

Applicant:	Putnam Road Holdings	Date of Decision:	March 12, 2024
File No.:	39T-TC-CDM2301	Date of Notice:	March 14, 2024
Municipality:	Thames Centre	Last Date of Appeal:	April 3, 2024
Subject Lands:	Lot 3, Concession 1	Lapsing Date:	March 12, 2027

NOTICE OF DECISION
On Application for Approval of Draft Plan of Condominium
Section 51 of the Planning Act

Approval of Draft Plan of Condominium to the application in respect of the subject lands noted above was given by the County of Middlesex on March 12, 2024. 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.

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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.

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 subdivision 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 Local Planning Appeal Tribunal's opinion, there are reasonable grounds to add the person or public body as a party.

Other Related Applications: none

Getting Additional Information

Additional Information about the application is available for public inspection. The Middlesex County Administration Building is open to the public by appointment. Alternative forms of accessing additional information about the application are also available. Please contact the Director of Planning and Development dvanderwerff@middlesex.ca or 519-434-7321 extension 2262 to make arrangements.

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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Conditions of Draft Plan Approval

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

No.	Conditions
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1. That this approval applies to the draft plan of vacant land condominium prepared by Archibald, Gray & McKay Ltd. (AGM) and signed by Robert Wood, OLS dated March 6, 2023, and showing:
 - Three (3) units to support industrial development (Units 1 to 3).
 - One common element.

2. That the units shall be addressed to the satisfaction of the Municipality of Thames Centre (“Municipality”) in consultation with the County of Middlesex (“County”).

3. That the Owner provide cash-in-lieu of parkland dedication to the Municipality pursuant to the Planning Act equal to 2% of the value of the land.

4. That prior to final approval, the Approval Authority is to be advised by the Municipality that appropriate zoning is in effect for the development.

5. 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.

6. That the Owner and the Municipality enter into a Condominium 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 Condominium 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.

7. That the Condominium Agreement between the Owner and the Municipality shall satisfy all requirements of the Municipality related to financial (including property taxes), legal, planning and engineering matters including but not limited to the provision of landscaping and other amenities; the installation of underground utilities and other matters of the Municipality respecting the development of this land, including the payment of Municipal Development Charges in accordance with the Municipality’s Development Charge By- Law.

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8. That prior to registration the Owner shall submit for the review and approval of the Municipality a comprehensive Stormwater Management Plan for all of the land subject to the Draft Plan of Condominium Application.
9. That prior to registration the Owner shall submit for the review and approval of the Municipality a comprehensive plan for utility servicing (gas, hydro, fibre etc.) for all of the land subject to the Draft Plan of Condominium Application and furthermore that any easements as may be required for utility, servicing, drainage or any other purposes shall be granted to the appropriate authority.
10. That prior to registration, the Owner shall submit a draft condominium declaration document for review by the Municipality. The condominium declaration shall contain details on servicing allocation for each unit, stormwater allocation for each unit along with a summary of interests and obligations related to the Common Elements for each unit. Further, the declaration shall contain wording advising that future development of each of the units shall be subject to site plan approval.
11. That the Owner enter into an agreement with Canada Post Corporation for the installation of community mailboxes.
12. That prior to final approval, that the Owner shall obtain any necessary approval(s) under the Drainage Act to facilitate legal outlet to discharge stormwater to the satisfaction of the Municipality.
13. That the Condominium 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.
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 the servicing of the lands shall occur on the basis of private individual wells and private individual septic systems subject to the approval of the Municipality based on a subsurface investigation and sewage impact assessment undertaken for the subject lands by a qualified person retained by the Owner and to the satisfaction of the Municipality.

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16. That prior to final approval, the Owner shall be responsible to have the existing on-site potable water well decommissioned as per Ontario Regulation 903 by a qualified well technician and a copy of the MECP water well record confirming said decommissioning shall be provided to the Municipality.
17. That prior to final approval, that the Owner shall be required to remove any existing buildings and structure to the satisfaction of the Municipality.
18. That prior to final approval, that the Owner shall remove the existing driveway on Putnam Road (County Road 30) and crossing the railway and restore the affected lands to the satisfaction of the County of Middlesex and the Railway Authority and subject to any applicable permit(s).
19. That prior to final approval, that the Owner shall be required to contribute to intersection improvements at Breen Road and Putnam Road (County Road 30) including traffic signals and railway crossing improvements, to the satisfaction of the Municipality and the County.
20. That a 0.3 metre reserve be created along the entire frontage of the property along Putnam Road (County Road 30) to be conveyed to the County of Middlesex.
21. That prior to final approval, a Licensed Archaeologist shall provide a letter to the Municipality indicating that there are no concerns for impacts to archaeological sites on the subject lands. This is to be accompanied by a letter from the Ministry having jurisdiction 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.
22. That prior to final approval, that the Owner obtain a minor variance approval to address the frontage deficiency of Unit 3 shown on the draft plan.
23. That prior to final approval, that the Owner shall satisfy the following requirements to the satisfaction of the Upper Thames River Conservation Authority ("UTRCA"):
 - a. The Owner shall submit a Flood Modeling Assessment for the Adam Drain.
 - b. The Owner shall classify if the erosion hazard associated with the Adam Drain is part of a confined or unconfined system and delineate the extent of the erosion hazard based on the Technical Guide River & Stream Erosion Hazard Limit (MNR, 2002). For confined portions of the system, a Slope Stability Assessment shall be required. For unconfined portions of the system, a Meander Belt Analysis shall be required.

