

Conditions of Final Condominium Approval

Block 155 (Peach St), Rolling Meadows Phase 12 (File No. D07-01-2021)

The conditions of final approval and registration of the Block 155 (Peach Street) Plan of Condominium by ECRM Lundy's Homes Ltd. (File No. D07-01-2021), City of Thorold are as follows:

DRAFT PLAN

1. This approval applies to the Block 155, Rolling Meadows Phase 12 (Peach Street) Draft Plan of Vacant Land Condominium, BLOCK 155 PLAN 59M-479, PART OF LOTS 91 AND 92, dated June 8, 2021, proposing:
 - Units 1-23 for block townhouse dwelling units;
 - Exclusive use driveway areas for each dwelling unit; and,
 - Common element areas consisting of a private condominium road, parking area, and landscaped open space areas.
2. The headings inserted in these conditions are for convenience only and shall not be used as a means of interpreting the conditions.

AGREEMENTS AND FINANCIAL REQUIREMENTS

3. The Owner shall provide three (3) paper copies and an electronic copy of the pre-registration plan(s), prepared by an Ontario Land Surveyor.
4. The Owner shall provide a letter to the Department of Planning and Development Services stating how all the conditions imposed have been or are to be fulfilled.
5. The Owner shall agree to pay to the City of Thorold all required processing and administration fees and any outstanding taxes or fees associated with the subject lands.
6. The Owner shall submit a Solicitor's Certificate of Ownership for the Plan of Condominium land to the Department of Planning and Development Services prior to the preparation of the Condominium Agreement.
7. That the Condominium Agreement between the Owner and the City of Thorold be registered by the Municipality against the lands to which it applies in accordance with the *Condominium Act, 1998, S.O. 1998, c. 19*.

8. That the Owner shall pay the applicable City of Thorold, Niagara Region, District School Board of Niagara, and Niagara District Catholic School Board development charges in place at the time of the Building Permit issuance.
9. That the Owner agrees in writing to satisfy all of the requirements, financial and otherwise, of the City of Thorold concerning the provision of roads, daylight triangles, lot reserves, road widenings, sidewalks, fencing, fire hydrants, street lighting, the extension and installation of services (sanitary sewers, watermain, and storm sewers), stormwater management, and drainage, including the upgrading of services, and the restoration of existing roads damaged during the development of the Plan of Condominium.
10. Prior to any site alteration, or final approval, the Owner shall submit all supporting materials, prepared by a qualified professional, as required by the City or any applicable authority, and shall agree to implement the recommendations of the reports, studies and plans to the satisfaction of the City, and any other applicable authority.
11. This approval is for a period of three (3) years. Approval may be extended pursuant to Section 51 (33) of the *Planning Act R.S.O. 1990, c. P.13* but no extension can be granted once the approval has lapsed. If the Owner wishes to request an extension to the approval, a written explanation on why the extension is required, together with the resolution from the Region must be submitted for City Council's consideration, prior to the lapsing date.
12. If final approval is not given to this draft plan within three (3) years of the approval date, and no extensions have been granted, approval will lapse under Section 51 (32) of the *Planning Act R.S.O. 1990, c. P.13*.
13. It is the Owner's responsibility to fulfill the conditions of Final Condominium Approval and to ensure that the required clearance letters are forwarded by the appropriate agencies to the City, quoting file number D07-01-2020 and referencing the conditions that are cleared.

LAND TRANSFERS AND EASEMENTS

14. That the Owner agrees to deed any and all easements that may be required for access for utility and drainage purposes be granted to the appropriate authorities and utilities.

ZONING

15. That prior to final approval, the Zoning By-law Amendment application (File No. D14-02-2021), which reflects the layout of the Draft Plan of Condominium has come into effect in accordance with the provisions of Section 34 of the *Planning Act R.S.O. 1990, c. P.13*.
16. The Owner shall submit to the Department of Planning and Development Services two (2) paper copies and an electronic copy of the proposed draft plan and a letter prepared by an Ontario Land Surveyor to confirm zoning compliance.

ROADS

17. If applicable, that the condominium road be named to the satisfaction of the City of Thorold.
18. That the Owner provides detailed engineering design drawings for the roads, sidewalks and street lighting facilities required to service the subject lands to the City for review and approval.

