

Applicant: Utopia Custom Homes Inc.
File No.: 39T-SM-2101
Municipality: Southwest Middlesex
Subject Lands:

Date of Decision:
Date of Notice:
Last Date of Appeal:

The conditions and amendments to final plan of approval for registration of this Subdivision, file no. 39T-SM-2101, are as follows:

No. Conditions

1. That this approval applies to the draft plan of subdivision prepared by Strik, Baldinelli, Moniz dated January 27th 2023 and showing:
 - a. 27 Single Detached Residential Lots (Lots 8-34)
 - b. 13 Lots for 26 Semi Detached Dwellings (Lots 1-7 and 35-40)
 - c. 2 Blocks for Stormwater Management (Blocks 42 & 43)
 - d. 1 Blocks for road reserves (Block 41)
 - e. 2 Public Streets (A-B)
2. That the development of the draft plan of subdivision shall be undertaken in phases to the satisfaction of the Municipality.
3. No development of the Plan of Subdivision may begin until all external infrastructure and services required for the development of the Plan of Subdivision 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 and approved by the Municipality for use in connection with the development of the Plan of Subdivision; this undertaking shall be at the sole expense of the Owner.
4. That all streets shall be named and the lots addressed to the satisfaction of the Municipality and the County. This shall include permanent and temporary road name and municipal address signage during all stages of construction which shall be a requirement of the Subdivision Agreement.
5. That prior to final approval, the County is to be advised by the Municipality that appropriate zoning is in effect for the Plan of Subdivision.
6. That the Owner and the Municipality enter into a subdivision agreement ("Subdivision 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 Subdivision being registered. Further that the Subdivision Agreement shall include provisions that it will also be registered against the landsto which it applies once the plan of subdivision has been registered.
7. That the Subdivision Agreement satisfies 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, provision of community mailboxes, fencing, buffering, street lighting and other amenities, construction access, the provision and installation of full municipal water and sanitary services, the installation of off-site future service connections along the adjacent re-constructed roads, the installation of underground electrical services, and other matters which may be required by the Municipality respecting the development of the Plan of Subdivision, including the payment of Municipal Development Charges, if any, in accordance with the Municipality's Development Charge By-Law.

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8. If necessary, that the Owner shall enter into an agreement with Canada Post Corporation for the installation of community mailboxes which is to include a requirement to notify all prospective lot purchasers of the mailboxes' location(s).
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. That the Subdivision Agreement shall ensure that the persons who first purchase the subdivided land after the final approval of the plan of subdivision are informed, at the time the land is transferred, of all the development charges, if any, related to the development, pursuant to Section 59(4) of the Development Charges Act.
11. 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 Owner.
12. 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 Owner. This shall include, but not be limited to, the relocation of the existing overhead hydro line that crosses the property.
13. That prior to final plan approval, an acoustical report prepared by a qualified professional engineer is completed to determine the noise levels on site and the required noise control measures. The required noise control measures shall be incorporated into the subdivision agreement. This report shall be done to the satisfaction of CN Rail and the Municipality.
14. That the subdivision agreement between the owner and the municipality shall contain a provision whereby the owner agrees to include a warning clause in all offers to purchase, agreement of sale and purchase or lease of each lot as follows:

'Canadian National Railway Company or its assigns or successors in interest has or have a rights-of-way within 300 metres from the land subject hereof. There may be alterations to 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'.
15. That the owner be required to enter into a development agreement with CN Rail and grant an environmental easement for operational noise and vibration emissions, registered against the subject property in favour of CN, to the satisfaction of CN Rail.
16. That prior to final approval, the developer shall submit a storm water management plan, a Sediment and Erosion Control Plan and Final Detailed Servicing and Grading Plans to the satisfaction of the Municipality, the County and the Lower Thames Valley Conservation Authority for approval and if required, the subdivision agreement contain provisions implementing the plan.
17. That prior to final approval, the Municipality shall advise the County of Middlesex that the

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Subdivision Agreement between the Municipality and the Owner provides for the following:

- a. municipal assumption and ownership of any facilities required for the detention and enhancement of storm water quality, and for the purpose of ensuring perpetual maintenance and operation; and
 - b. the inclusion of any environmental protection measures recommended in the final storm water management plan required by condition number 16 that are not capable of being addressed under the Ontario Water Resources Act.
18. That prior to final approval, a Licensed Archaeologist shall provide a letter to the Municipality 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 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.
 19. That prior to final approval, the Owner shall submit for review and approval of the Municipality a detailed geotechnical investigation of the site prepared by a qualified geotechnical engineer for the entire subject land prior to the initiation of any site grading or servicing; including a hydrogeological opinion, which if determined warranted by the Municipality, shall provide a full hydrogeological investigation at the Owner's expense; and agree in the subdivision agreement to remove any matter, which is determined during soil investigations as being hazardous.
 20. That the developer construct all rights-of-way and all infrastructure to municipal standards and to the satisfaction of the Municipality.
 21. That the Owner convey up to 5% of the land included in this plan to the Municipality for park purposes. Alternatively, the Municipality may require cash-in-lieu of all or a portion of the conveyance.
 22. That prior to final approval, the County is to be advised in writing by the Municipality how conditions 1 through 22 have been satisfied.
 23. That prior to final approval, the County is to be advised in writing by the Lower Thames Valley Conservation Authority how condition 16 has been satisfied.
 24. That prior to final approval, the County is to be advised in writing by CN Rail how conditions 13-15 have been satisfied.

NOTES TO DRAFT APPROVAL

1. Draft approval for this plan of subdivision 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 fulfil the conditions of the draft approval and to ensure that the required clearance letters are forwarded by the appropriate agencies to the approval authority.
3. We suggest you make yourself aware of the following subsections of the Land Titles Act:
 - a) Subsection 144(1) requires all new plans be registered in a Land Titles system if the land is situated in a land titles division; and

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- b) Subsection 144(2) allows certain exceptions.
4. When the Zoning By-law required in condition 5 is being prepared, reference to this subdivision application T-file number should be included in the explanatory note.
 5. Clearance is required from the following agencies:
 - Municipality of Southwest Middlesex
 - Lower Thames Valley Conservation Authority
 - CN Rail
 6. 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.
 7. The Ministry of Environment and Climate Change must be advised immediately should waste materials or other contaminants be discovered during the development of this plan of subdivision.
 8. All measurements in subdivision final plans must be presented in metric units.
 9. 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 Subdivision is approved by the County of Middlesex
under Section 51(58) of the Planning Act, R.S.O. 1990, on this _____
day of _____, 201 .*

Director of Planning”
 10. 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.
 11. 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.