

<b>Applicant:</b>	10919 Longwoods Road Inc.	<b>Date of Decision:</b>	XXXXXXXX, 2024
<b>File No.:</b>	39T-MC-CDM2002	<b>Date of Notice:</b>	XXXXXXXX, 2024
<b>Municipality:</b>	Municipality of Middlesex Centre	<b>Last Date of Appeal:</b>	XXXXXXXX, 2024
<b>Subject Lands:</b>	Lot 6, Concession 1 (Delaware)	<b>Lapsing Date:</b>	XXXXXXXX, 2027

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## **NOTICE OF DECISION**

### **On Application for Approval of Draft Plan of Subdivision**

### **Section 51 of the Planning Act**

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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 October 26, 2021. A copy of the decision including the conditions for final plan approval and the lapsing provision is attached.

#### **Public and Agency Comments**

All written and oral submissions received on the application were considered; the effect of which helped to make an informed recommendation and decision.

#### **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 must 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,
- (2) be accompanied by the fee prescribed under the Ontario Land Tribunal Act, and
- (3) include the completed appeal form(s) from the Ontario Land Tribunal's website.

#### **Who Can File An Appeal**

Only individuals, corporations or public bodies may appeal 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 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.

Notwithstanding the above, subsection 51(48.3) of the Planning Act prescribes the eligible 'persons' that may appeal the decision to the Ontario Land Tribunal.

#### **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 or the Municipality in which the land is located may, at any time before the final plan of subdivision/condominium is approved, appeal any of the conditions imposed by the approval authority to the Ontario Land Tribunal by filing a notice of appeal with the Director of Planning.

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

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.

**Other Related Applications:** ZBA 17-2021

### **Getting Additional Information**

Additional information about the application are available by contacting the Director of Planning, [dvanderwerff@middlesex.ca](mailto:dvanderwerff@middlesex.ca) or 519-434-7321 extension 2262.

### **Mailing address for Request to be Notified**

County of Middlesex - Planning Department | 399 Ridout Street North | London ON N6A 2P1

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T: 519.434.7321 F:519.434.0638 Email : [dvanderwerff@middlesex.ca](mailto:dvanderwerff@middlesex.ca)

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

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<b>No.</b>	<b>Conditions</b>
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- 1) That this approval applies to the draft plan of condominium prepared and signed by P.R. Levac, OLS dated December 4, 2023 which shows:
  - Units 1 to 18 for light industrial development;
  - Private Road; and
  - Storm water Management Pond.
- 2)
  - a) No development of the Plan of Condominium may begin until all external infrastructure and services required for the development of the Plan of Condominium are in place or there is an executed agreement to complete the external infrastructure and services; including municipal water supply, treatment and conveyance infrastructure and sewage treatment and waste water conveyance infrastructure. For the purpose of these conditions, services being “in place” means that the infrastructure exists and is operational to the satisfaction of the Municipality and that capacity in such infrastructure has been formally allocated by the Municipality for use in connection with the development of the Plan of Condominium. External capacity of any services will be formally allocated through the execution of a Development Agreement for each phase of the development as Municipal capacity allows. Should the Municipal Engineer deem there to be insufficient external capacity for any of the required municipal services, the Municipality has no obligation to provide such capacity within the lapse period, or at any time. The Municipality may include language in each Development Agreement regarding the allocation of external capacity.
  - b) that, in connection with all financing proposals and commitments and all offers and agreements of purchase and sale made by or to the Owner involving all or any part of the land covered by the Plan of Condominium that has not been registered, there shall be a written acknowledgement given by the other party or parties of item 2.a. above and of receiving a copy of the draft plan conditions which acknowledgement will be produced by the Owner to the Municipality on request.
- 3) That the Plan of Condominium shall be developed on municipal water services, and on-site private sewage system and private storm water management practices. Prior to final approval of the development, the Municipality shall confirm that municipal and private services are ‘in place’ as described in Condition No. 2.
- 4) That the Owner extend a municipal watermain to service the site and ensure potable water is provided to the entire development. The Municipality will pay a portion of the cost to extend the watermain. A clause shall be included in the development agreement identifying the cost sharing proportions of the developer and the Municipality, and the timing of such payment as required.
- 5) For the purposes of firefighting, the Owner is required to identify an appropriate flow rate through the extended municipal watermain. If the flow rate is not acceptable for fire suppression, the Owner is required to install individual dry hydrant water tanks within the common areas of the condominium as approved by the Fire Chief.
- 6) That the Owner install gravity sanitary sewers for a future connection to a sanitary system on external lands.
- 7) That the Owner provide private stormwater quality and quantity control for the entire development to the satisfaction of the Municipality.

