

Applicant:	Ballymote Developments Inc.	Date of Decision:	DRAFT
File No.:	39T-MC2001	Date of Notice:	DRAFT
Municipality:	Municipality of Middlesex Centre	Last Date of Appeal:	DRAFT
Subject Lands:	CON 6 N PT LOT 8	Lapsing Date:	DRAFT

NOTICE OF DECISION

On Application for Approval of Draft Plan of Subdivision

Section 51 of the Planning Act

Approval of Draft Plan of Subdivision to the application in respect of the subject lands noted above was given by the County of Middlesex on (DATE). A copy of the conditions for final plan approval are attached.

When and How to File an Appeal

Notice to appeal the decision to the Ontario Land Tribunal must be filed with the County of Middlesex no later than 20 days from the date of this notice as shown above as the last date of appeal.

The notice of appeal should be sent to the attention of the Director of Planning, at the address shown below and it must,

- (1) set out the reasons for the appeal, and
- (2) be accompanied by the fee prescribed under the Ontario Land Tribunal Act payable by cheque to the Minister of Finance, Province of Ontario.

Who Can File An Appeal

Only specified persons, corporation or public bodies may appeal the decisions in respect of 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.

No specified 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 specified 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, in the Ontario Land Tribunal's opinion, there are reasonable grounds to add the specified person or public body as a party.

Right of Applicant or Public Body to Appeal Conditions

The applicant, any public body that, before the approval authority made its decision, made oral submissions at a public meeting or written submissions to the approval authority, the Minister of Municipal Affairs & Housing or the Municipality may, at any time before the final plan of subdivision/condominium is approved, appeal any of the conditions imposed by the County of Middlesex to the Ontario Land Tribunal by filing with the Director of Planning a notice of appeal.

How to Receive Notice of Changed Conditions

The conditions of an approval of draft plan of subdivision/condominium may be changed at any time before the final plan is given. You will be entitled to receive notice of any changes to the conditions of approval of draft plan of subdivision/condominium if you have made a written request to be notified of changes to the conditions of approval of the draft plan of subdivision/condominium.

No specified 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 specified 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.

Other Related Applications: Official Plan Amendment (OPA 54) and Zoning By-law Amendment (ZBA-08-2021)

Getting Additional Information: Additional Information about the application is available for public inspection during regular office hours at the County of Middlesex at the address noted below.

Mailing address for Request to be Notified

County of Middlesex - Planning Department | 399 Ridout Street North | London ON N6A 2P1
T: 519.434.7321 F:519.434.0638 Email : dvanderwerff@middlesex.ca

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The conditions and amendments to final plan of approval for registration of this Subdivision as provided by the County of Middlesex are as follows:

