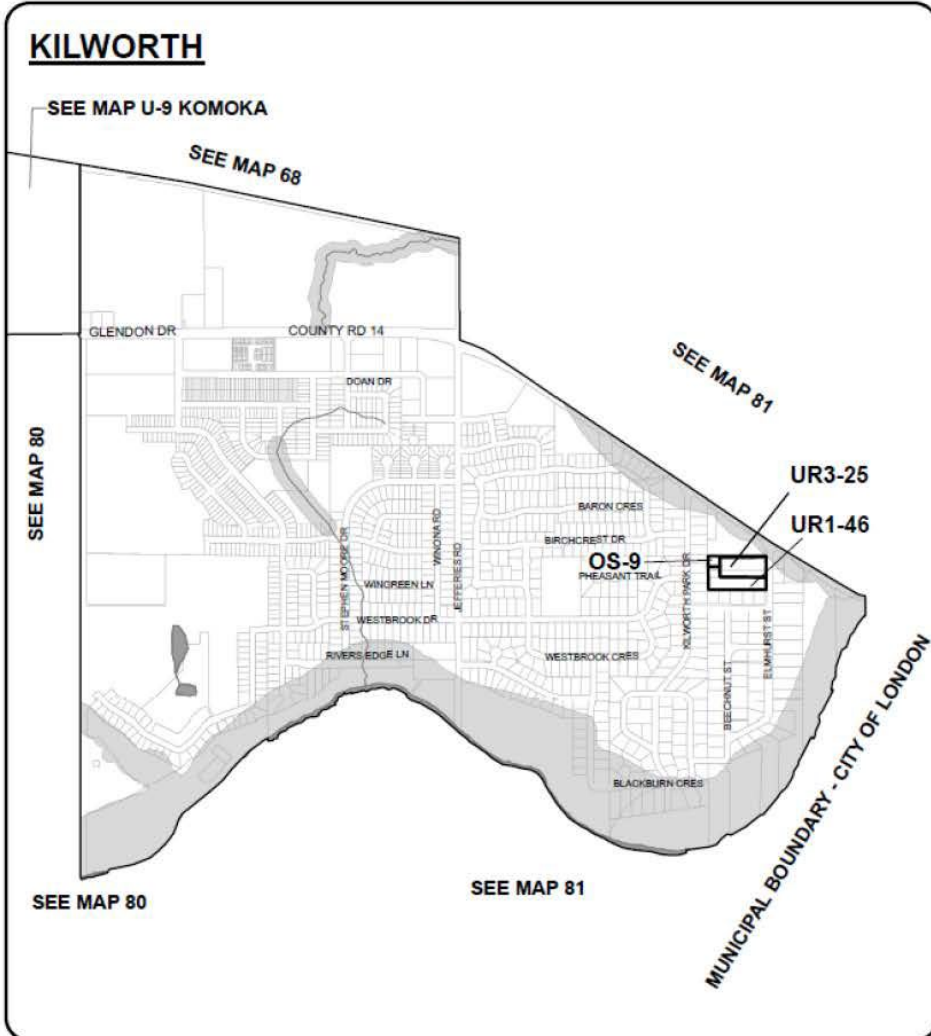
Aina DeViet, Mayor

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James Hutson, Municipal Clerk

 **MUNICIPALITY OF MIDDLESEX CENTRE**

SCHEDULE 'A'



SCHEDULE A  
**KEY MAP: U-8**

NOTE: Schedules should be read in conjunction with applicable provisions of the Zoning By-Law.



# Schedule 3



**DRAFT PLAN OF VACANT LAND CONDOMINIUM**

PART OF LOT 10  
CONCESSION 1  
(GEOGRAPHIC TOWNSHIP OF LOBO)  
COUNTY OF MIDDLESEX

KEY PLAN

**OWNER'S CERTIFICATE**

I HEREBY AUTHORIZE FOR CONSULTANTS INC. TO SUBMIT THIS PLAN FOR APPROVAL.

DATE: JANUARY 17, 2023

I HAVE ACCEPTED TO BE THE CORPORATION PRESIDENT/SHAREHOLDER INC.

**SURVEYOR'S CERTIFICATE**

I HEREBY CERTIFY THAT THE DIMENSIONS OF THE ABOVE PROPERTY SUBMITTED ON THIS PLAN AND THEIR RELATIONSHIP TO THE ADJACENT LOTS AND ARE ACCURATE AND CORRECTLY SHOWN.

