

<b>Applicant:</b>	2270942 Ontario Limited	<b>Date of Decision:</b>	DRAFT
<b>File No.:</b>	39T-MC2004	<b>Date of Notice:</b>	DRAFT
<b>Municipality:</b>	Municipality of Middlesex Centre	<b>Last Date of Appeal:</b>	DRAFT
<b>Subject Lands:</b>	LOBO CON 2 PT LOT 6	<b>Lapsing Date:</b>	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 in the amount of \$300.00 payable by cheque to the Minister of Finance, Province of Ontario.

#### Who Can File An Appeal

Only individuals, 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 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, in the Ontario Land Tribunal's opinion, there are reasonable grounds to add the 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 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.

#### Other Related Applications: ZBA/24/2020

**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](mailto: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:

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No.	Conditions
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1. That this approval applies to the draft plan of subdivision prepared and signed by P.R. Levac, OLS dated 2021, which shows:
  - Lots 1 to 48 for single detached dwellings;
  - Block 55 for residential lot addition;
  - Block 49 for street townhouse/lot addition
  - Blocks 50 and 51 for future development;
  - Block 52 for temporary turning circle/future development;
  - Block 53 for a 4.82 m wide walkway/trail;
  - Block 54 for stormwater management;
  - Blocks 56 to 61 for 0.3 m reserves; and
  - Public roads.
2.
  - a) No development of the Plan of Subdivision may begin until all external infrastructure and services required for the development of the Plan of Subdivision are in place; 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 Subdivision. 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 Subdivision 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 development of the draft plan of subdivision shall be undertaken in phases to the satisfaction of the Municipality and that all phases of development will be subject to conditions 1 - 31 unless indicated otherwise.
4. That dead ends or open sides of road allowances of municipal roads created by this draft plan of subdivision shall be terminated in 0.3 metre reserves and the reserves are to be conveyed to and held in trust by the Municipality.
5. That prior to the final approval of Phase 3, the Owner dedicate to the Municipality all applicable blocks and reserves for the turning circle on Street B, and that such turning circle be constructed to a permanent standard unless otherwise detailed in the subdivision agreement.
6. That prior to the final approval of Phase 3, the Owner dedicate to the Municipality all applicable blocks and reserves for future access to the lands to the east of the subject lands.

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7. That prior to the final approval of each phase, the associated the streets shall be named and the lots shall be addressed to the satisfaction of the Municipality in consultation with the County of Middlesex. This shall include permanent and temporary road names and municipal address signage during all stages of construction, and street signage which shall be required through the subdivision agreement.
8. That prior to final approval, the Owner convey up to 5% of the subject land to the Municipality for park purposes, this shall include Block 53 but shall not include Block 54. Alternatively, the Municipality may accept cash-in-lieu of parkland dedication of all or a portion of the conveyance pursuant to Section 42 of the Planning Act.
9. That the subdivision agreement for Phase 2 require the construction of a 1.8 metre wide asphalt walkway/trail in Block 53 to the satisfaction of the Municipality and that a connection to such a walkway/trail be provided from "Street A".
10. That prior to final approval of each phase, the County is to be advised by the Municipality that appropriate zoning is in effect for the Plan of Subdivision.
11. That the Owner and the Municipality enter into a subdivision agreement ("Subdivision Agreement") for each phase 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.
12. That each Subdivision Agreement applicable to an individual phase 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 pond, 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, 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.
13. If necessary, that prior to final approval of each phase the Owner shall enter into an agreement with Canada Post Corporation for the installation of community mailboxes. The subdivision agreement shall include requirements to notify all prospective lot purchasers of the mailbox(es) location.
14. That prior to final approval for each phase 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 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.
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, 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 south side of Oxbow Drive along the entire frontage of the subject lands shall be urbanized to the satisfaction of the Municipality and such costs shall be borne entirely by the development.
20. That prior to final approval of each phase, 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 final phase of the development; 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.
21. That an outlet agreement and easements with neighbouring properties are obtained, as required to implement the stormwater management plan, for external stormwater management outlets.
22. That prior to final approval of Phase 2 or Phase 3, whichever occurs first, an agreement and easement over the other lands owned by the applicant permits use of the remnant aggregate extraction pond to receive stormwater runoff.
23. As part of the works for Phase 2 and Phase 3, the developer includes traffic calming measures and/or devices, if required, to the satisfaction of the Municipality to aid in controlling vehicle speed on the streets proposed within the plan of subdivision.
24. That prior to final approval the developer provide the following relevant studies to the satisfaction of the Municipality:
  - a) Hydrogeological study (including Chloride Impact Assessment)
  - b) Geotechnical study
  - c) Stormwater management report
  - d) Servicing report
  - e) Traffic impact study
25. That prior to final approval for any lots created and graded by engineered fill, the Owner shall provide documentation to the Municipality from a professional engineer licensed to practice in Ontario certifying that the fill areas have been compacted and completed under full time inspection to better or equal industry best practices and the affected lots are suitable and safe for residential development, to the satisfaction of the Municipality.
26. That the developer shall provide each prospective lot purchaser and new homeowner with information about the fill area and extent of the fill area by registering this information and a fill map on title to the satisfaction of the Municipality.

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27. A Holding Symbol will be placed on Blocks 50, 51 and 52 to prevent premature development of the lands. The Holding symbol would remain until a subdivision agreement for Phase 3 is entered into the with Municipality. The subdivision agreement shall speak to future development of Blocks 50, 51 and 52.
28. That the Subdivision Agreement between the Owner and Municipality shall include a provision that the Owner convey, upon registration of the plan, Block 55 to either the Municipality for road allowance, or the adjacent owner and that the Block 55 be transferred to the adjacent owners and be merged in the exact same name and title.
29. The stormwater management plan will be completed to the satisfaction of the Upper Thames River Conservation Authority and the Municipality, and shall obtain the necessary approvals from the Ministry of the Environment, Conservation and Parks (MECP). Such report shall be prepared for the entire development and detail interim measures for the development of Phase 1.
30. 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.
31. That prior to final approval, the County is to be advised in writing by the Municipality of Middlesex Centre, how conditions 1 through 30 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 29 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 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 5 is being prepared, reference to this

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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 N0M 2A0

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

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*  
*\_\_\_\_\_, 201\_\_\_\_\_.*

\_\_\_\_\_  
*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.
14. All the above conditions shall apply to every Phase of development unless otherwise noted.