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## NOTICE OF DECISION

### On Application for Approval of Draft Plan of Vacant Land Condominium under the Planning Act, and the Condominium Act, 1998

**Approval Authority:** County of Wellington

**File Number:** 23CD-22003  
961 St. David Street North

**IN THE MATTER** of an Application for Condominium being Part Park Lot 1 Plan 87, Garven Survey; 961 St. David Street North, 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 condominium, Wellington County File No.23CD-22003, on under Section 51 of the Planning Act, R.S.O. 1990 as amended and pursuant to the Condominium Act, 1998 in respect of Part Park Lot 1 Plan 87, Garven Survey; 961 St. David Street North, 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.

**RELATED APPLICATIONS** – Centre Wellington township Zoning By-law No. 2024-12

**AND TAKE NOTICE** that any person or public body may appeal the decision to approve or to refuse the draft plan of condominium, the lapsing provision (if applicable) or any of the conditions of the approval of the draft plan of condominium (if applicable) to the Ontario Land Tribunal, by filing with the Director of Planning and Development for the County of Wellington, not later than **July 8, 2024, 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 vacant land condominium, 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 vacant land condominium if you have either made a written request to be notified of the decision to approve or refuse to approve the draft plan of vacant land condominium, or made a written request to be notified of changes to the conditions of approval of the draft plan of vacant land 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 condominium 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 condominium 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 condominium 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, June 18, 2024



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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 Zachary Oliveira and Jacob Oliveira 961 St. David Street North 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 Vacant Land Condominium, being Part Park Lot 1 Plan 87, Garven Survey in 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 vacant land condominium subject to the following conditions.

**CONDITIONS OF APPROVAL FOR  
DRAFT PLAN VACANT LAND CONDOMINIUM 23CD-22003**

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**No. Condition**

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- 1 THAT this draft approval applies to the draft plan of vacant land condominium, file No. 23CD-22003, as prepared by MHBC Planning (Project #18407B) dated June 19, 2023 surveyor's certified by Trevor McNeil, OLS, depicting 12 Single-detached (1-12) and 7 Townhouse Blocks (13 – 49) resulting in 49 residential units. Common element area is 0.324 ha. Total area of site is 1.402 ha.
- 2 THAT the Township of Centre Wellington provides written confirmation to the County of Wellington that the appropriate zoning is in effect for the development of the subject lands.
- 3 THAT the written Condominium Agreement between the Owner and the Township of Centre Wellington shall contain provisions whereby the Owner shall undertake to register the Vacant Land Condominium plan as one condominium corporation to the satisfaction of the Township of Centre Wellington and the County of Wellington.
- 4 THAT the condominium street(s) shall be named and the units numbered to the satisfaction of the Township of Centre Wellington; and that such street name(s) shall not be a duplicate in wording or phonetic sounding of any street name elsewhere in the County of Wellington.
- 5 THAT the Owner satisfies the requirements of the Township of Centre Wellington for parkland dedication in accordance with the provisions of the Planning Act, R.S.O. 1990, as amended.
- 6 THAT the Owner submits a Lot Development Plan of the Vacant Land Condominium to be approved by the Township. Such Plan shall incorporate the following information:
  - i) Facilities to provide access to and from the land such as access ramps, curbing and traffic direction signs.
  - ii) Off-street vehicular loading and parking facilities, either covered or uncovered, access driveways, including driveways for emergency vehicles, and the surfacing of such areas and driveways.
  - iii) Walkways and walkway ramps, including the surfacing thereof, and all other means of pedestrian access.
  - iv) Facilities designed to have regard for accessibility for persons with disabilities.
  - v) Facilities for the lighting, including floodlighting, of the land or of any buildings or structures thereon.
  - vi) Walls, fences, hedges, trees, shrubs or other groundcover or facilities for the landscaping of the lands or the protection of adjoining lands.
  - vii) Vaults, central storage and collection areas and other facilities and enclosures for the storage of garbage and other waste material.
  - viii) 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.
  - ix) Grading or alteration in elevation or contour of the land and provision for the disposal of storm, surface and waste water from the land and from any buildings or structures

thereon.

- x) Plans illustrating the building envelope for each lot within the vacant land condominium.
- xi) Plans and specifications for all site services including sewers, water mains, electrical distribution systems and private utilities including telephone, cable television and gas services.