MUNICIPAL SERVICES

19. That a Servicing Study Report indicating that the accepting servicing infrastructure (storm sewers, sanitary sewers, and water mains) can accommodate the additional flows and adequate fire flows are provided to the development be submitted to the City for review and to the satisfaction of the Department of Public Works and Community Services and the Fire Chief.
20. That the Owner will provide the City with the proposed site servicing plans for the subject property. The Department of Public Works and Community Services shall approve the plans prior to construction.
21. That the design drawings for the sanitary sewer and stormwater drainage systems to service this development be submitted to the Department of Public Works and Community Services for review and approval. (Note: Any stormwater management facility that may be proposed for this development would require the direct approval of the Ministry of the Environment, Conservation and Parks, Toronto). The City of Thorold is responsible for the review and approval of watermains under the MOE Water License Program.
22. That prior to registration of this plan, the Owner must obtain Environmental Compliance Approval from the Ministry of Environment, Conservation and Parks for sewer and stormwater management works needed to service the proposed development. Prior to installing the watermain to service the proposed development,

the Owner must submit Ministry of Environment, Conservation and Parks 'Form 1' Record of Watermain.

23. At the end of the project, the design engineer shall certify that all grading, storm sewers and stormwater management controls have been constructed in general conformity to the approved drawing. Copies of the certification shall be provided to the Department of Public Works and Community Services.
24. That all foundation drainage be directed to a sump that will have a pump discharge to grade. Direct gravity or piped connections with sump pump to the storm sewer system are not permitted.

STORMWATER MANAGEMENT, GRADING AND SEDIMENT AND EROSION CONTROL

25. That the Condominium Agreement between the Owner and the City of Thorold contain provisions whereby the Owner agrees to implement the approved stormwater management plan.
26. That the Owner prepare a detailed grade control plan showing both existing and proposed grades and the means whereby major storm flows will be accommodated across the site be submitted to the Department of Public Works and Community Services and the for review and approval. The Owner will ensure that the Plan of Condominium land will remain in a natural state until such time as the detailed grade control plan is approved.
27. That prior to final approval or any on-site grading, the Owner submit to the Department of Public Works and Community Services for review and approval two copies of a detailed stormwater management plan for the condominium and the following plans designed and sealed by a suitably qualified professional engineer in accordance with the Ministry of Environment, Conservation and Parks documents entitled "Stormwater Management Practices Planning & Design Manual – March 2003" (Ministry of Environment, Conservation and Parks), or the latest revision, and "Environmental Guide for Erosion and Sediment Control During Construction of Highway Projects, February 2007" (Ministry of Environment, Conservation and Parks), or the latest revision, and in accordance with the City of Thorold's Lot Grading and Drainage Policy, and the City of Thorold's Stormwater Management Facility Standards:
 - a. Detailed lot grading and drainage plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site; and

- b. Detailed sediment and erosion control plans.
28. That detailed sedimentation and erosion control plans be prepared for review and approval by the Department of Public Works and Community Services. All sediment and erosion control measures shall be maintained in good condition for the duration of construction until all disturbed surfaces have been stabilized. Muddy water shall not be allowed to leave the site.
 29. That detailed lot grading and drainage plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site, be submitted to the Department of Public Works and Community Services for review and approval.
 30. That prior to final approval, the Owner submit to the Department of Public Works and Community Services a detailed stormwater management plan for the development completed by a qualified engineer and prepared in accordance with the "Stormwater Management Practices Planning & Design Manual – March 2003" (Ministry of Environment, Conservation and Parks), or the latest revision.

COMMUNITY BENEFITS AND PUBLIC PARK

31. That the Owner confirm satisfaction of Community Benefits and Parkland Dedication Requirements as permitted in Sections 37 and 51.1 of the *Planning Act R.S.O. 1990, c. P.13*.
32. The Developer agrees to pay cash-in-lieu to the City of Thorold for the value of the land otherwise required to be conveyed (5% of the land included in the plan).

UTILITIES

33. That the Owner shall co-ordinate the preparation of an overall utility distribution plan to the satisfaction of all affected authorities.
34. That the Owner shall enter into any agreement as required by utility companies for installation of services, including street lighting, all in accordance with the standards of the City of Thorold. All utilities servicing the condominium shall be underground.
35. That the Owner agrees to grant easements as may be required for utility purposes to the appropriate authority.

