

<b>Applicant:</b>	Upper Queen Condominiums	<b>Date of Decision:</b>	April 9, 2024
<b>File No.:</b>	39T-TC-CDM2201	<b>Date of Notice:</b>	April 23, 2024
<b>Municipality:</b>	Thames Centre	<b>Last Date of Appeal:</b>	May 13, 2024
<b>Subject Lands:</b>	Lot 15, Concession 3	<b>Lapse Date:</b>	April 9, 2027

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

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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 April 9, 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 and Development, 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:** Zoning By-law Amendment File No. Z9-22  
Official Plan Amendment File No. 39-TC-OPA30

### **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](mailto: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](mailto: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 Condominium 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 condominium dated October 24, 2023 and prepared by MTE Ontario Land Ltd. showing:
  - 38 units to support residential development in the form of townhouse units (Units 1 to 38); and
  - Common element features generally including the private road network, visitor parking spaces, stormwater management facility and community mailbox site.
  
2. That prior to final approval, the County of Middlesex be advised by the Municipality that appropriate zoning is in effect for the proposed development as well as conformity with the Thames Centre Official Plan.
  
3. That the Owner provide a cash-in lieu of parkland dedication to the Municipality pursuant to Section 42 of the Planning Act, equal to 5% of the value of the value of the land based on a professional real estate appraisal with all costs borne by the Owner and undertaken to the satisfaction of the Municipality.
  
4. That 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 land to which it applies prior to the plan of condominium being registered. Further that the Condominium Agreement shall include provisions that will also be registered against the land to which it applies once the plan of condominium has been registered.
  
5. That the Condominium Agreement between the Owner and the Municipality shall satisfy all requirements of the Municipality related to financial, legal, planning and engineering matters including but not limited to grading and drainage, landscaping, fencing, the provision of community mailboxes, street lighting and other amenities; the installation of full municipal water and sanitary services, the installation of underground utilities, recommended and approved noise mitigation measures, and other matters of the Municipality respecting the development of this land including the payment of development charges in accordance with the Municipality's Development Charges By-laws.

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6. That the Condominium Agreement between the Owner and the Municipality shall ensure that persons who first purchase the 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 Subsection 59 (4) of the Development Charges Act.
7. That prior to final approval, the Owner shall submit for the review and approval of the Municipality, a final stormwater management plan and sediment and erosion control plan incorporating necessary measures to enhance the quality of stormwater discharges and to control erosion and sedimentation during and after construction. The final stormwater management plan and sediment and erosion control plan, and the final detailed servicing and grading plans shall identify drainage and sediment and erosion control strategies. The final stormwater management plan shall also provide details with respect to the monitoring and maintenance of the stormwater management facilities.
8. That the Condominium Agreement between the Owner and the Municipality address the following additional requirements:
  - a) That the subject lands retain the current municipal address being 233 Upper Queen Street and each condominium unit shall be assigned a unit number to the satisfaction of the Municipality of Thames Centre in consultation with the County of Middlesex. This shall include temporary unit numbering signage posted during the construction process and replaced with permanent unit numbering signage posted prior to unit occupancy.
  - b) That there be consultation with the Municipal Fire Chief ensuring fire hydrant locations meeting firefighting purposes.
  - c) That a permanent “No Exit” sign be posted beyond the entrance of the development to demonstrate that the said road is not a through route and to the satisfaction of the Municipality.
  - d) That the Owner retain a certified arborist to undertake a tree assessment to assist with retaining as many existing mature trees as possible currently located along the periphery of the subject lands.
9. That the Owner enter into an agreement with Canada Post Corporation for the installation of community mailboxes.

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10. That the Owner shall enter into an agreement with the appropriate service providers for the installation of underground communication/ telecommunication utility services for this land to enable, at a minimum, the effective delivery of communication/ telecommunication services for 911 Emergency Services.
11. That prior to final approval, the Owner shall have a plan prepared by a professional landscaped architect to the satisfaction of the Municipality with respect to the entrance of the site along Upper Queen Street including but not limited to black wrought iron fencing and landscaping treatments.
12. That any easements as may be required for utility, servicing, drainage or any other purposes shall be granted to the appropriate authority.
13. That prior to final approval, arrangements shall be made to the satisfaction of the Municipality for the relocation of any utilities required by the development of the subject land to be undertaken at the expense of the Owner.
14. That prior to final approval, the Owner shall submit for the review and approval of the Municipality a hydrogeological report examining the groundwater conditions and recommending engineering criteria for the design and construction of the proposed development.
15. That prior to final approval, the Owner shall satisfy the County of Middlesex and the Municipality requiring the Owner to construct all underground services outside of the travelled portion of the road such that at least one lane of traffic can be maintained for service repairs or reconstruction. The private road should also be designed such that emergency response vehicles including fire trucks can maneuver in and out of the condominium development.
16. That prior to final approval a Licensed Archaeologist shall provide a letter to the Municipality and County indicating that there are no concerns for impacts to archaeological sites on the subject land. 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.
17. That prior to final approval, all existing buildings and structures be removed from the subject lands to the satisfaction of the Municipality subject to any applicable permits that may be required.