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- 8) That the Owner install groundwater elevation monitoring adjacent to the Stormwater Management Pond block to the satisfaction of the Municipality for a period of up to 3 years after 80% of the units are built upon, and that monthly reads are provided to the Municipality.
- 9) That the property be aligned a longwoods Road Municipal Address and that each unit be assigned a unit number to the satisfaction of the Municipality in consultation with the County of Middlesex. This shall include permanent and temporary address signage during all stages of construction which shall be required through the subdivision agreement.
- 10) That prior to final approval, the County is to be advised by the Municipality that appropriate zoning is in effect for the Plan of Condominium.
- 11) That the Owner and the Municipality enter into a development agreement ("Development 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 Condominium being registered. Further that the Development Agreement shall include provisions that it will also be registered against the lands to which it applies once the plan of condominium has been registered.
- 12) That the Development Agreement satisfy all requirements of the Municipality related to financial, legal, planning and engineering matters including but not limited to; grading and drainage, planting of trees, landscaping, provision of community mailboxes, fencing, buffering, street lighting and other amenities, the provision and installation of full municipal water and sanitary services for future use (not to be connected until a future outlet is established through the adjacent lands), the installation of underground electrical services, and other matters which may be required by the Municipality respecting the development of the Plan of Condominium, including the payment of Municipal Development Charges in accordance with the Municipality's Development Charge By-Law.
- 13) If necessary, that the Owner shall enter into an agreement with Canada Post Corporation for the installation of community mailboxes.
- 14) The Owner shall enter into an agreement with the appropriate 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.
- 15) That the Development Agreement shall ensure that the persons who first purchase the subdivided land after the final approval of the plan of condominium 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.
- 16) That such easements as may be required for utility, servicing, or drainage purposes shall be granted to the appropriate authority, at the expense of the Owner.
- 17) 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.

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- 18) That prior to final approval the developer provide the following relevant studies to the satisfaction of the Municipality:
  - a) Hydrogeological study
  - b) Geotechnical study
  - c) Stormwater management report
  - d) Servicing report
  - e) Sewage Impact Assessment demonstrating compliance with MECP Procedure D-5-4 to the satisfaction of the Municipality.
  - f) Archaeological study
  - g) Noise study
  - h) Development Assessment Report (DAR)
  - i) Traffic impact study
- 19) 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.
- 20) That the Owner install fencing along the shared property boundary of 10987 Longwoods Road to the satisfaction of the Municipality.
- 21) That the Development Agreement for the condominium acknowledge that individual site plan agreements must be entered into with the Municipality for new development proposed on Units 1 through 18, and that the site plan agreements conform to the Development Agreement for the condominium.
- 22) That a Hold symbol be placed on Units 1 to 18 until a Noise Study and Servicing Report is completed to the satisfaction of the Municipality prior to new development on each Unit.
- 23) That the developer construct all municipal servicing (storm, sanitary, and water) to municipal standards and construct all private roads in accordance with the municipal site plan design criteria and all of which shall be to the satisfaction of the Municipality.
- 24) That the Owner convey up to 2% of the land included in this plan to the Municipality for park purposes. Alternatively, the Municipality will require cash-in-lieu of all or a portion of the conveyance.
- 25) That prior to final approval, the Owner shall submit for the review and approval of the Upper Thames River Conservation Authority, County of Middlesex (County Engineer) and the Municipality a final storm water management plan, and the sediment and erosion control measures incorporated into the plans to enhance the quality of storm water discharges and to control erosion and sedimentation during and after construction. The final sediment and erosion control plan, and final detailed servicing and grading plans shall identify drainage and sediment and erosion control strategies.

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- 26) The Hydrogeological study shall include a Chloride Impact Assessment and will be completed to the satisfaction of the Ministry of the Environment, Conservation and Parks (MECP) and the Municipality, and shall obtain the necessary approvals from the MECP.
- 27) The Owner will be required to dedicate lands up to 18 metres from the centerline of construction of County Road 2 (Longwoods Road) for road widening purposes to the County of Middlesex.
- 28) That the entire frontage along County Road 2 (Longwoods Road) created by this draft plan shall be terminated in 0.3 metre reserves to be conveyed to the County of Middlesex.
- 29) That the Owner construct a right and left turn lane suitable for industrial traffic including large trucks at the entrance to the site to the satisfaction of the County of Middlesex.
- 30) That the Owner obtain a work or entrance permit prior to construction or any work completed within the County road allowance.
- 31) That prior to final approval, the County is to be advised in writing by the Municipality of Middlesex Centre how conditions 1 through 26 have been satisfied.
- 32) That prior to final approval, the County is to be advised in writing by the Upper Thames River Conservation Authority how condition 25 has been satisfied.
- 33) That prior to final approval, the County is to be advised in writing by the County Engineer, how conditions 25, and 27 through 30 have been satisfied.

#### **NOTES TO DRAFT APPROVAL**

1. Draft approval for this plan of condominium 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 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 condominium.
6. A copy of the Development 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 Development 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 5 is being prepared, reference to this

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condominium 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 N0M 2A0
  - Upper Thames River Conservation Authority | 1424 Clarke Road, London, N5V 5B9
  - County Engineer – County of Middlesex | 399 Ridout Street North, London, ON N6A 2P1
  
10. All measurements in condominium 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 mylar and 4 paper) for signature purposes:
 

*“Approval Authority Certificate  
 This Final Plan of Condominium 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  
 Middlesex County”*
  
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.