No.	Conditions
1.	That this approval applies to the draft plan of subdivision prepared and signed by Terry Dietz, OLS dated March 27, 2024 which shows: <ul style="list-style-type: none"> • Lots 1 through 19 for single detached dwellings; • Blocks 22 through 24 for road widening; • Blocks 25 through 36 for 0.3 m reserves; and • Blocks 38 through 51 for driveway easements.
2.	That the development occur on the basis of municipal water, private individual on-lot stormwater controls and private individual septic systems subject to approval by the Municipality based on a subsurface investigation and sewage impact assessment undertaken for the subject lands by a qualified person to the satisfaction of the Municipality. This shall include the establishment of suitable building envelopes, septic bed areas and contingency septic bed areas for each lot relative to the private services and utility easements that may exist on abutting lots.
3.	That prior to the final approval the Owner dedicate to the County of Middlesex, as appropriate, all applicable blocks and reserves including Blocks 22 through 36.
4.	That prior to the final approval the lots shall be addressed to the satisfaction of the Municipality in consultation with the County of Middlesex. This shall include permanent and temporary municipal address signage during all stages of construction, and street signage, as needed, which shall be required through the Subdivision Agreement.
5.	That prior to final approval, the Owner convey up to 5% of the subject land to the Municipality for park purposes. Alternatively, the Municipality may require cash-in-lieu of parkland dedication of all or a portion of the conveyance pursuant to Section 42 of the Planning Act.
6.	That prior to final approval, the County is to be advised by the Municipality that appropriate zoning is in effect for the Plan of Subdivision. The existing regulated area overlay, shown on Schedule A, on the subject property in the Zoning By-law should remain.
7.	That the Owner erect a sign to the satisfaction of the Municipality, within 90 days of the Draft Approval date, depicting the approved Draft Plan of Subdivision and zoning.
8.	That the Owner and the Municipality enter into a subdivision agreement ("Subdivision Agreement") pursuant to Section 51 (26) of the Planning Act to be registered on title of the lands to which it applies prior to the Plan of Subdivision being registered. Further that the Subdivision Agreement shall include provisions that it will also be registered against the lands to which it applies once the plan of subdivision has been registered.
9.	That the Subdivision Agreement shall satisfy all requirements of the Municipality related to financial, legal, planning and engineering matters including but not limited to; grading and drainage, stormwater management, planting of trees, landscaping, provision of community mailboxes, fencing, street lighting, sidewalks and other amenities, the provision and installation of municipal water and private sanitary services, the installation of underground electrical services, and other matters which may be required by the Municipality respecting the development of the Plan of Subdivision, including the payment of Municipal Development Charges in accordance with the Municipality's Development Charge By-Law.
10.	That prior to final approval the Owner shall enter into an agreement with Canada Post Corporation for the installation of community mailboxes or arrange for individual mail delivery, if necessary. The

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subdivision agreement shall include requirements to notify all prospective lot purchasers of the mailbox(es) location.

11. That the Owner shall enter into an agreement with the appropriate utility and service providers for the installation of underground communication / telecommunication utility services for these lands to enable, at a minimum, the effective delivery of the broadband internet services and communication / telecommunication services for 911 Emergency Services.
12. That the Subdivision Agreement shall ensure that the persons who first purchase the subdivided land after the final approval of the plan of subdivision are informed, at the time the land is transferred, of all the development charges related to the development, pursuant to Section 59(4) of the Development Charges Act.
13. That such easements as may be required for access, utility, servicing, or drainage purposes shall be granted to the appropriate authority or user, at the expense of the Owner.
14. That prior to final approval, arrangements shall be made to the satisfaction of the Municipality for the relocation of any utilities required for the development of the Plan, which relocation shall be undertaken and provided at the expense of the Owner.
15. That prior to final approval, a Municipal Drain Report be prepared or updated as required to relocate, enlarge or otherwise modify or create a Municipal Drain to benefit the proposed development at the sole cost of the Owner. Prior to final approval, arrangements shall be made to the satisfaction of the Municipality for the relocation of municipal drains, establishing easements, and determining building setbacks, as required for the development of the Plan of Subdivision. The relocation and associated undertakings shall be completed at the sole cost of the Owner.
16. That prior to final approval, the Owner shall complete any necessary studies/works to ensure safe access to Lot 1 to the satisfaction of the Upper Thames River Conservation Authority. Modifications to the Municipal Drain (Ballymote North Drain and Ballymote East Drain) and engineering assessment(s) to demonstrate the provision of safe access to Lot 1 will be completed at the sole expense of the Owner. If safe access to Lot 1 cannot be demonstrated to the satisfaction of the Upper Thames River Conservation Authority, Lot 1 will need to be removed from the subdivision plan.
17. That prior to final approval, the Owner shall provide certification, through an As-built Survey, that the works to the Municipal Drain (Ballymote North Drain and Ballymote East Drain) and Medway Road culvert have been completed to the satisfaction of the Upper Thames River Conservation Authority at the sole expense of the Owner.
18. That prior to final approval, a Licensed Archaeologist shall provide a letter to the Municipality and the County indicating that there are no concerns for impacts to archaeological sites on the subject lands. This is to be accompanied by a Ministry of Tourism, Culture and Sport letter indicating that the licensee has met the Terms and Conditions for Archaeological Licensing and that the report has been entered into the Ontario Public Register of Archaeological Reports.
19. That the Subdivision Agreement between the Municipality and the Owner provides for the following:
 - a) municipal assumption and ownership of any facilities required for the retention and enhancement of stormwater quality will not occur until assumption of the subdivision and noting that facilities on private lands will not be assumed; and
 - b) the inclusion of any environmental protection measures recommended in the final storm water management plan that are not capable of being addressed under the Ontario Water Resources Act.