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18. That prior to final approval, the following requirements shall be addressed to the satisfaction of the Canadian National Railway:
- a) The Owner shall engage a consultant to undertake an analysis of noise. Subject to the review of the noise report, the Railway may consider other measures recommended by an approved Noise Consultant.
  - b) The following clause should be inserted in all development agreements, offers to purchase, and agreements of Purchase and Sale or Lease of each dwelling unit within 300m of the railway right-of-way:

“Warning: Canadian National Railway Company or it assigns or successors in interest has or have a rights-of-way within 300 metres from the land the subject hereof. There may be alterations or expansions of the railway facilities on such rights0of- way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). CNR will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way.”
  - c) The Owner shall through restrictive covenants to be registered on title and all agreements of purchase and sale or lease provide notice to the public that the noise isolation measures implemented are not to be tampered with or altered and further that the Owner shall have sole responsibility for and shall maintain these measures to the satisfaction of CN.
  - d) The Owner shall enter into an Agreement with CN stipulating how CN's concerns will be resolved and will pay CN's reasonable costs in preparing and negotiating the agreement.
  - e) The Owner shall be required to grant CN an environmental easement for operational noise and vibration emissions, registered against the subject property in favour of CN.
19. That prior to final approval, the County of Middlesex is to be advised in writing by the Municipality of Thames Centre how conditions 1 through 17 have been satisfied.
20. That prior to final approval, the County of Middlesex is to be advised in writing by the County Engineer how condition 15 has been satisfied.
21. That prior to final approval, the County of Middlesex is to be advised in writing by the Canadian National Railway how condition 18 has been satisfied.

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## 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.
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.

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10. A copy of the condominium agreement must be provided to the County of Middlesex (Director of Planning and Development) 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
  - CN Rail | 935 de LA Gauchiere Street West, Montreal
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-CDM2201

*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.

County of Middlesex  
 Received  
 DEC 05 2023  
 Planning and Development  
 Department

SUBJECT TO THE CONDITIONS, IF ANY, SET FORTH IN OUR LETTER DATED \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_. THIS DRAFT PLAN IS APPROVED UNDER SECTION 51 OF THE PLANNING ACT AND SECTION 9 OF THE CONDOMINIUM ACT 1998, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

SUBDIVISIONS AND SPECIAL PROJECTS APPROVAL AUTHORITY  
 MUNICIPALITY OF THAMES CENTRE



DRAFT PLAN OF VACANT LAND CONDOMINIUM OF PART OF  
**LOT 15, CONCESSION 3**  
 (GEOGRAPHIC TOWNSHIP OF WEST NISSOURI)  
 IN THE  
**MUNICIPALITY OF THAMES CENTRE**  
 COUNTY OF MIDDLESEX  
 MTE | OLS LTD., ONTARIO LAND SURVEYORS

SCALE 1:500  
 0 2 4 6 8 10 20 30 METRES

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

**SITE DATA**  
 PROPERTY AREA: 9,937.34 sq.m. (0.9937 ha.) (2.455 acres)  
 PROPOSED USE: TOWN HOUSE  
 ZONE: R3

DETAIL	REQUIRED	PROPOSED
LOT AREA (sq.m.) MIN	250 sq.m./UNIT	255.51sq.m./UNIT
LOT FRONTAGE (m)	30m MIN	30.61m
FRONT YARD DEPTH (m)	10m MIN	10.1m
EXTERIOR SIDE YARD WIDTH (m)	10m MIN	N/A
SIDE YARD WIDTH (m)	10m MIN	2.50m
REAR YARD DEPTH (m)	10m MIN	6.06m
LOT COVERAGE (%)	35% MAX	34.7%
LANDSCAPED OPEN SPACE (%)	30% MIN	37.1%
BUILDING HEIGHT (m)	15.0m MAX	13.0m (3 STOREY)
No. OF UNITS		38
No. OF PRIVATE PARKING SPACES		142
No. OF VISITOR PARKING SPACES		8

- (FR) FIRE ROUTE SIGN
- [Symbol] FIRE ROUTE SHOWN  
6.0m WIDE WITH R=12m C/L
- ALL GARBAGE TO BE STORED IN GARAGES AND PUT AT CURB SIDE WHEN READY FOR PICK-UP
- SNOW STORAGE SHALL BE MANAGED ON AND OFF SITE

Subject to the Conditions as set out in the Notice of Decision, dated April 23, 2024, this Draft Plan is approved pursuant to Section 51 of the Planning Act, RSO 1990.

