

<b>Applicant:</b>	Wagstaff Place	<b>Date of Decision:</b>	Draft
<b>File No.:</b>	39T-SC-CDM2001	<b>Date of Notice:</b>	Draft
<b>Municipality:</b>	Strathroy-Caradoc	<b>Last Date of Appeal:</b>	Draft
<b>Subject Lands:</b>	Part Lot 2, Part Lot 4, Plan 326	<b>Lapsing Date:</b>	Draft

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## No. Conditions

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1. That this approval applies to the draft plan of condominium, prepared by MTE dated October 13, 2022 which shows 21 single-detached residential lots/units (Units 1 to 21 inclusive) and common element features.
2. That prior to final approval, the condominium units be addressed to the satisfaction of the Municipality in consultation with the County of Middlesex.
3. That prior to final approval, the Owner enter into an agreement with the appropriate service providers for the installation of underground utility services for these lands to enable, at a minimum, the effective delivery of broadband internet services and communication / telecommunication services for 911 Emergency Services.
4. That prior to final approval, the Owner enter into an agreement with Canada Post Corporation for the installation of community mailboxes.
5. That prior to final approval, arrangements be made to the satisfaction of the Municipality for the relocation of any utilities that may be required as a result of the development of the subject lands and that such relocation be undertaken at the expense of the Owner.
6. That prior to final approval, the Owner shall provide to the Municipality confirmation from an Ontario Land Surveyor retained by the Owner at no cost to the Municipality that the unit (lot) areas and unit (lot) frontages conform to the Zoning By-law requirements of the Municipality.
7. That prior to final approval, the Approval Authority is to be advised by the Municipality that appropriate zoning is in effect for this proposed condominium.
8. That prior to final approval, the Owner provide a cash-in-lieu of parkland dedication to the Municipality pursuant to Section 51.1 of the Planning Act, equal to 5% of the appraised value of the land for residential purposes.

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9. That prior to final approval, the Owner and the Municipality enter into a 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.
10. 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 the provision of roads, temporary roads and turning circles, pedestrian walkways, snow storage areas, private fire hydrants and turning radius capable of accommodating emergency service vehicles; grading and drainage, planting of trees, landscaping, fencing, buffering, street lighting and other amenities; full municipal water and sanitary services (including that the water and sanitary services be located to ensure that in the event of a break in the line emergency vehicles will still be able to gain access to the site), future maintenance of the stormwater management facilities, the installation of underground electrical services, and other matters of the Municipality respecting the development of these lands including the payment of development charges in accordance with the Municipality's Development Charges By-laws.
11. That the Condominium Agreement between the Owner and Municipality, include a provision for the installation and maintenance of a permanent board on board wood fence wholly on the subject lands and at the common boundary between the subject lands and the properties at 18 Cedar Crescent and 146 to 180 Abigail Street to the satisfaction of the Municipality. The fence will have a height of 1.8 m (6 feet).
12. That the Condominium Agreement between the Owner and Municipality, include a provision for the installation of an acoustical wood board fence for noise mitigation as per the plans on file with the Municipality at the common boundary between the subject lands and the property at 446 Head Street to the satisfaction of the Municipality. The fence will have a height of 1.8 m (6 feet) and constructed as per the plans on file with the municipality. For clarity, a wrought iron fence is to be located in front of the main wall of the house as per the Environmental Noise Assessment Opinion Letter dated November 3, 2022.

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13. That the Condominium Agreement between the Owner and Municipality 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 development charges related to the development, pursuant to Section 59(4) of the Development Charges Act.
14. That the Condominium Agreement between the Owner and Municipality, include a provision, that the Owner shall follow the tree preservation, planting and landscaping plans (Ron Koudys Landscape Architect Inc. October 2022) for the site. The plan includes removal tree, tree protection areas and replanting provisions.
15. That the Condominium Agreement between the Owner and Municipality include a provision the Owner shall construct services (including sanitary, storm services as well as water service) as per the plans and reports on file. For greater clarity this will mean that the Owner is required to submit for the review and approval of the Municipality, a final servicing plan, stormwater management plan and sediment and erosion control plan. These detailed plans will be accompanied with a report(s) in support of the plans. The plans will incorporate 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 final detailed servicing and grading plans shall identify drainage and sediment and erosion control strategies.
16. That any environmental protection measures recommended in the stormwater management plan required by Condition 16 above, that are not capable of being addressed under the Ontario Water Resources Act, be implemented through the Condominium Agreement.
17. That prior to final approval, the Owner provide, in favour of the Municipality, an easement(s) for access to servicing, and drainage purposes. This shall include but is not limited to the ensuring no encroachment or encumbrance over the servicing easements located on Units 12 to 15 as well as the common element.