BELL CANADA

36. The Owner shall indicate in the Agreement, in words satisfactory to Bell Canada, that it will grant to Bell Canada any easements that may be required, which may include a blanket easement, for communication/telecommunication infrastructure. In the event of any conflict with existing Bell Canada facilities or easements, the Owner shall be responsible for the relocation of such facilities or easements.
37. The Owner shall contact Bell Canada during detailed design to confirm the provision of communication/telecommunication infrastructure needed to service the development.
38. Prior to commencing any work, the Owner must confirm that sufficient wire-line communication/telecommunication infrastructure is available. In the event that such infrastructure is unavailable, the Owner shall be required to pay for the connection to and/or extension of the existing communication/telecommunication infrastructure.
39. If the Owner elects not to pay for the above noted connection, then the Owner will be required to demonstrate to the satisfaction of the Municipality that sufficient alternative communication/telecommunication will be provided to enable, at a minimum, the effective delivery of communication/telecommunication services for emergency management services (i.e. 911 Emergency Services).

CANADA POST

40. The Owner shall complete to the satisfaction of the Director of Public Works and Community Services of the City of Thorold and Canada Post:
 - a. Include on all offers of purchase and sale, a statement that advises the prospective purchaser:
 - i. that the home/business mail delivery will be from a designated Centralized Mail Box.
 - ii. that the Owners be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.
 - b. The Owner further agrees to:
 - i. work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the Plan of Condominium.

- ii. install a concrete pad in accordance with the requirements of and in locations to be approved by Canada Post to facilitate the placement of Community Mail Boxes.
 - iii. identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the Plan of Condominium.
 - iv. determine the location of all centralized mail receiving facilities in co-operation with Canada Post and to indicate the location of the centralized mail facilities on appropriate maps, information boards and plans. Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.
- c. Canada Post's multi-unit policy, which requires that the Owner provide the centralized mail facility (front loading lockbox assembly or rear-loading mailroom [mandatory for 100 units or more]), at their own expense, will be in effect for buildings and complexes with a common lobby, common indoor or sheltered space.

ENBRIDGE GAS INC.

41. The Owner shall contact Enbridge Gas Inc.'s Customer Connections department by emailing CustomerConnectionsContactCentre@Enbridge.com to determine gas availability, service and meter installation details and to ensure all gas piping is installed prior to the commencement of site landscaping (including, but not limited to: tree planting, silva cells, and/or soil trenches) and/or asphalt paving.
42. In the event that easement(s) are required to service this development, and any future adjacent developments, the Owner will provide the easement(s) to Enbridge Gas Inc. at no cost.

NIAGARA REGION

43. That the Condominium Agreement between the applicant and the City of Thorold include the following warning clause:

"Should deeply buried archaeological remains/resources be found during construction activities, all activities impacting archaeological resources must cease immediately, and the proponent must notify the Archaeology Programs Unit of the Ministry of Heritage, Sport, Tourism and Culture Industries (416-212-8886) and contact a licensed archaeologist to carry out an archaeological

assessment in accordance with the Ontario Heritage Act and the Standards and Guidelines for Consultant Archaeologists.

In the event that human remains are encountered during construction, all activities must cease immediately and the local police as well as the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-326-8800) must be contacted. In situations where human remains are associated with archaeological resources, MHSTCI should also be notified to ensure that the site is not subject to unlicensed alterations which would be a contravention of the Ontario Heritage Act.”

44. That the owner provides a written acknowledgement to Niagara Region Planning and Development Services Department stating that draft approval of this condominium does not include a commitment of servicing allocation by Niagara Region as servicing allocation will not be assigned until the plan is registered and that any pre-servicing will be at the sole risk and responsibility of the owner.
45. That the owner provides a written undertaking to Niagara Region Planning and Development Services Department stating that all Offers and Agreements of Purchase and Sale or Lease, which may be negotiated prior to registration of this condominium shall contain a clause indicating that servicing allocation for the condominium will not be assigned until the plan is registered, and a similar clause be inserted in the condominium agreement between the owner and the City.
46. That prior to final approval for registration of this plan of condominium, the owner shall submit the design drawings [with calculations] for the new sanitary and storm sewers required to service this development and obtain the necessary Ministry of the Environment Compliance Approval under the Transfer of Review Program.
47. That prior to approval of the final plan or any on-site grading, the owner shall submit a detailed stormwater management plan for the condominium and the following plans designed and sealed by a qualified professional engineer in accordance with the Ministry of the Environment, Conservation and Parks documents entitled Stormwater Management Planning and Design Manual March 2003 and Stormwater Quality Guidelines for New Development, May 1991, or their successors to Niagara Region Planning and Development Services for review and approval:
 - a. Detailed lot grading, servicing and drainage plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site to the stormwater management facility;