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- c. The Owner shall submit a Concept Plan which clearly delineates the extent of the flood and erosion hazards on the subject lands as determined through the site-specific assessments. The Concept Plan must demonstrate that the hazard lands are contained within one unit (block) and that there is a suitable building envelope outside of the hazard lands for future development and related infrastructure to the satisfaction of the UTRCA.
 - d. Access to all units (blocks) shall be dry during a regulatory storm, and shall not result in any downstream and upstream impacts. If access to Unit (Block) 3 cannot be obtained south of the Adam Drain, the Owner shall submit detailed designs for an Adam Drain crossing. As part of the design the Owner shall review the entirety of the drain to assess alternative locations for the crossing/access to the satisfaction of the UTRCA.
 - e. In accordance with Ontario Regulation 157/06 made pursuant to Section 28 of the Conservation Authorities Act, the Owner shall obtain the necessary permits/approvals from the UTRCA prior to undertaking any site alteration or development within the UTRCA Regulated Areas including filling, grading, construction, site alteration to watercourse and/or interference with a wetland.
24. That prior to final approval, that the Owner shall satisfy the following requirements to the satisfaction of the Ministry of Transportation (MTO):
- a. The Owner shall submit a stormwater management report along with grading/drainage plans for the proposed development for review and approval.
 - b. The Owner shall submit to the MTO for review and approval, a copy of a Traffic Impact Study indicating the anticipated traffic volumes and their impact on the Provincial Highway network.
 - c. Highway improvements identified from the MTO's review and analysis of the Traffic Impact Study will be the financial responsibility of the Owner and a Legal Agreement shall be required to be entered into between the Owner and the MTO.
 - d. Any lands that are deemed to be required for the purposes of Highway improvements are to be dedicated to the MTO as public Highway and designated as controlled access highway on the Owner's certificate of the Final Plan.

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- e. Arrangements shall be made to the satisfaction of the Ministry of Transportation for the erection of a security fence, offset 0.3 metres from the property line where it abuts MTO owned lands along Highway 401.
 - f. The Owner shall submit to the MTO for review and approval a Draft Plan of Condominium.
 - g. The Owner shall provide the MTO for review and approval, the Conditions of Draft Plan Approval to ensure MTO requirements have been incorporated.
- 25. That prior to final approval, the County is to be advised in writing by the Municipality how conditions 1 to 22 have been satisfied.
 - 26. That prior to final approval, the County is to be advised in writing by the County Engineer how conditions 18 to 20 have been satisfied.
 - 27. That prior to final approval, the County is to be advised in writing by the UTRCA how condition 23 has been satisfied.
 - 28. That prior to final approval, the County is to be advised in writing by the MTO how condition 24 has been satisfied.

NOTES TO DRAFT APPROVAL

- 1. Draft approval for this plan of condominium is for a period of three years from the date of decision. Any request made by the Owners 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.

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4. It is the applicant's responsibility to obtain any necessary permits from the Conservation Authority in accordance with Ontario Regulation 171/06 made pursuant to Section 28 of the Conservation Authorities Act, where applicable.
5. 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, Conservation and Parks under Section 52 and Section 53 of the Ontario Water Resources Act.
6. That the removal of trees should take place outside of the core breeding period for migratory birds (April 6 to August 16), as identified by the Canadian Wildlife Service to ensure compliance with the *Migratory Birds Convention Act*.
7. That the trees to be removed shall be removed outside of the bat active season (April 1 to October 1) to prevent harm to the species in order to meet Ministry of Natural Resources and Forestry requirements.
8. That the Construction activities should only take place in accordance with noise by-law. All lighting equipment should be turned off outside of operational hours.
9. The Ministry of Environment, Conservation and Park must be advised immediately should waste materials or other contaminants be discovered during the development of this plan of condominium.
10. A copy of the condominium agreement must be provided to the County of Middlesex (Director of Planning) prior to final plan approval.
11. When the zoning by-law amendment required in the conditions is being prepared, reference to this 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.
12. Clearance is required from the following agencies:
 - Municipality of Thames Centre | 4305 Hamilton Rd, Dorchester
 - Middlesex County Engineer | 399 Ridout Street N, London
 - Upper Thames River Conservation Authority, 1424 Clarke Rd, London
 - Ministry of Transportation | 659 Exeter Road, London

