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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-23004
Habitat for Humanity Guelph-Wellington

IN THE MATTER of an Application for Standard Condominium being 465 Garafraxa Street West, Part Block 4, Reg Plan 77, Fergus in the Township of Centre Wellington, 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, Wellington County File No.23CD-23004, on April 25, 2024, under Section 51 of the Planning Act, R.S.O. 1990 as amended and pursuant to the Condominium Act, 1998 in respect of 465 Garafraxa Street West, Part Block 4, Reg Plan 77, Fergus, in the Township of Centre Wellington, 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 – none

AND TAKE NOTICE that any person or public body may appeal the decision to approve or to refuse the Draft Plan of Standard Condominium, the lapsing provision (if applicable) or any of the conditions of the approval of the Draft Plan of Standard 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 **May 15, 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 Standard 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 Standard 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 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 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 condominium, or made a written request to be notified of changes to the conditions of approval of the draft plan of condominium.
- 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 Standard 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, April 25, 2024.



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 Habitat for Humanity Guelph-Wellington, 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 465 Garafraxa Street West, Part Block 4, Reg. Plan 77, Fergus 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 Standard Condominium subject to the following conditions of draft approval:

**CONDITIONS OF APPROVAL FOR
DRAFT PLAN STANDARD CONDOMINIUM 23CD-23004**

No.	Condition
1	THAT this draft approval applies to the draft plan of standard condominium, file No. 23CD-23004, as prepared by J.D. Barnes Ltd on June 23, 2023 surveyor's certificate by Kerry Hillis, OLS (Project No. 21-14-609-04), depicting 3 blocks containing stacked townhouse buildings with 32 residential units; 32 exclusive use parking spaces; 11 visitor parking stalls; 3 barrier free visitor parking stalls; 8 bicycle spaces, areas not designated as units are Common Element areas on a site that is 4,185 sq.m. in area.
2	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: <ul style="list-style-type: none">i. Facilities to provide access to and from the land such as access ramps, curbing and traffic direction signs.ii. 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 for the lighting, including floodlighting, of the land, or of any buildings or structures thereon.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.vi. Central storage and collection areas and other facilities and enclosures for the storage of garbage and other waste material.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.viii. 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.ix. Plans and specifications for 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 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.

- 5 THAT the Township of Centre Wellington assigns and provides to the County of Wellington the proposed civic addressing for the condominium units.
- 6 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.
- 7 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.
- 8 THAT the owner/developer provide to Enbridge Gas Inc. the necessary easements and/or agreements required by Union for the provision of gas services for this project, in a form satisfactory to Enbridge.
- 9 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.
- 10 THAT the applicant satisfy Centre Wellington Hydro Ltd. for the protection of future access rights to their equipment for operation, repair and maintenance.
- 11 THAT the owner/developer satisfy the following to the satisfaction of the Upper Grand District School Board:
- The collection of Education Development Charges is required prior to the issuance of a building permit(s).
 - Planning staff request that the developer provide the Upper Grand District School Board with a digital file of the plan containing parcel fabric and street network.
 - In an effort to ensure children can walk safely to school or to a designated bus pickup point, the Board requests that adequate sidewalks, lighting, and snow removal (on sidewalks and walkways) be provided.
 - That the developer shall 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."
- 12 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.
- 13 THAT the Owner shall provide to the County of Wellington an AUTOCAD "dwg" digital file of the final plan to be registered.
- 14 THAT the Owner's surveyor shall provide to the County of Wellington a written undertaking to provide to the County of Wellington a mylar, 2 white prints and electronic version 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.
- 15 THAT if final approval is not given to this draft plan of standard condominium No. 23CD-23004 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 APRIL 26, 2027.
- 16 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 7 inclusive have been satisfied.
- 17 THAT prior to final approval, the County of Wellington is to be advised in writing by Enbridge how condition 8 has been satisfied.

- 18 THAT prior to final approval, the County of Wellington is to be advised in writing by Canada Post how condition 9 has been satisfied.
- 19 THAT prior to final approval, the County of Wellington is to be advised in writing by Centre Wellington Hydro how condition 10 has been satisfied.
- 20 THAT prior to final approval, the County of Wellington is to be advised in writing by Upper Grand District School Board how condition 11 has been satisfied.
- 21 THAT prior to final approval, the County of Wellington is to be advised in writing by Wellington County Solid Waste Services how condition 12 has been satisfied.
- 22 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 condominium file number (23CD-23004).
2. Clearances are required from the following agencies:

Township of Centre Wellington
Enbridge Gas
Canada Post
Centre Wellington Hydro
Upper Grand District School Board
Wellington County Solid Waste Services

If the agency condition relates to a condition(s) in the condominium agreement, a copy of the condominium 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 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