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18. That the Condominium Agreement between the Owner and Municipality, include a provision, that the Owner shall maintain the drainage works within the property as per the engineering plans and that the Municipality will have access to inspect the drain. The agreement will also provide information regarding the owner's performance responsibilities including, inspection, maintenance and repair. The Owner shall register on title of the land and include in all purchase and sale or lease agreements, information to the purchasers regarding the overland flow route including the expectations and their responsibilities for maintenance of the drainage works.
19. 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.
20. That prior to grading or site alteration activities and prior to final plan approval, the detailed servicing, grading and stormwater management plans and report(s) in support of the draft plan of condominium shall be prepared and approved to the satisfaction of the municipality.
21. That prior to final approval and prior to grading or site alteration activities, if required, the Owner shall submit a dewatering plan for review and to the satisfaction of the Municipality, prior to submission to Ministry of Environment, Conservation and Parks. This plan will confirm that the works to be performed on the property will not adversely affect the functionality of the area sand points and wells.
22. That prior to final approval, a Licensed Archaeologist shall provide a letter to the Municipality and the County indicating that there are no concerns for impacts to archaeological sites on the subject lands. This is to be accompanied by a Ministry of Tourism, Culture & Sport letter indicating that the licensee has met the Terms and Conditions for Archaeological Licensing and that the report(s) have been entered into the Ontario Public Register of Archaeological Reports.

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23. That prior to final approval the owner convey the road widening block to the Strathroy-Caradoc to bring the Head Street width to 13 metres from the centerline of the road.
24. That prior to final approval the Owner provide a cash-in-lieu of road improvements to the Municipality for the cost of the improvements across the frontage of the property.
25. That prior to final approval, the County of Middlesex is to be advised in writing by the Municipality how conditions 1 through 24 have been satisfied.

### **NOTES TO DRAFT APPROVAL**

1. Draft approval for this plan of condominium is for a period of three years from the date of decision. Any request made by the Owners 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. It is the applicant's responsibility to obtain any necessary permits from the Conservation Authority in accordance with Ontario Regulation 171/06 made pursuant to Section 28 of the Conservation Authorities Act, where applicable.
5. 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, Conservation and Parks under Section 52 and Section 53 of the Ontario Water Resources Act.

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6. That the removal of trees should take place outside of the core breeding period for migratory birds (April 6 to August 16), as identified by the Canadian Wildlife Service to ensure compliance with the *Migratory Birds Convention Act*.
7. That the trees to be removed shall be removed outside of the bat active season (April 1 to October 1) to prevent harm to the species in order to meet Ministry of Natural Resources and Forestry requirements.
8. That the Construction activities should only take place in accordance with noise by-law. All lighting equipment should be turned off outside of operational hours.
9. The Ministry of Environment, Conservation and Parks must be advised immediately should waste materials or other contaminants be discovered during the development of this plan of condominium.
10. A copy of the condominium agreement must be provided to the County of Middlesex (Director of Planning) prior to final plan approval.
11. When the zoning by-law amendment required in the conditions 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.
12. Clearance is required from the following agencies:  
Municipality of Strathroy-Caradoc | 52 Frank Street, Strathroy, ON N7G 2R4
13. All measurements in condominium final plans must be presented in metric units.
14. The final plan approved by the County of Middlesex must include the following paragraph on all copies (1 mylar and 2 paper) for signature purposes:

**"Approval Authority Certificate**

***Parts \_\_\_\_\_ & \_\_\_\_\_ approved and Part \_\_\_\_\_ exempted under Section 9 of the Condominium Act and Section 51 of the Planning Act on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.***

\_\_\_\_\_  
***Director of Planning and Development  
County of Middlesex"***

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15. 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.

16. 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.