- 7 THAT the Owner enters into a Condominium Agreement with the Township of Centre Wellington for the purposes of satisfying all the requirements, financial and otherwise, of the Township. Without limiting the generality of the foregoing, the Condominium Agreement shall contain provisions which are satisfactory to the Township of Centre Wellington concerning the provision of roads, signage, installation of services, storm water management and drainage.
- 8 THAT the Condominium Agreement contains provisions to ensure that the Township has the opportunity to review building elevation drawings.
- 9 THAT the Township shall be provided with the opportunity to review and approve any proposed condominium description, declaration and any arrangements for shared use of facilities and any related agreements and easements in respect of this Plan of Vacant Land Condominium development prior to final approval.
- 10 THAT the Condominium Agreement provides for the installation, completion, operation, and maintenance of all stormwater management systems in accordance with the approved plans throughout all phases of grading and construction.
- 11 THAT the Condominium Agreement provides assurance that the Developer shall grade, construct services and develop the land in accordance with the detailed Lot Development Plan as approved by the Township.
- 12 THAT the Owner shall make satisfactory arrangements with the appropriate providers of telephone, natural gas, cable television and other utilities for the provision of such services to this Plan of Vacant Land Condominium.
- 13 THAT the owner shall develop the common elements component of the Vacant Land Condominium in accordance with all approved plans, including but not limited to lot development/site plans, servicing plan, grading and drainage plan. Alternatively, for those parts of the common elements component not completed prior to final approval, the owner shall provide financial assurances to the satisfaction of the Township of Centre Wellington to ensure that all common elements are completed in a timely and satisfactory manner, by providing financial security for 100% of the estimated cost of completing any site works and facilities that are incomplete at time of final approval.
- 14 THAT such easements as may be required for site servicing, drainage and storm water management, utility or telecommunication purposes, shall be granted to the appropriate authority.
- 15 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 Condominium Agreement.
- 16 THAT the Owner shall, prior to final approval, provide a sidewalk contribution to the Township in the amount of \$8,800.00.
- 17 THAT prior to the registration of any phase of the Plan of Vacant Land 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.

- 18 THAT prior to the registration of any phase of the Plan of Vacant Land Condominium, a lawyer shall certify that easements and right-of-way are in place to provide access to the subsequent phase if 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.
- 19 THAT the owner/developer provide to Enbridge Gas the necessary easements and/or agreements required by Enbridge Gas for the provision of gas services for this project, in a form satisfactory to Enbridge.
- 20 THAT the owner/developer comply with the following conditions to the satisfaction of Canada Post:
- The owner/developer will consult with Canada Post to determine suitable permanent locations for the placement of Community Mailboxes and to indicate these locations on appropriate servicing plans.
  - The Builder/Owner/Developer will confirm to Canada Post that the final secured permanent locations for the Community Mailboxes will not be in conflict with any other utility; including hydro transformers, bell pedestals, cable pedestals, flush to grade communication vaults, landscaping enhancements (tree planting) and bus pads.
  - The owner/developer will install concrete pads at each of the Community Mailbox locations as well as any required walkways across the boulevard and any required curb depressions for wheelchair access as per Canada Post's concrete pad specification drawings.
  - The owner/developer will agree to prepare and maintain an area of compacted gravel to Canada Post's specifications to serve as a temporary Community Mailbox location. This location will be in a safe area away from construction activity in order that Community Mailboxes may be installed to service addresses that have occupied prior to the pouring of the permanent mailbox pads. This area will be required to be prepared a minimum of 30 days prior to the date of first occupancy.
  - The owner/developer will communicate to Canada Post the excavation date for the first foundation (or first phase) as well as the expected date of first occupancy.
  - The owner/developer agrees, prior to offering any of the residential units for sale, to place a "Display Map" on the wall of the sales office in a place readily available to the public which indicates the location of all Canada Post Community Mailbox site locations, as approved by Canada Post and the township of Centre Wellington (Fergus)
  - The owner/developer agrees to include in all offers of purchase and sale a statement, which advises the prospective new home purchaser that mail delivery will be from a designated Community Mailbox, and to include the exact locations (list of lot #s) of each of these Community Mailbox locations; and further, advise any affected homeowners of any established easements granted to Canada Post.
  - The owner/developer will be responsible for officially notifying the purchasers of the exact Community Mailbox locations prior to the closing of any home sales with specific clauses in the Purchase offer, on which the homeowners do a sign off.
- 21 THAT the Owner agrees that should any conflict arise with existing telecommunication provider 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.
- 22 THAT the owner/developer comply with the following conditions to the satisfaction of Upper Grand District School Board:
- That Education Development Charges shall be collected prior to the issuance of a building permit(s).
  - That the developer shall agree, upon registration of the plan, to provide the Upper Grand District School Board with a digital file of the plan of subdivision in either ARC/INFO export or DWG format containing parcel fabric and street network.
  - 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.
  - 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."

