



COUNTY OF WELLINGTON

PLANNING AND DEVELOPMENT DEPARTMENT
ALDO L. SALIS, BES, MSc, RPP, MCIP, DIRECTOR
T 519.837.2600
T 1.800.663.0750
F 519.823.1694

ADMINISTRATION CENTRE
74 WOOLWICH STREET
GUELPH ON N1H 3T9

NOTICE OF DECISION

On Application for Approval of Draft Plan of Standard Condominium under the Planning Act, and the Condominium Act, 1998

Approval Authority: County of Wellington

File Number: 23CD-21001
James Keating Construction (2004) Ltd.

IN THE MATTER of an Application for Condominium being Part of Block 21 & 22, Block 15, Registered Plan 61M-227, Fergus, now Township of Centre Wellington in the County of Wellington.

TAKE NOTICE that the Corporation of the County of Wellington gave approval for an application for a draft plan of Standard Condominium (Phased), Wellington County File No.23CD-21001, under Section 51 of the Planning Act, R.S.O. 1990 as amended and pursuant to the Condominium Act, 1998 in respect of Part of Block 21 & 22, Block 15, Registered Plan 61M-227, Fergus now Township of Centre Wellington in the County of Wellington subject to conditions of approval.

PUBLIC INPUT: There were no written submissions received and considered by the County of Wellington.

AND TAKE NOTICE that any person or public body may appeal the decision to approve or to refuse the draft plan of Standard Condominium (Phased), the lapsing provision (if applicable) or any of the conditions of the approval of the draft plan of Standard Condominium (Phased) (if applicable) to the Ontario Land Tribunal, by filing with the Director of Planning and Development for the County of Wellington, not later than **January 10, 2022 at 4:00 p.m.**, a written notice of appeal setting out the reasons for appeal.

AND THAT the applicant or any public body may, at anytime before the approval of the final plan of Standard Condominium (Phased), appeal any of the conditions imposed by the Corporation of the County of Wellington by filing with the Director of Planning and Development a written notice of appeal that must set out the reasons in support of the appeal, accompanied by the applicable fee of \$1100.00, (certified cheque or money order) made payable to the Minister of Finance of Ontario.

You will be entitled to receive notice of any changes to the conditions of approval of the draft plan of Standard Condominium (Phased) if you have either made a written request to be notified of the decision to approve or refuse to approve the draft plan of Standard condominium, or made a written request to be notified of changes to the conditions of approval of the draft plan of Standard condominium, accompanied by the applicable fee of \$1100.00, (certified cheque or money order) made payable to the Minister of Finance of Ontario..

PLANNING ACT REGULATIONS (O.Reg 544/06, as amended)

Section 9(4)

- i. You will be entitled to receive notice of any changes to the conditions of approval of the draft plan of subdivision if you have either made a written request to be notified of the decision to approve or refuse to approve the draft plan of subdivision, or made a written request to be notified of changes to the conditions of approval of the draft plan of subdivision.
- ii. No person or public body shall be added as a party to the hearing of an appeal regarding any changes to the conditions of approval unless the person or public body, before the approval authority made its decision, made oral submissions at a public meeting or written submissions to the approval authority, or made a written request to be notified of the changes to the conditions or, in the Ontario Land Tribunal's opinion, there are reasonable grounds to add the person or public body as a party.

Section 9(5)

- i. Only individuals, corporations or public bodies may appeal decisions in respect to a proposed plan of subdivision to the Ontario Land Tribunal. A notice of appeal may not be filed by an unincorporated association

or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or group on its behalf.

- ii. No person or public body shall be added as a part of the hearing of the appeal of the decision of the approval authority, including the lapsing provisions or the conditions, unless the person or public body, before the decision of the approval authority, made oral submissions at a public meeting or written submissions to the council, or made a written request to be notified of changes to the conditions or, in the Ontario Land Tribunal's opinion, there are reasonable grounds to add the person or public body as a party.