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13. All measurements in condominium final plans must be presented in metric units.
14. The final plan approved by the County of Middlesex must include the following paragraph on all copies (1 mylar and 2 paper) for signature purposes:

“Approval Authority Certificate
39T-TC-CDM2301

Parts _____ & _____ approved and Part _____ exempted under Section 9 of the Condominium Act and Section 51 of the Planning Act on this _____ day of _____, 20____.

Durk Vanderwerff, Director of Planning and Development
County of Middlesex”

15. 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.
16. 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.

File No. _____
 Subject to the conditions, if any, set forth in our letter dated _____ day of _____, 2023, this draft plan is approved under Section 51 of the Planning Act and Section 9 of the Condominium Act, 1998, this _____ day of _____, 2023.



KEY PLAN (Not to Scale)

DRAFT PLAN OF VACANT LAND CONDOMINIUM
 OF PART OF
LOT 3, CONCESSION 1,
SOUTH OF
THE RIVER THAMES
 (GEOGRAPHIC TOWNSHIP OF NORTH DORCHESTER)

IN THE
MUNICIPALITY OF THAMES CENTRE
COUNTY OF MIDDLESEX
 SCALE 1:1000
 SCALE IN METERS
 2023
ARCHIBALD, GRAY & McKAY LTD.
ONTARIO LAND SURVEYORS

SURVEYOR'S CERTIFICATE:
 I CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SURVEYED AS SHOWN ON THIS PLAN AND THEIR RELATIONSHIP TO ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN.
 MARCH 14, 2023
 DATE
 ROBERT WOOD
 ONTARIO LAND SURVEYOR

OWNERS CERTIFICATE:
 I HEREBY SUBMIT THIS DRAFT PLAN OF VACANT LAND CONDOMINIUM.
PUTNAM ROAD HOLDINGS INC.
 MARCH 14, 2023
 DATE
 MANDEEP GHOSE
 DIRECTOR
 I HAVE THE AUTHORITY TO BIND THE CORPORATION

ADDITIONAL INFORMATION REQUIRED UNDER SECTION 51 (17) OF THE PLANNING ACT.

(a) AS SHOWN ON PLAN	(g) AS SHOWN ON PLAN
(b) AS SHOWN ON PLAN	(h) NO WATER SERVICE
(c) AS SHOWN ON KEY PLAN	(i) SILTY CLAY LOAM-MODERATELY WELL TO IMPERFECT DRAINAGE
(d) VACANT LAND CONDOMINIUM UNITS	(j) AS SHOWN ON PLAN
(e) AS SHOWN ON PLAN	(k) NONE
(f) AS SHOWN ON PLAN	(l) NONE

SITE DATA :

UNIT 1	1	2.67010 HECTARES	23.43%
UNIT 2	2	2.51791 HECTARES	19.30%
UNIT 3	3	5.95200 HECTARES	52.03%
COMMON ELEMENT		0.58976 HECTARES	5.16%
TOTAL		11.43889 HECTARES	100.00%

CURRENT ZONING : GENERAL INDUSTRIAL (M1) ZONE

UTM GRID NOTES
 BEARINGS AND U.T.M. GRID COORDINATES (C.S.R.S.) (2011.0) DERIVED FROM G.P.S. OBSERVATIONS USING REAL TIME NETWORK (RTN).
 U.T.M. ZONE 17, NAD83 (CSRS) (2011.0) COORDINATES TO URBAN ACCURACY PER SEC. 14(2) OF O.M.E.A. 210/11
 LINEAR VALUES SHOWN ON THIS PLAN ARE ADJUSTED GROUND LEVEL DISTANCES AND CAN BE CONVERTED TO HORIZONTAL DISTANCES BY MULTIPLYING BY A CORRECTION SCALE FACTOR OF 0.999531710.

