

Cover page to be inserted after County Council consideration.

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 |
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**PLAN REFERENCE**

1. That this approval applies to the draft plan of condominium prepared and signed by R. Wood, OLS dated December 8<sup>th</sup>, 2023 which shows:
  - 91 units to support residential development in the form of townhouse units (Units 1 to 91);
  - One Block for stormwater management;
  - Blocks for 0.3 metres reserves; and
  - Common areas including internal driveways.

**PHASING**

2. That the development of this plan of Condominium shall be undertaken in stages to the satisfaction of the Municipality. If any temporary measures are required to support the interim conditions in conjunction with the staging, the Developer / Owner ("Developer") shall construct temporary measures and provide all necessary land and / or easements, to the specifications and satisfaction of the Municipality.

**SERVICING – FULL MUNICIPAL SERVICES**

3. 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 a Condominium Agreement for each phase of 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.

## SERVICING – STORMWATER MANAGEMENT

4. The stormwater management plan will be reviewed to the satisfaction of the County, and the Municipality, and if required shall obtain the necessary approvals from the Ministry of the Environment, Conservation and Parks (MECP).
5. That any environmental protection measures recommended in the stormwater management plan required by Condition 4 above, that are not capable of being addressed under the Ontario Water Resources Act, be implemented through the Condominium Agreement.
6. That prior to final approval of the plan of Condominium, a final storm and surface water management report and grading and drainage plan be prepared and submitted for review, at the expense of the owner, by the Municipality. The report shall include such matters as building envelopes, unit grading, sediment control measures. The report should also ensure that run-off, including the storm water and spring snow melt, does not adversely affect neighboring properties, and detail all necessary upgrades to existing road and or drainage structures. This report should detail all easements or rights of way required to be dedicated to the Municipality.
7. During all servicing and building construction of the Condominium, the Developer shall implement sediment and erosion control measures to the satisfaction of the Municipality.
8. That prior to final approval, that the Developer shall obtain any necessary approval(s) under the *Drainage Act* to facilitate legal outlet to discharge stormwater.

## MUNICIPAL ADDRESSING AND EMERGENCY SERVICES

9. That the development be addressed to the satisfaction of the Municipality in consultation with the County. This shall include permanent and temporary municipal address signage during all stages of construction which shall be required through the Condominium agreement. This shall include one municipal address for the development and individual unit numbers within the development.
10. The Developer 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.

## ZONING

11. That prior to final approval, the County is to be advised by the Municipality that appropriate zoning is in effect for the Plan of Condominium.

**Applicant: 1732435 Ontario Ltd.**  
**File No.: 39T-TC-CDM2304**  
**Municipality: Thames Centre**  
**Subject Lands: 21829 Nissouri Road**

**Date of Decision:**  
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12. That prior to final approval, the Developer shall provide to the Municipality confirmation from an Ontario Land Surveyor retained by the Developer at no cost to the Municipality that the unit areas and unit frontages conform to the Zoning By-law requirements of the Municipality.
13. That the Developer erect a sign to the satisfaction of the Municipality, within 90 days of the Draft Approval date, depicting the approved Draft Plan of Condominium and Zoning.

## **CONDOMINIUM AGREEMENT**

14. That the Developer and the Municipality enter into a condominium agreement ("Condominium Agreement") pursuant to Section 51 (26) of the *Planning Act* to be registered on title of the lands 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 lands to which it applies once the plan of Condominium has been registered.
15. That the Condominium Agreement satisfy all requirements of the Municipality related to financial, legal, planning and engineering matters including but not limited to; grading and drainage, planting of trees, landscaping, waste collection, provision of community mailboxes, fencing, buffering, street lighting and other amenities, the provision and installation of full municipal water, storm and sanitary services, the installation of underground electrical services, and other matters which may be required by the Municipality respecting the development of the Plan of Condominium, including the payment of Development Charges in accordance with the County's Development Charge By-Law, the Municipality's Development Charge By-Law, and any applicable Education Development Charge By-Law.
16. The Developer shall not commence any work on the lands, including filling, grading, removing trees and/or top soil, installing any works, or constructing any buildings or structures until they have entered into a Pre-Servicing Agreement and / or Condominium Agreement with the Municipality.
17. That the Condominium Agreement shall contain a clause that requires that the final grading design will ensure that the underside of house footing foundations will be a minimum of 100 mm above the highest water table surface, as inferred from water levels in all available on-site monitoring wells, measured over a period of no less than 18 months that includes two full spring seasons of data results and considers all current data if more is available over multiple years to the satisfaction of the Municipality.
18. All costs related to the plan of Condominium shall be at the expense of the Developer, unless specifically stated otherwise in this approval.

19. That the Condominium Agreement shall include the implementation of acoustical barriers for noise mitigation to the satisfaction of the Municipality. This shall include the recommendations of the Noise Study, the completion of an addendum to the Noise Study to address aggregate extraction and related operations on the adjacent lands, and if requested by the Municipality to consider less obtrusive noise mitigation barrier design.

## **DEVELOPMENT CHARGES**

20. That the Condominium Agreement shall ensure that the persons who first purchase the subdivided land after the final approval of the plan of Condominium are informed, at the time the land is transferred, of all the County, Municipal and Education development charges related to the development, pursuant to Section 59(4) of the *Development Charges Act*.