DATE: JANUARY 17, 2023

A. AS SHOWN B. AS SHOWN C. AS SHOWN  
D. RESIDENTIAL E. AS SHOWN F. AS SHOWN  
G. AS SHOWN H. MUNICIPAL I. SILTY CLAY  
J. AS SHOWN K. ALL SERVICES L. AS SHOWN  
AS REQUIRED

**LAND USE SCHEDULE**

LOT 10 AREA: 2,038.16 (50,855.33 SQ. FT.)  
TOTAL NUMBER OF UNITS: 40 RESIDENTIAL UNITS  
SCHEDULED SERVICES: 18 TOTAL  
(AS SHOWN, AS PROVIDED, 18 TOTAL)  
NEED UNIT CHARACTER: 22 RESIDENTIAL UNITS (10 BACHELOR)

CONCRETE	UNIT	AREA	UNIT
1	1	1	1
2	2	2	2
3	3	3	3
4	4	4	4
5	5	5	5
6	6	6	6
7	7	7	7
8	8	8	8
9	9	9	9
10	10	10	10
11	11	11	11
12	12	12	12
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**LDS**

## Schedule 4

<b>Applicant:</b>	Sweid Holdings Inc. (Mohammad Abou Sweid)	<b>Date of Decision:</b>	****, 2024
<b>File No.:</b>	39T-MC-CDM2101	<b>Date of Notice:</b>	*** **, 2024
<b>Municipality:</b>	Municipality of Middlesex Centre	<b>Last Date of Appeal:</b>	****, 2024
<b>Subject Lands:</b>	Block 203, Plan 33M-761	<b>Lapsing Date:</b>	****, 2024

### NOTICE OF DECISION On Application for Approval of Draft Plan of Condominium Section 51 of the Planning Act

Approval of Draft Plan of Condominium to the application in respect of the subject lands noted above was given by the Ontario Land Tribunal on \_\_\_\_\_ ##, 2024. A copy of the conditions for final plan approval are attached.

#### How to Receive Notice of Changed Conditions

The conditions of an approval of draft plan of subdivision/condominium may be changed at any time before the final plan is given. You will be entitled to receive notice of any changes to the conditions of approval of draft plan of subdivision/condominium if you have made a written request to be notified of changes to the conditions of approval of the draft plan of subdivision/condominium.

No person or public body shall be added as a party to the hearing of an appeal regarding any changes to the conditions of approval unless the person or public body, before the approval authority made its decision, made oral submissions at a public meeting or written submissions to the approval authority, or made a written request to be notified of the changes to the conditions.

#### Other Related Applications: ZBA-16-2021, SP05-2021

**Getting Additional Information:** Additional Information about the application is available for public inspection during regular office hours at the County of Middlesex at the address noted below.

#### Mailing address for Request to be Notified

County of Middlesex - Planning Department | 399 Ridout Street North | London ON N6A 2P1  
T: 519.434.7321 F: 519.434.0638 Email : [dvanderwerff@middlesex.ca](mailto:dvanderwerff@middlesex.ca)





<b>Applicant:</b>	Sweid Holdings Inc. (Mohammad Abou Sweid)	<b>Date of Decision:</b>	****, 2024
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The conditions and amendments to final plan of approval for registration of this Condominium as provided by the County of Middlesex are as follows:

- | No. | Conditions   |
|-----|--|
| 1.  | That this approval applies to the draft plan of vacant land condominium prepared by LDS Consultants Ltd. and signed by Terry Dietz, OLS dated January 12, 2024 which shows a total of 44 residential units with 14 single detached dwelling units (Units 15 to 44) and 30 townhouse dwelling units (Units 15 to 44) and common elements.   |
| 2.  | That the development shall be assigned municipal addresses to the satisfaction of the Municipality and the County of Middlesex.  |
| 3.  | That such easements as may be required for utility, servicing, or drainage purposes shall be granted to the appropriate agency or corporation.   |
| 4.  | That prior to final approval, the Approval Authority is to be advised by the Municipality that appropriate zoning is in effect for this proposed development.  |
| 5.  | That the Owner and the Municipality enter into a Condominium Agreement pursuant to Section 51(26) of the <u>Planning Act</u> to be registered on title of the land to which it applies prior to the plan of condominium being registered. Further that the Condominium Agreement shall include provisions that it will also be registered against the land to which it applies once the plan of condominium has been registered.   |
| 6.  | That the Condominium Agreement between the Owner and the Municipality satisfy all requirements of the Municipality related to financial, legal, planning and engineering matters including but not limited to payment of the Municipality's engineering, legal and planning review costs; the provision of roads, sidewalks, and turning circles capable of accommodating emergency services vehicles; grading and drainage; planting of trees; fencing; street lighting and other amenities; the provision and installation of water and sanitary services; the installation of underground electrical services and other matters of the Municipality respecting the development of this land including the payment of development charges in accordance with the Municipality's Development Charges By-laws. |
| 7.  | That the Condominium Agreement between the Owner and the Municipality shall ensure that persons who first purchase the land after the final approval of the plan of condominium are informed, at the time the land is transferred, of all the development charges related to the development pursuant to Section 59(4) of the Development Charges Act.   |
| 8.  | That arrangements shall be made to the satisfaction of the Municipality for the relocation of any utilities required for the development of the subject land, which shall be undertaken at the expense of the Owner.   |

