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NOTICE OF DECISION

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

Approval Authority: County of Wellington

File Number: 23CD-24003
James Keating Construction (2004) Ltd.

IN THE MATTER of an Application for Condominium being Part of Block 19, Reg. Plan 61M-227; 36 Rea Drive, Fergus, 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 Common Elements Condominium, Wellington County File No.23CD-24003, on February 27, 2025 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 19, Reg. Plan 61M-227; 36 Rea Drive, Fergus, 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 – none

AND TAKE NOTICE that an appeal to the Ontario Land Tribunal in respect to all or part of this Draft Plan of Common Elements Condominium may be made by filing a notice of appeal with the County of Wellington either via the Ontario Land Tribunal e-file service (first-time users will need to register for a My Ontario Account) at <https://olt.gov.on.ca/e-file-service/> by selecting **Wellington County** as the Approval Authority or by mail 74 Woolwich Street, Guelph, ON N1H 3T9, no later than 4:00 p.m. on **March 19, 2025**. The filing of an appeal after 4:00 p.m., in person or electronically, will be deemed to have been received the next business day. The appeal fee of \$1,100.00 (per Application) can be paid by certified cheque/money order to the **Minister of Finance, Province of Ontario**. If you wish to appeal to the Ontario Land Tribunal (OLT) or request a fee reduction for an appeal, forms are available from the OLT website at www.olt.gov.on.ca. If the e-file portal is down, you can submit your appeal to landdivisioninfo@wellington.ca

AND THAT the applicant or any public body may, at any time before the approval of the final plan of Common Elements Condominium, under Section 51(58) of the Planning Act, appeal any of the conditions imposed by the Corporation of the County of Wellington by filing as directed above.

Any of the following may, at any time before the approval of the final plan of Common Elements Condominium, appeal any of the conditions imposed by the approval authority; the applicant; the Minister; the municipality; any public body that, before the appeal authority made its decision, made oral submissions at a public meeting, if one was held, or written submissions to the approval authority.

Who Can File An Appeal

As per Section 51(39) the following may file an appeal of the decision with the approval authority: a specified person, a public body and the registered owner, if before the plan was adopted made oral submission at a public meeting or written submission to the Council; the Minister; the municipality; and in the case of a request to amend the plan, the person or public body that made the request.

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 proposed plan of condominium if you have made a written request to be notified of changes to the conditions.

- 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, if one was held, 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. No person or public body shall be added as a party to 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 Common Elements 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, February 27, 2025



Aldo L. 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) Limited 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 Common Elements condominium, being Part Block 19, Reg Plan 61M-227; 36 Rea Drive, 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 Common Elements Condominium subject to the following conditions of draft approval:

**CONDITIONS OF APPROVAL FOR
DRAFT PLAN COMMON ELEMENTS CONDOMINIUM 23CD-24003**

No. Condition

- 1 THAT this draft approval applies to the draft plan of common elements condominium, file No. 23CD-24003, as prepared by J.D. Barnes Ltd., certified by Thomas J. Salb, OLS on October 16, 2024. Common elements include a private road, visitor parking and common amenity area. Subject property is 1677.1 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:
 - 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 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 Enbridge the necessary easements and/or agreements required by Enbridge 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 the telecommunication provider to service this new development. The Owner further agrees and acknowledges to convey such easements at no cost to the telecommunication provider.
- 9 THAT the Owner agrees that should any conflict arise with existing Bell Canada or 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.
- 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 the following be addressed 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 in the site plan agreement/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 site plan agreement/condominium declaration to advise all purchasers of residential units and/or renters of same, by inserting the following clause I 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.”
 - That the developer agrees in the site plan agreement/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.”

12 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.

13 THAT the Condominium declaration include a requirement that a salt application and winter maintenance plan be prepared to the satisfaction of the Township Risk Management Official and be implemented on site.

- 14 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.
- 15 THAT the Owner shall provide to the County of Wellington an AUTOCAD "dwg" digital file of the final plan to be registered.
- 16 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.
- 17 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.
- 18 THAT if final approval is not given to this draft plan of common elements condominium No. 23CD-24003 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 FEBRUARY 28, 2028.
- 19 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 6 have been satisfied.
- 20 THAT prior to final approval the County of Wellington is to be advised in writing by Enbridge Gas how condition 7 has been satisfied.
- 21 THAT prior to final approval the County of Wellington is to be advised in writing by Bell/telecommunication provider how conditions 8, 9 and 10 has been satisfied.
- 22 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.
- 23 THAT prior to final approval the County of Wellington is to be advised in writing by Canada Post how condition 12 has been satisfied.
- 24 THAT prior to final approval the County of Wellington is to be advised in writing by Wellington Source Water Protection how condition 13 has been satisfied.
- 25 THAT prior to final approval the County of Wellington is to be advised in writing by Wellington Solid Waste Services how condition 14 has satisfied.
- 27 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 common elements condominium file number (23CD-24003).

2. Clearances are required from the following agencies:

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

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 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. 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.
9. 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).

10. 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.
11. NOTE: Pursuant to the Clean Water Act, a Section 59 Notice and Risk Management Plan are not required for this proposal. If the nature of the development changes, Notices may apply and a Risk Management Plan may be required.