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20. The Stormwater Management Report shall address all external drainage catchment areas and the drainage catchment areas must be fully accounted for in the final design and ensure that flows from external lands are not impeded.
21. Complete a Municipal Class Schedule EA for the establishment of drainage infrastructure outside of the plan of subdivision and outside of an existing utility corridor, if required.
22. That prior to final approval through application to the Municipality, amend the Municipal Consolidated Linear Infrastructure Environmental Compliance Approval (CLI ECA) for storm sewers, if required
23. That prior to final approval the Owner provide the following relevant studies to the satisfaction of the Municipality and recommendations be included within the subdivision agreement:
 - a) Hydrogeological Study
 - b) Geotechnical Study
 - c) Stormwater Management Report
 - d) Sewage Impact Assessment Report or similar Nitrate Study demonstrating that the development meets the guidelines of the Ministry of the Environment, Conservation and Parks' (MECP's) publication "D-5-4 Individual On-Site Sewage Systems: Water Quality Impact Risk Assessment"
 - e) Private Comprehensive Servicing report
 - f) Development Assessment Report/Environmental Impact Study
24. That the Owner prepare for the review a final consolidated Development Assessment Report (DAR) which compiles the various wetland, natural hazard and natural heritage submissions submitted to date and addresses the outstanding comments noted therein. Recommendations will be incorporated into the Subdivision Agreement to the satisfaction of the Municipality.
25. All external improvements within the County Road right-of-way, including drainage improvements, road, and utilities, shall be designed and constructed at the sole cost and responsibility of the Owner.
26. That prior to final approval, the Owner extend the municipal watermain system on Medway Road to service proposed lots at the sole responsibility and cost of the Owner.
27. The Owner will be required to dedicate lands up to 18 metres from the centerline of construction of County Road 23 (Highbury Avenue Road North) and County Road 28 (Medway Road) for road widening purposes to the County of Middlesex.
28. The Subdivision Agreement shall ensure that persons who first purchase the subdivided land after final approval of the plan of subdivision are informed, at the time that the land is transferred, that each of the lots within the subdivision will share a driveway with an abutting lot, as described in Condition 27 below, and that entrance permits will be required from the County Engineer's Office in order to facilitate same.
29. That the Owner establish 6 metre by 6 metre shared driveway easements along the mutual lot lines of Lots 6 and 7, Lots 8 and 9, Lots 10 and 11, Lots 12 and 13, Lots 14 and 15, and Lots 17 and 18 as shown on the draft plan of subdivision dated March 27, 2024.
30. The Subdivision Agreement, Homeowner's Education Guide (HEG), and Agreements of Purchase & Sale include details about on-site private servicing. The following must be included: a) that future landowners and/or tenants are educated on the proper installation, use and maintenance of

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different types of on-site private servicing systems including septic system technology; b) that controls must be in place to regularly monitor the on-site private servicing systems to ensure proper function including the requirement that a maintenance agreement be entered into for the life of any non-conventional septic system as required by the Ontario Building Code, and; c) mechanisms must be in place to ensure future replacement of the on-site private servicing system meets a similar, or higher, level of nitrate control.