A copy of the decision, including the conditions, is attached. Additional information regarding the proposed plan of Standard Condominium (Phased) is available to the public for inspection in the Planning and Development Department of the County of Wellington, as well as at the Municipal Offices for the Township of Centre Wellington during regular business hours.

DATED at the City of Guelph, County of Wellington Administration Centre, December 21, 2021

A handwritten signature in black ink, appearing to read 'Aldo Salis', written over a horizontal line.

Aldo Salis, M.C.I.P., R.P.P.
Director of Planning and Development

**THE CORPORATION OF THE COUNTY OF WELLINGTON
DECISION OF THE CORPORATION OF THE COUNTY OF WELLINGTON**

With respect to an application by James Keating Construction (2004) Ltd. pursuant to the provisions of Section 51 of the Planning Act, R.S.O. 1990 as amended and pursuant to the Condominium Act, 1998 for approval of a plan of Standard condominium, being Part of Block 21 & 22, and all of Block 15, Registered Plan 61M-227, Fergus now the Township of Centre Wellington in the County of Wellington. The Corporation of the County of Wellington has granted draft approval to this draft plan of standard condominium subject to the following conditions of draft approval:

**CONDITIONS OF APPROVAL FOR
DRAFT PLAN STANDARD CONDOMINIUM (PHASED) 23CD-21001**

No.	Condition
1	THAT this draft approval applies to the draft plan of standard condominium (Phased), file No. 23CD-21001, as prepared by Black, Shoemaker, Robinson and Donaldson on July 28, 2021 surveyor's certificate by Leo Liu, OLS, depicting 2 apartment buildings with a combined total of 86 apartment units; 83 exclusive use underground parking and 59 surface parking (41 units, 3 exclusive use and 15 visitor); areas not designated as units are Common Elements areas, on a site with a total area of 10,765 sq.m.
2	<p>THAT the Owner shall, prior to final approval, post and maintain securities in a manner deemed satisfactory to the Township equal to 100% of Township-approved estimates of all incomplete (at time of final approval) works and facilities required by a Site Plan Agreement, including the following:</p> <ul style="list-style-type: none"><li data-bbox="196 1087 1438 1150">i. Facilities to provide access to and from the land such as access ramps, curbing and traffic direction signs.<li data-bbox="196 1157 1438 1220">ii. Access driveways, including driveways for emergency vehicles, and the surfacing of such areas and driveways.<li data-bbox="196 1226 1438 1289">iii. Walkways and walkway ramps, including the surfacing thereof, and all other means of pedestrian access.<li data-bbox="196 1295 1438 1358">iv. Facilities for the lighting, including floodlighting, of the land, or of any buildings or structures thereon.<li data-bbox="196 1365 1438 1470">v. Walls, fences, hedges, trees, shrubs or other groundcover or facilities for the landscaping of the land or the protection of adjoining land, including the preservation of existing vegetation on the site.<li data-bbox="196 1476 1438 1539">vi. Central storage and collection areas and other facilities and enclosures for the storage of garbage and other waste material.<li data-bbox="196 1545 1438 1650">vii. Easements conveyed to the municipality for the construction, maintenance or improvement of watercourses, ditches, land drainage works, sanitary sewage facilities and other public utilities of the municipality or local board thereof on the land.<li data-bbox="196 1656 1438 1761">viii. Grading or alteration in elevation or contour of the land and provision for the disposal of storm, surfaces and waste water from the land and from any buildings or structures thereon.<li data-bbox="196 1768 1438 1864">ix. Plans and specifications of all site services including sewers, water mains, electrical distribution systems and private utilities including telephone, cable television and gas services.
3	THAT the Owner will prepare and submit the proposed Condominium declaration and description to the Township of Centre Wellington for review.