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9. The Owner shall enter into an agreement with the appropriate service providers for the installation of underground communication / telecommunication utility services for these lands to enable, at a minimum, the effective delivery of the broadband internet services and communication / telecommunication services for 911 Emergency Services.
10. The Owner shall enter into an agreement with Canada Post Corporation for the installation of community mailboxes.
11. That prior to final approval, the Owner provide a 5% cash-in-lieu payment for park purposes pursuant to Section 42 of the Planning Act.
12. That Owner shall agree in the Condominium Agreement to include in all Agreements of Purchase and Sale associated with units on the Plan the following notice:
 

*“The construction of additional public school accommodation is dependent upon funding from the Ontario Ministry of Education, therefore the subject community may be designated as a “Holding Zone” by the Thames Valley District School Board and pupils may be assigned to existing schools as deemed necessary by the Board.”*
13. That prior to final approval, the Servicing Master Plan be completed to a stage satisfactory to the Municipality that demonstrates adequate wastewater conveyance capacity, wastewater treatment capacity and water servicing capacity in the existing systems capable of providing service to the proposed development or that the SMP process identifies areas where infrastructure would be require to be upgraded in order to provide adequate capacity for the development If upgrades are required as a result of the development, the developer will be responsible for the full cost of the extension of services necessary to service the development and be responsible for a proportionate share of any existing municipal services which require a replacement, to be set out in cost sharing clauses within the Condominium Agreement, Site Plan Control Agreement or combined Development Agreement.
14. That no development of the Plan of Condominium may begin until all external infrastructure and services required for the development of the Plan of Condominium are in place; including municipal water supply, treatment and conveyance infrastructure and sewage treatment and waste water conveyance infrastructure. For the purpose of these conditions, services being “in place” means that the infrastructure exists and is operational to the satisfaction of the Municipality and that capacity in such infrastructure has been formally allocated by the Municipality for use in connection with the development of the Plan of Condominium. External capacity of any services will be formally allocated through the execution of the Condominium Agreement, Site plan Control Agreement, or combined Development Agreement for the development as Municipal capacity allows. Should the Municipal Engineer deem there to be insufficient external capacity for any of the required municipal services, the Municipality has no obligation to provide such capacity within the lapse period, or at any time. The Municipality may include language in each Development Agreement regarding the allocation of external capacity.
15. That the Condominium Agreement between the Owner and the Municipality and the Development Agreement for the development shall include provisions to the satisfaction of the Municipality with respect to the cost sharing of all external infrastructure required to be

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installed or upgraded to provide servicing to the development, including without limitation, remediation works. Such provisions shall ensure that the proportionate share of costs for external infrastructure (including remediation works) caused to be installed by the development are the responsibility of the Owner.

16. That the Condominium Agreement between the Owner and the Municipality shall include acknowledgement by the Owner of the requirement that:
  - a. private attached garages for residential dwellings shall be located no closer to the front lot line (i.e. edge of the private street right-of-way) than the habitable portion or porch of the dwelling, and;
  - b. for units 39 to 44, inclusive, that front Elmhurst Street, opaque fencing along the east (front) property line will not be permitted.
  - c. for units 1, 39 to 44, inclusive, the building elevations that face Elmhurst Street include entrances, and other features such as porches, windows and articulation that would be capable with the existing Elmhurst St. streetscape.
17. That, upon completion of the foundation for each townhouse unit, a survey be prepared by an Ontario Land Surveyor in order to confirm the foundation has been located according to the approved plans. This survey shall be provided to the municipality's building department as soon as possible and prior to a request for a framing inspection for the subject building.
18. That prior to final approval, the Owner shall submit for the review and approval of the Upper Thames River Conservation Authority and the Municipality a final stormwater management plan and the sediment and erosion control measures incorporated into the plans to enhance the quality of stormwater discharges and to control erosion and sedimentation during and after construction. The final sediment and erosion control plan, and final detailed servicing and grading plans shall identify drainage and sediment and erosion control strategies.
19. That the Condominium Agreement between the Owner and the Municipality shall include clause with details about a groundwater monitoring well program.
20. That prior to final approval, the recommendations for mitigation from the Final Development Assessment Review, shall be constructed, prepared and/or secured in the condominium agreement. This will include:
  - a. Erosion and Silt Control Fencing is to be constructed prior to site alteration and final approval,
  - b. The condominium agreement is to include a clause that any trees requiring pruning, this is to be negotiated with the adjacent landowner to avoid damage to the proposed buildings. Any pruning is to be done in accordance with arborist best management practices, addressing only the hazard issues and retaining as much of a tree as possible.
  - c. Tree Inventory Plan and Landscape Plan be completed and included in the condominium agreement for the property,
  - d. Implementation of the Landscape Plan with native plantings are to be included in the Condominium agreement,