31. The Subdivision Agreement and Homeowner's Education Guide (HEG) include recommendations from the hydrogeological assessment that identifies restrictions of use of private driveway and sidewalk de-icing salt, water softeners and fertilizers within the development. The HEG should include a warning or information regarding potential odours due to proximity to normal farm practices.
32. The Subdivision Agreement, Homeowner's Education Guide (HEG), and Agreements of Purchase & Sale include details acknowledging the noise and traffic volume, including trucks and agricultural vehicles that are expected to continue to increase over time along the County Roads.
33. That the Owner submit for the review and approval of the Upper Thames River Conservation Authority the following: i) a Final Stormwater Management Report; ii) a Sediment and Erosion Control Plan; and iii) Final Detailed Servicing and Grading Plans.
34. That in accordance with Ontario Regulation 41/24 made pursuant to Section 28 of the Conservation Authorities Act, the Owner shall obtain the necessary permits/approvals from UTRCA prior to undertaking any site alteration or development within the UTRCA Regulated Area including filling, grading, construction, site alteration to watercourse and/or interference with a wetland.
35. The Owner shall complete the water service connection from for 21496 Highbury Avenue from the curb stop to the connection to the internal plumbing of the house and ensure the existing well is fully disconnected from all house plumbing so it is no longer used as source of potable water.
36. The Owner install a privacy fence no taller than 2.13 m on the north side of Lot 6 abutting the existing commercial use, to the satisfaction of the Municipality.
37. That prior to final approval, the County is to be advised in writing by the Municipality of Middlesex Centre, how conditions 1 through 2, 4 through 15, 18 through 24, 26, 30 through 31, and 35 through 36 have been satisfied.
38. That prior to final approval, the County is to be advised in writing by the County Engineer how conditions 3, 25, 23, 27 through 29, and 32 have been satisfied.
39. That prior to final approval, the County is to be advised in writing by the Upper Thames River Conservation Authority how conditions 16 through 17, and 33 through 34 have been satisfied.

NOTES TO DRAFT APPROVAL

1. Draft approval for this plan of subdivision is for a period of three (3) years from the date of decision. Any request made by the Owner to the Approval Authority to extend the lapsing date must be made 60 days prior to the lapsing date and include a written confirmation from the municipality endorsing the extension.
2. 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 approval authority, quoting the file number.
3. It is suggested that the applicant be aware of:
 - a) subsection 144 (1) of The Land Titles Act, which requires all new plans be registered in a

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land titles system;

- b) subsection 144 (2) - allows certain exceptions.
4. Inauguration, or extension of a piped water supply, a communal sewage system or a storm water management system, is subject to the approval of the Ministry of Environment under Section 52 and Section 53 of the Ontario Water Resources Act.
 5. The Ministry of Environment must be advised immediately should waste materials or other contaminants be discovered during the development of this plan of subdivision.
 6. A copy of the subdivision agreement must be provided to the County of Middlesex (Planning Department) prior to final plan approval.
 7. If the agency's condition concerns a condition in the subdivision agreement, a copy of the agreement should be sent to them. This will expedite clearance of the final plan.
 8. When the zoning by-law amendment required in Condition 6 is being prepared, reference to this subdivision application file number should be included in the explanatory note. This will expedite the County of Middlesex and other agencies' consideration of the by-law.
 9. Clearance is required from the following agencies:

Municipality of Middlesex Centre | 10227 Ilderton Road, Coldstream, ON N0M 2A0

Upper Thames River Conservation Authority | 1424 Clarke Road, London, ON N5V 5B9

County of Middlesex | 399 Ridout Street N, London, ON N6A 2P1
 10. All measurements in subdivision final plans must be presented in metric units.
 11. The final plan approved by the County of Middlesex must include the following paragraph on all copies (3 Mylars and 4 paper) for signature purposes:

"Approval Authority Certificate
This Final Plan of Subdivision is approved by the County of Middlesex under
Section 51(58) of the Planning Act, R.S.O. 1990, on this _____ day of .
_____, 202_.

Director of Planning"
 12. The final plan must be submitted digitally in AutoCAD (DWG) and Portable Document Format (PDF) with the appropriate citation from the Planning Act used. The AutoCAD (DWG) file must be consistent with the following standards:
 - Georeferenced to the NAD83 UTM Zone 17N coordinate system.
 - All classes of features must be separated into different layers.
 - Each layer should be given a descriptive name so that the class of feature it contains is recognizable.
 13. The final plan approved by the County of Middlesex must be registered within 30 days or the County may withdraw its approval under Subsection 51(59) of the Planning Act.