- 23 THAT the owner/developer comply with the following conditions to the satisfaction of Ministry of Transportation Ontario:
- That prior to final approval, a 0.3 m reserve extending across the entire highway frontage (with the exception of the proposed entrance) shall be conveyed by deed free and clear of all encumbrances to the Ministry of Transportation. A copy of the draft deed, draft M-Plan and draft Certification of Title must be forwarded to MTO for review before this condition can be cleared.
  - That prior to final approval, the Owner shall submit to the Ministry of Transportation for their review and approval, a copy of a Stormwater Management Report indicating the intended treatment of the calculated stormwater runoff.
  - That prior to final approval, the Owner shall submit a Grading Plan, Drainage Plan and Site Servicing Plan for MTO review and approval.
  - That prior to final approval, the Owner shall submit to the Ministry of Transportation for review and approval, a draft copy of the M-Plan for the subdivision.
  - That prior to final approval the Owner will submit to the Ministry of Transportation for review and approval, a draft copy of the Subdivision Agreement.
- 24 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.
- 25 THAT the owner/developer include the following conditions in the approval agreement to the satisfaction of Wellington Source Water Protection:
- That the applicant provide a liquid fuel handling / storage and spill response procedure, to the satisfaction of the Risk Management Official, for liquid fuel handling and storage during construction.
  - That the applicant provide a salt management plan to the satisfaction of the Township's Risk Management Official.
    - o It is further recommended that an approval condition of the Vacant Land Draft Plan of Condominium be that: the owner ensures the condominium by-laws include a requirement to maintain and implement the salt management plan and that the salt management plan be transferred to the condominium board before the date the condominium board becomes responsible for the site.
  - That the applicant provide details of proposed stormwater servicing strategies during site plan application.
  - That all private water wells on the property be properly maintained or decommissioned in accordance with Ontario Regulation 903 and that all private septic systems on the property be decommissioned in accordance with the Ontario Building Code. Documentation for both is to be submitted to the Township's Risk Management Official.
  - That the applicant submit a Water Balance Assessment report for the property to the satisfaction of the Township Risk Management Official.
  - That the applicant confirm if any transport pathways are proposed for this development.
- 26 THAT the Owner shall provide to the County of Wellington an AUTOCAD "dwg" digital file of the final plan to be registered.
- 26 THAT the Owner have prepared by an Ontario Land Surveyor a final plan in accordance with the Surveys Act, and with the Registry Act or the Land Titles Act, as the case may be and have provided that plan (being 2 mylars and 4 white prints) to the Director of Planning and Development for the County of Wellington prior to the lapsing date.
- 28 THAT if final approval is not given to this draft plan of standard condominium No. 23CD-22003 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 JUNE 19, 2027.

- 29 THAT prior to final approval, the County of Wellington is to be advised in writing by the Township of Centre Wellington how conditions 2 to 18 have been satisfied.
- 30 THAT prior to final approval the County of Wellington is to be advised in writing by Enbridge Gas how condition 19 has been satisfied.
- 31 THAT prior to final approval the County of Wellington is to be advised in writing by Canada Post how condition 20 has been satisfied.
- 32 THAT prior to final approval the County of Wellington is to be advised in writing by the telecommunication provider how condition 21 has been satisfied.
- 33 THAT prior to final approval the County of Wellington is to be advised in writing by Upper Grand District School Board how condition 22 has been satisfied.
- 34 THAT prior to final approval the County of Wellington is to be advised in writing by Ministry of Transportation Ontario how condition 23 has been satisfied.
- 35 THAT prior to final approval the County of Wellington is to be advised in writing by Wellington County Solid Waste Services how condition 24 has been satisfied.
- 36 THAT prior to final approval the County of Wellington is to be advised in writing by Wellington Source Water Protection how condition 25 has been satisfied.
- 37 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 APPROVAL**

1. 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 County of Wellington, quoting the County plan of subdivision file number (23CD-22003).
2. Clearances are required from the following agencies:

**Township of Centre Wellington**  
**Enbridge Gas**  
**Canada Post**  
**Bell/Telecommunication Provider**  
**Upper Grand District School Board**  
**Ministry of Transportation Ontario**  
**Wellington County Solid Waste Services**  
**Wellington Source Water Protection**

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

3. The costs of any relocations or revisions to Hydro facilities which are necessary to accommodate this subdivision will be borne by the developer.
4. 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.

5. The Owner is advised to contact Bell Canada at [planninganddevelopment@bell.ca](mailto:planninganddevelopment@bell.ca) during the detailed utility design stage to confirm the provision of communication/telecommunication infrastructure needed to service the development.
6. It shall be noted that it is the responsibility of the Owner to provide entrance/service duct(s) from Bell Canada's existing network infrastructure to service this development. In the event that not such network infrastructure exists, in accordance with the Bell Canada Act, the Owner may be required to pay for the extension of such network infrastructure.
7. If the Owner elects not to pay for the above noted connection, Bell Canada may decide not to provide service to this development.
8. Measurements in final plans may be presented in metric or imperial units of measurement.
9. The final plan approved by the County of Wellington must be registered within 30 days of final approval or the County of Wellington may withdraw its approval under subsection 51(59) of the Planning Act, R.S.O. 1990 as amended.
10. The 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 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, the Developer shall be required to demonstrate to the municipality that sufficient 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).
11. Payment of clearance letter fees may be required from the clearing agencies before the clearance letter is issued. Please contact the appropriate agency for information in this matter.