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- e. Homeowner information package prepared to the satisfaction of the municipality prior to final approval and included in the Condominium and/or Development agreement,
  - f. Fencing along the natural heritage buffer to be constructed prior to final approval and maintenance of same to be included in the Condominium Agreement,
  - g. Environmental Management and Monitoring Plan (EMMP) be completed prior to final approval to the satisfaction of the municipality and included in the Condominium Agreement,
  - h. The Condominium Agreement is to include a provision that stormwater management techniques are carried out to not encroach into the buffer, flows will be directed to the infiltration chambers, and stormwater from roadways will receive pre-treatment.
21. That prior to final approval, the County of Middlesex is to be advised in writing by the Municipality of Middlesex Centre, how conditions 1 through 19 have been satisfied.
  22. That prior to final approval, the County of Middlesex is to be advised in writing by the Upper Thames River Conservation Authority how Condition 17 has been satisfied.

#### NOTES TO DRAFT APPROVAL

1. Draft approval for this plan of condominium is for a period of three (3) years from the date of decision. Any request made by the Owner to the Approval Authority to extend the lapsing date must be made 60 days prior to the lapsing date and include a written confirmation from the municipality endorsing the extension.
2. It is the applicant's responsibility to fulfill the conditions of draft approval and to ensure that the required clearance letters are forwarded by the appropriate agencies to the approval authority, quoting the file number.
3. It is suggested that the applicant be aware of:
  - a) subsection 144 (1) of The Land Titles Act, which requires all new plans be registered in a land titles system;
  - b) subsection 144 (2) - allows certain exceptions.
4. Inauguration, or extension of a piped water supply, a communal sewage system or a storm water management system, is subject to the approval of the Ministry of Environment under Section 52 and Section 53 of the Ontario Water Resources Act.
5. The Ministry of Environment must be advised immediately should waste materials or other contaminants be discovered during the development of this plan of condominium.
7. If an agency's condition concerns a condition in the condominium agreement, a copy of the agreement should be sent to them. This will expedite clearance of the final plan.
8. A copy of the condominium agreement must be provided to the County of Middlesex (Director of Planning) prior to final plan approval.

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9. When the zoning by-law amendment required in Condition 4 is being prepared, reference to this condominium application file number should be included in the explanatory note. This will expedite the County of Middlesex and other agencies' consideration of the by-law.

10. Clearance is required from the following agencies:

Municipality of Middlesex Centre | 10227 Ilderton Road; RR2, Ilderton, ON N0M 2A0

Upper Thames River Conservation Authority | 1424 Clarke Rd, London, ON N5V 5B9

11. All measurements in condominium final plans must be presented in metric units.

12. The final plan must be submitted digitally in AutoCAD (DWG) and Portable Document Format (PDF) with the appropriate citation from the Planning Act used. The AutoCAD (DWG) file must be consistent with the following standards:

- Georeferenced to the NAD83 UTM Zone 17N coordinate system.
- All classes of features must be separated into different layers.
- Each layer should be given a descriptive name so that the class of feature it contains is recognizable.

13. The final plan approved by the County of Middlesex must include the following paragraph on all copies (3 Mylars and 4 paper) for signature purposes:

*“Approval Authority Certificate  
This Final Plan of Condominium is approved by the County of Middlesex  
under Section 51(58) of the Planning Act, R. S. O. 1990, on this \_\_\_\_  
\_\_\_\_\_ day of \_\_\_\_\_, 202\_\_\_\_.*

\_\_\_\_\_  
*Director of Planning”*

14. The final plan approved by the County of Middlesex must be registered within 30 days or the County may withdraw its approval under Subsection 51(59) of the Planning Act.

# Schedule 5