- 4 THAT the Township of Centre Wellington assigns and provides to the County of Wellington the proposed civic addressing for the condominium units.
- 5 THAT prior to the registration of any phase of the Plan of Condominium, a lawyer shall certify that the proposed condominium phase has all necessary easements for all the sanitary sewers, building drains, building sewers, building storm drains, storm sewers, watermains and water distribution system serving the condominium phase which are located on private lands other than the lands included in the phase being registered to the satisfaction of the Township of Centre Wellington.
- 6 THAT prior to the registration of any phase of the Plan of Condominium, a lawyer shall certify that easements and right-of-way are in place to provide access to the subsequent phase of the vehicular or pedestrian access is on private lands other than the lands included in the phase being registered to the satisfaction of the Township of Centre Wellington.
- 7 THAT the owner/developer provide to Union Gas (Enbridge Gas Inc.) the necessary easements and/or agreements required by Union Gas for the provision of gas services for this project, in a form satisfactory to Enbridge.
- 8 THAT the Owner acknowledges and agrees to convey any easement(s) as deemed necessary by Bell Canada to service this new development. The Owner further agrees and acknowledges to convey such easements at no cost to Bell Canada.
- 9 THAT the Owner agrees that should any conflict arise with existing Bell Canada facilities where a current and valid easement exists within the subject area, the Owner shall be responsible for the relocation of any such facilities or easements at their own cost.
- 10 THAT prior to final approval, the Owner/Developer shall provide written confirmation from an authorized service provider that communication/telecommunication facilities will be provided within the proposed development to enable, at a minimum, the delivery of communication/telecommunication services for emergency management services (i.e. 9-1-1 Emergency) in accordance with CRTC requirements.
- 11 THAT Education Development Charges shall be collected prior to the issuance of a building permit(s).
- 12 THAT the developer and the Upper Grand District School Board reach an agreement regarding the supply and erection of a sign (at the developer's expense and according to the Board's specifications) affixed to the permanent development sign advising prospective residents that students may be directed to schools outside the neighbourhood.
- 13 THAT the developer shall agree in the condominium declaration that adequate sidewalks, lighting and snow removal (on sidewalks and walkways) will be provided to allow children to walk safely to school or to a designated bus pickup point.
- 14 THAT the developer shall agree in the condominium declaration to advise all purchasers of residential units and/or renters of same, by inserting the following clause in all offers of Purchase and Sale/Lease.

"In order to limit liability, public school buses operated by the Service de transport de Wellington-Dufferin Student Transportation Services (STWDSTS), or its assigns or successors, will not travel on privately owned or maintained right-of-ways to pick up students, and potential busing students will be required to meet the bus at a congregated bus pick-up point."
- 15 THAT the developer agrees in the condominium declaration to advise all purchasers of residential units and/or renters of same, by inserting the following clause in all offers of Purchase and Sale/Lease, until such time as a permanent school is assigned:

"Whereas the Upper Grand District School Board has designated this subdivision as a Development Area for the purposes of school accommodation, and despite the best efforts of the Upper Grand District School Board, sufficient accommodation may not be available for all anticipated students from the area, you are hereby notified that students may be accommodated in temporary facilities and/or bussed to a school outside the area, and further, that students may in future have to be transferred to another school."

