

## Preliminary Conditions of Draft Plan Approval

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.	<p>That this approval applies to the draft plan of condominium dated October 24, 2023 and prepared by MTE Ontario Land Ltd. showing:</p> <ul style="list-style-type: none"><li>• 38 units to support residential development in the form of townhouse units (Units 1 to 38); and</li><li>• Common element features generally including the private road network, visitor parking spaces, stormwater management facility and community mailbox site.</li></ul>
2.	<p>That prior to final approval, the County of Middlesex be advised by the Municipality that appropriate zoning is in effect for the proposed development as well as conformity with the Thames Centre Official Plan.</p>
3.	<p>That the Owner provide a cash-in lieu of parkland dedication to the Municipality pursuant to Section 42 of the Planning Act, equal to 5% of the value of the value of the land based on a professional real estate appraisal with all costs borne by the Owner and undertaken to the satisfaction of the Municipality.</p>
4.	<p>That 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 will also be registered against the land to which it applies once the plan of condominium has been registered.</p>
5.	<p>That the Condominium Agreement between the Owner and the Municipality shall satisfy all requirements of the Municipality related to financial, legal, planning and engineering matters including but not limited to grading and drainage, landscaping, fencing, the provision of community mailboxes, street lighting and other amenities; the installation of full municipal water and sanitary services, the installation of underground utilities, recommended and approved noise mitigation measures, 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.</p>
6.	<p>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 Subsection 59 (4) of the <u>Development Charges Act</u>.</p>

7. That prior to final approval, the Owner shall submit for the review and approval of the Municipality, a final stormwater management plan and sediment and erosion control plan incorporating necessary measures to enhance the quality of stormwater discharges and to control erosion and sedimentation during and after construction. The final stormwater management plan and sediment and erosion control plan, and the final detailed servicing and grading plans shall identify drainage and sediment and erosion control strategies. The final stormwater management plan shall also provide details with respect to the monitoring and maintenance of the stormwater management facilities.
8. That the Condominium Agreement between the Owner and the Municipality address the following additional requirements:
  - a) That the subject lands retain the current municipal address being 233 Upper Queen Street and each condominium unit shall be assigned a unit number to the satisfaction of the Municipality of Thames Centre in consultation with the County of Middlesex. This shall include temporary unit numbering signage posted during the construction process and replaced with permanent unit numbering signage posted prior to unit occupancy.
  - b) That there be consultation with the Municipal Fire Chief ensuring fire hydrant locations meeting firefighting purposes.
  - c) That a permanent "No Exit" sign be posted beyond the entrance of the development to demonstrate that the said road is not a through route and to the satisfaction of the Municipality.
  - d) That the Owner retain a certified arborist to undertake a tree assessment to assist with retaining as many existing mature trees as possible currently located along the periphery of the subject lands.
9. That the Owner enter into an agreement with Canada Post Corporation for the installation of community mailboxes.
10. That the Owner shall enter into an agreement with the appropriate service providers for the installation of underground communication/ telecommunication utility services for this land to enable, at a minimum, the effective delivery of communication/ telecommunication services for 911 Emergency Services.
11. That prior to final approval, the Owner shall have a plan prepared by a professional landscaped architect to the satisfaction of the Municipality with respect to the entrance of the site along Upper Queen Street including but not limited to black wrought iron fencing and landscaping treatments.
12. That any easements as may be required for utility, servicing, drainage or any other purposes shall be granted to the appropriate authority.

13. That prior to final approval, arrangements shall be made to the satisfaction of the Municipality for the relocation of any utilities required by the development of the subject land to be undertaken at the expense of the Owner.
14. That prior to final approval, the Owner shall submit for the review and approval of the Municipality a hydrogeological report examining the groundwater conditions and recommending engineering criteria for the design and construction of the proposed development.
15. That prior to final approval, the Owner shall satisfy the County of Middlesex and the Municipality requiring the Owner to construct all underground services outside of the travelled portion of the road such that at least one lane of traffic can be maintained for service repairs or reconstruction. The private road should also be designed such that emergency response vehicles including fire trucks can maneuver in and out of the condominium development.
16. That prior to final approval a Licensed Archaeologist shall provide a letter to the Municipality and County indicating that there are no concerns for impacts to archaeological sites on the subject land. This is to be accompanied by a Ministry of Tourism, Culture and Sport letter indicating that the licensee has met the Terms and Conditions for Archaeological Licensing and that the report has been entered into the Ontario Public Register of Archaeological Reports.
17. That prior to final approval, all existing buildings and structures be removed from the subject lands to the satisfaction of the Municipality subject to any applicable permits that may be required.
18. That prior to final approval, the following requirements shall be addressed to the satisfaction of the Canadian National Railway:
  - a) The Owner shall engage a consultant to undertake an analysis of noise. Subject to the review of the noise report, the Railway may consider other measures recommended by an approved Noise Consultant.
  - b) The following clause should be inserted in all development agreements, offers to purchase, and agreements of Purchase and Sale or Lease of each dwelling unit within 300m of the railway right-of-way:

“Warning: Canadian National Railway Company or it assigns or successors in interest has or have a rights-of-way within 300 metres from the land the subject hereof. There may be alterations or expansions of the railway facilities on such rights-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). CNR will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way.”

- c) The Owner shall through restrictive covenants to be registered on title and all agreements of purchase and sale or lease provide notice to the public that the noise isolation measures implemented are not to be tampered with or altered and further that the Owner shall have sole responsibility for and shall maintain these measures to the satisfaction of CN.
  - d) The Owner shall enter into an Agreement with CN stipulating how CN's concerns will be resolved and will pay CN's reasonable costs in preparing and negotiating the agreement.
  - e) The Owner shall be required to grant CN an environmental easement for operational noise and vibration emissions, registered against the subject property in favour of CN.
19. That prior to final approval, the County of Middlesex is to be advised in writing by the Municipality of Thames Centre how conditions 1 through 17 have been satisfied.
20. That prior to final approval, the County of Middlesex is to be advised in writing by the County Engineer how condition 15 has been satisfied.
21. That prior to final approval, the County of Middlesex is to be advised in writing by the Canadian National Railway how condition 18 has been satisfied.