- b. Detailed erosion and sedimentation control plans;
 - c. Documents confirm that the stormwater management facility required to service this development is built in compliance with the Ministry of the Environment Compliance Approval.
48. That the development agreement between the owner and the City contain provisions whereby the owner agrees to implement the approved plan(s) required in accordance with the condition above.
49. That the owner/developer ensure, that all streets and development blocks can provide an access in accordance with the Niagara Region's Corporate Policy and By-laws relating to the curbside collection of waste and recycling.
50. That the owner/developer shall comply with Niagara Region's Corporate Policy for Waste Collection and complete the Application for Commencement of Collection prior to Regional curbside waste collection services commencing.
51. That in order to accommodate Regional Waste Collection service, waste collection pads are required to be provided by the developer for Units 12-16. The waste collection pads shall be in accordance with the Region's Corporate Policy for Waste Collection.
52. The owner is advised that some of the proposed development's internal roads do not meet the requirements of Niagara Region's Corporate Waste Collection Policy and therefore in order to receive Regional collection residents will be required to bring their containers to the their designated waste collection pads for collection. The following clause should be included in the Site Plan Agreement/ Condominium Agreement and inserted into all Offers and Agreements of Purchase and Sale or Lease for units 12-16:

"Owners/Purchasers/Tenants are advised that they will need to bring their waste and recycling containers to their designated waste collection pad on their designated collection day in order to receive curbside collection."

FIRE DEPARTMENT

53. Municipal and private fire hydrants shall be maintained in operating condition and shall be maintained free of snow and ice accumulations. Fire hydrants shall be readily available and unobstructed for use at all times.
54. Fire hydrants shall be inspected annually and after each use in accordance with the Ontario Fire Code. When fire hydrants are in use or being inspected in

accordance with the Ontario Fire Code, fire hydrants shall be equipped with port caps that are secured wrench-tight. The port caps shall be removed and the connections inspected for wear, rust or obstructions that in any way hamper easy removal and corrective action shall be taken as needed. If the caps are missing, the hydrant shall be examined for obstructions or accumulated refuse and flushed. When complete the port caps shall be re-installed.

55. The hydrant barrel shall be inspected to ensure that no water has accumulated within the barrel when the main valve is in the closed position. Where the hydrant barrel is found to contain water, the drain valve shall be inspected for operation.
56. If the hydrant barrel is found to contain water because of poor drainage that is impractical to correct, approved measures shall be taken to prevent freezing during winter conditions.
57. Municipal and Private fire hydrant water flow shall be inspected annually. The main valve of the hydrant shall be fully opened and the hydrant operated with one port open and the water flow checked. A record of the fire hydrant operation as shall be kept on site at all times.
58. Municipal and Private fire hydrants shall be color-coded in accordance with NFPA 291, "Recommended Practice for Fire Flow Testing and Marking of Hydrants".
59. The required number of fire hydrants within the development shall be confirmed prior to final Condominium Approval.

PLANNING DIVISION

60. The Holding (H) Symbol associated with the Zoning of the lands, shall be removed prior to, or concurrently to the Final Approval of the Condominium.
61. A board on board fence shall be shown on the Site Plan and Landscape Plan for the west property line prior to Final Approval being issued.
62. A Minor Variance Application shall be approved for Minimum Dwelling Unit Area and Maximum Garage Width prior to Final Approval being issued.

FINAL APPROVAL

Subject to the conditions set forth herein, this Draft Plan is approved under Section 51 (31) of the *Planning Act R.S.O. 1990, c. P.13*. Final Condominium Approval shall be granted by the City.

CLEARANCE OF CONDITIONS

Prior to granting Final Condominium Approval, the City of Thorold requires written notice from the following agencies indicating that their respective conditions have been satisfied:

<u>Agency</u>	<u>Conditions</u>
Bell Canada	36-39
Canada Post	40
Enbridge Gas Inc.	41-42
Niagara Region	43-52

Agency Contacts

<u>Agency</u>	<u>Contact</u>	<u>Address</u>	<u>Email/Phone</u>
Bell Canada	Meaghan Palynchuk	-	planninganddevelopment@bell.ca 416-570-6726
Canada Post	Andrew Carrigan	955 Highbury Avenue London, ON N5Y 1A3	Andrew.Carrigan@canadapost.ca 226-268-5914
Enbridge Gas Inc.	Alice Coleman	500 Consumers Road North York, ON M2J 1P8	MunicipalPlanning@enbridge.com 416-495-5386
Niagara Region	Alexander Morrison	1815 Sir Isaac Brock Way, P.O. Box 1042 Thorold, ON L2V 4T7	Alexander.Morrison@niagararegion.ca 905-685-4225 ext. 3387