POINT ID	EASTING	NORTHING
ORP 1	4752845.294	504114.822
ORP 2	4752848.084	504022.027
ORP 3	4752848.252	504027.217

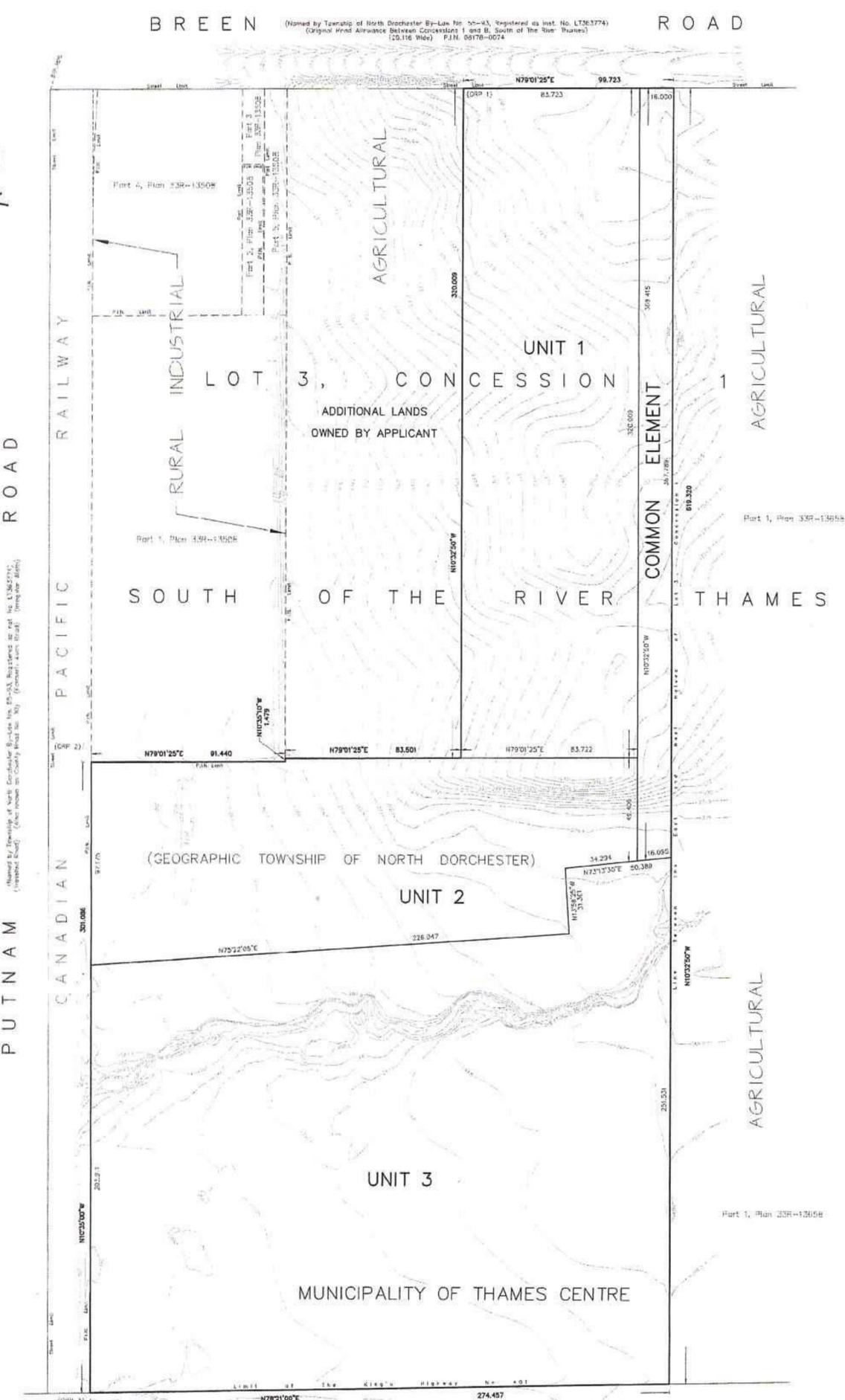
COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES ON THIS PLAN.

METRIC: DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METERS AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

AGM ARCHIBALD, GRAY & McKAY LTD.
 3514 WHITE OAK ROAD, LONDON, ON, N6E 2Z9
 PHONE: 519-838-8300 FAX: 519-838-8305
 PLAN • SURVEY • ENGINEER EMAIL: info@agm.on.ca WEB: www.agm.on.ca

DRAWN BY: MORTON DIGITAL FILE: EN2206 DRAFT CC.dwg PLAN No.
 CHECKED BY: RMM CADD FILE: EN2206 DRAFT CC.dwg
 PLOT DATE: FEB 9 2023 FILE No.: CORN-21(5)-03-3

L-6030



THE KING'S HIGHWAY No. 401
 (Established by Decree of the Queen in Council, P.L.M. 08178-0004)

Subject to the Conditions as set out in the Notice of Decision, dated March 14, 2024, this Draft Plan is approved pursuant to Section 51 of the Planning Act, RSO 1990.

(Signature)
Durk Vanderwerff
 Director of Planning