*Durk Vanderwerff*  
 Durk Vanderwerff  
 Director of Planning and Development

- NOTES**
- [Symbol] DENOTES MONUMENT FOUND
  - [Symbol] MONUMENT SET
  - [Symbol] STANDARD IRON BAR
  - [Symbol] SHORT STANDARD IRON BAR
  - [Symbol] IRON BAR
  - [Symbol] ROUND IRON BAR
  - [Symbol] CUT CROSS
  - [Symbol] WITNESS
  - [Symbol] MTE OLS LTD
  - [Symbol] ARCHIBALD, GRAY & McKAY, O.L.S.
  - [Symbol] C.M. FRASER, O.L.S.
  - [Symbol] SPECIFIED CONTROL POINT
  - [Symbol] PLAN 33R-20020
  - [Symbol] PLAN 33R-20160
  - [Symbol] PLAN OF SURVEY BY HOLSTEAD & REDMOND LIMITED DATED JULY 12, 1984 (FILE: 84-0510)
  - [Symbol] PLAN 33R-8622
  - [Symbol] PLAN 33R-862
  - [Symbol] INSTRUMENT No. 672279
  - [Symbol] BOARD FENCE
  - [Symbol] CHAIN LINK FENCE
  - [Symbol] WIRE FENCE
  - [Symbol] FIRE HYDRANT
  - [Symbol] DECIDUOUS TREE (CALIPER mm CANOPY mm RADIUS)
  - [Symbol] CONIFEROUS TREE (CALIPER mm CANOPY mm RADIUS)
- UNIT DISTANCES SHOWN ALONG CURVES ARE ARC DISTANCES

**SURVEYOR'S CERTIFICATE**  
 I CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED AND THEIR RELATIONSHIP TO ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN ON THIS PLAN.

OCTOBER 24, 2023  
 DATE  
 JEREMY C.E. MATTHEWS  
 ONTARIO LAND SURVEYOR

**OWNER'S CERTIFICATE**  
 I HEREBY AUTHORIZE THE SUBMISSION OF THIS PLAN IN DRAFT FORM.  
 1134594 ONTARIO INC.

Nov 3/23  
 DATE  
 RANDY MACKAY - PRESIDENT  
 I HAVE THE AUTHORITY TO BIND THE CORPORATION

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

(A) AS SHOWN	(G) AS SHOWN
(B) AS SHOWN	(H) MUNICIPAL WATER AVAILABLE
(C) AS SHOWN	(I) SANDY LOAM
(D) RESIDENTIAL SINGLE FAMILY CONDOMINIUM UNITS	(J) AS SHOWN
(E) AS SHOWN	(K) MUNICIPAL STORM & SANITARY SEWERS, HYDRO, GAS
(F) AS SHOWN	(L) AS SHOWN

BEARINGS ARE UTM GRID DERIVED FROM SPECIFIED CONTROL POINTS 02819942006 AND 20220150080 UTM ZONE 17, NAD83 (CSRS-2010.0) CAN BE CONVERTED TO GRID DISTANCES BY MULTIPLYING BY A COMBINED SCALE FACTOR OF 0.999569425

SPECIFIED CONTROL POINTS (SCP'S) - UTM ZONE 17, NAD83 (CSRS-2010.0) GRID COORDINATES TO URBAN ACCURACY PER SEC. 14 (2) OF O.REG. 216/10

POINT ID	NORTHING	EASTING
SCP 02819942006	4768211.505	484251.932
SCP 20220150080	4772334.604	486168.884

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

**MTE** MTE ONTARIO LAND SURVEYORS LTD.  
 123 ST. GEORGE STREET  
 LONDON, ONTARIO, N6A 3A1  
 TEL: 519-204-6510

Surveyed By: \_\_\_\_\_ Checked By: JCEM File No: 50693-101  
 Drawn By: MN/DL Date: OCT 24 2023 Drawing: 50693-101-2.dwg