## **TRANSPORTION – ACCESS / INTERSECTION IMPROVEMENTS**

21. The Developer shall dedicate a 20 metre wide road allowance being the extension of Elliott Trail west of Nissouri Road (County Road 27) to be conveyed to the Municipality to support municipal road access for the condominium. This shall be addressed in the Condominium Agreement and shall include a valid legal description in the form of a reference plan. The cul-de-sac will also need to be shown as a separate part on the reference plan with a road allowance diameter of 40 metres consistent with the Municipality's Design Standards, and conveyed to the Municipality in the form of a right-of-way easement. Any dead ends or open sides of this road allowance shall be terminated in 0.3 metre reserves which are to be conveyed to the Municipality free of all encumbrances and at no cost to the Municipality.
22. The Developer shall construct the extension of Elliott Trail west of Nissouri Road (County Road 27) to municipal standards.

## **TRANSPORTATION – COUNTY ROADS**

23. The Developer shall be required to dedicate lands up to 18 metres from the centerline of construction of County Road 27 (Nissouri Road) and County Road 28 (Thorndale Road) across the entire frontage for road widening purposes to the County.
24. That any open sides of road allowances along County Road 27 (Nissouri Road) and County Road 28 (Thorndale Road) created by this Plan shall be terminated in 0.3 metre reserves to be conveyed to the County.
25. The Developer shall be required to construct a new public street entrance to County Road 27 (Nissouri Road) to the satisfaction of the County with all costs being the responsibility of the Owner.

26. The Developer shall be required to construct road improvements on County Road 27 (Nissouri Road) being left and right turn lanes at the access to the Development at County Road 27. All costs associated with the design and construction of these lands being the responsibility of the Owner.

## **SOIL INVESTIGATION**

27. That prior to final approval, the Owner shall:

- a. Prior to the installation of any site servicing or grading, submit for the approval of the Municipal Engineer, a detailed soils investigation of the site prepared by a Geotechnical Engineer,
- b. Agree in the Condominium agreement to remove any matter, which is determined during soil investigations as being hazardous, at a time and in a manner to the satisfaction of the Municipality and the Ministry of the Environment.

## **CANADA POST**

28. If necessary, that the Developer shall enter into an agreement with Canada Post Corporation for the installation of community mailboxes. The Condominium agreement shall include a requirement to notify all prospective unit purchasers of the mailbox(es) location.

## **UTILITIES**

29. That such easements as may be required for utility, servicing, or drainage purposes shall be granted to the appropriate authority, at the expense of the Developer.
30. That prior to final approval, arrangements shall be made to the satisfaction of the Municipality for the relocation of any utilities required for the development of the Plan, which relocation shall be undertaken and provided at the expense of the Developer.

## **STUDIES**

31. That prior to final approval, the Developer provide any required updates to the following studies to the satisfaction of the Municipality:
- Hydrogeological study
  - Geotechnical study
  - Stormwater management report
  - Servicing report

## PARKLAND DEDICATION

32. That the Developer provide a case 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 land based on a professional real estate appraisal with all costs borne by the Owner and undertaken to the satisfaction of the Municipality.

## FENCING

33. Wood privacy fencing without gates, in compliance with the Municipality's fence by-law shall be provided along the west, south, and east side of the development, excluding locations where noise barriers will be implemented. Subject to finalization of the design of the stormwater management facility, fencing may be required adjacent to the stormwater management facility, to the satisfaction of the Municipality. Fencing shall be installed on property line or offset slightly to the private side. All fencing between private property and open space and stormwater blocks will be deemed to be the responsibility of the unit owner.

## WARNING CLAUSE

34. The Condominium Agreement shall require the Owner to include the following clause in all development agreements, offers to purchase and agreements of Purchase and Sale or Lease of each dwelling unit:

"Warning: The subject property is located near potential sources of noise, odour, dust and similar adverse impacts and nuisances arising from neighbouring agricultural, industrial, aggregate extraction, and commercial uses despite the fact that such operations may be operating in accordance with the Municipality's Zoning By-law and all other applicable law."

## CLEARANCES

35. That prior to final approval, the County is to be advised in writing by the Municipality how conditions 1 through 22 and 27 to 34 have been satisfied.
36. That prior to final approval, the County is to be advised in writing by the County Engineer how conditions 23 and 26 have been satisfied.

## NOTES TO DRAFT APPROVAL

- a. 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 Developer 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.

b. 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.

c. It is suggested that the applicant be aware of:

subsection 144 (1) of The *Land Titles Act*, which requires all new plans be registered in a land titles system;

subsection 144 (2) - allows certain exceptions.

d. 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* or the Ontario Building Code where applicable to private servicing.

e. The Ministry of Environment must be advised immediately should waste materials or other contaminants be discovered during the development of this plan of Condominium.

f. A copy of the Condominium agreement must be provided to the County (Planning and Development Department) prior to final plan approval.

g. If the 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.

h. When the zoning by-law amendment required in Condition 17 is being prepared, reference to this Condominium application file number should be included in the explanatory note. This will expedite the County and other agencies' consideration of the by-law.

i. Clearance is required from the following agencies:

- Municipality of Thames Centre | 4305 Hamilton Road, Dorchester, ON N0L 1G3
- County Engineer – County of Middlesex | 399 Ridout Street North, London, ON N6A 2P1

j. All measurements in Condominium final plans must be presented in metric units.

## PLAN OF CONDOMINIUM

k. The final plan approved by the County of Middlesex must include the following paragraph on all copies (1 Mylar and 1 paper) for signature purposes: is this current?

*"Approval Authority Certificate*  
*File No. \_\_\_\_\_*



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*Part(s) \_\_\_\_\_ approved and Part(s) \_\_\_\_\_ exempted under Section 9 of the Condominium Act and Section 51 of the Planning Act on this \_\_ day of \_\_\_\_\_, 202\_\_.*

*Durk Vanderwerff*  
*Director of Planning and Development"*

- i. 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.

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