- 16 THAT the condominium declaration shall contain provisions to the satisfaction of the County of Wellington regarding the collection of solid waste services for the development.
- 17 THAT the Owner shall provide to the County of Wellington an AUTOCAD "dwg" digital file of the final plan of condominium.
- 18 THAT the Owner's surveyor shall provide to the County of Wellington a written undertaking to provide to the County of Wellington a mylar copy and 2 white prints of the final plan of condominium as registered in the Land Titles Office for Wellington (No. 61) should such documents not be forwarded to the County of Wellington by the local Land Registrar's office after registration of the plan.
- 19 THAT if final approval is not given to this draft plan of standard condominium No. 23CD-21001 within three years of this draft approval, and if no extensions to draft approval have been granted, draft approval shall lapse. If the Owner wishes to request an extension to draft approval, a written explanation, together with a resolution of support from the Council for the Township of Centre Wellington must be received by the Director of Planning for the County of Wellington prior to the lapsing date of DECEMBER 28, 2024.
- 20 THAT prior to final approval by the County of Wellington, the County of Wellington is to be advised in writing by the Township of Centre Wellington how conditions 2 - 6 have been satisfied.
- 21 THAT prior to final approval by the County of Wellington, the County of Wellington is to be advised in writing by Enbridge how condition 7 has been satisfied.
- 22 THAT prior to final approval by the County of Wellington, the County of Wellington is to be advised in writing by Bell how conditions 8 - 10 have been satisfied.
- 23 THAT prior to final approval by the County of Wellington, the County of Wellington is to be advised in writing by Upper Grand School Board how conditions 11 - 15 have been satisfied.
- 24 THAT prior to final approval by the County of Wellington, the County of Wellington is to be advised in writing by County of Wellington Solid Waste Services how condition 16 has been satisfied.
- 25 THAT prior to final approval by the County of Wellington, the Owner remit to the County of Wellington the applicable final approval fee which is in effect at the time of presentation of the final plan for final approval.

NOTES to DRAFT PLAN APPROVAL

It is the owner/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 County of Wellington, (to the attention of the: Planning and Development Department, 74 Woolwich Street, Guelph, Ontario, N1H 3T9), and quoting the County's file number 23CD-21001.

If the agency condition(s) related to a condition(s) in the condominium agreement, a copy of the applicable agreement should be sent to them. This will expedite clearance of the final plan.

Payment of a clearance letter fee may be required by the clearing agencies before the clearance letter is issued; please contact the appropriate agency for information regarding this matter.

An electrical distribution line operating at below 50,000 volts might be located within the area affected by this development or abutting this development. Section 186 - Proximity of the Regulations for Construction Projects in the *Occupational Health and Safety Act*, requires that no object be brought closer than 3 metres (10 feet) to the energized conductor. It is the proponent's responsibility to be aware, and to make all personnel on site aware, that all equipment and personnel must come no closer than the distance specified in the Act. They should also be aware that the electrical conductors can raise and lower without warning, depending on the electrical demand placed on the line. Warning signs should be posted on the wood poles supporting the conductors stating "*DANGER - Overhead Electrical Wires*" in all locations where personnel and construction vehicles might come in close proximity to the conductors.

The owner/developer is hereby advised that prior to commencing any work within the Plan, the Developer must confirm that sufficient wire-line communication/telecommunication infrastructure is currently available within the proposed development to provide communication/ telecommunication in service to the proposed development. In the event that such infrastructure is not available, the Developer is hereby advised that the Developer may be required to pay for the connection to and/or extension of the existing communication/telecommunication infrastructure. If the owner/developer elects not to pay for such connection to and/or extension of the existing communication/telecommunication infrastructure, the alternative communication/ telecommunication facilities are available within the proposed development to enable, at a minimum, the effective delivery of communication/telecommunication services for emergency management services (i.e. 911 Emergency Services).

Canada Post requires the following:

"Multi-unit buildings and complexes (residential and commercial) with a common lobby, common indoor or sheltered space, require a centralized lock box assembly which is to be provided by, installed by, and maintained by the developer/owner at the owner's expense. Buildings with 100 units or more must have a rear loading Lock Box Assembly with dedicated secure mail room."

The owner/developer is hereby advised that prior to the issuance of a building permit, Education Development Charges shall be collected on behalf of the Wellington Catholic District School Board and the Upper Grand District School Board.

All measurements in the condominium final plan must be presented in metric units.

A plan of condominium granted final approval by the County of Wellington must be registered within 30 days or the County of Wellington may withdraw its approval under subsection 51(59) of the Planning Act, R.S.O. 1990, as amended.

Clearances are required from the following agencies:

Township of Centre Wellington

Enbridge

Bell

Upper Grand District School Board

Wellington County Solid Waste Services