

Applicant:	Fairview Subdivision	Date of Decision:	November 12, 2019
File No.:	39T-TC-1902	Date of Notice:	November 13, 2019
Municipality:	Municipality of Thames Centre	Last Date of Appeal:	December 3, 2019
Subject Lands:	Lot 16, Concession 3	Lapsing Date	November 12, 2028
		Revised by the County:	June 16, 2025

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 by Development Engineering (London) Limited and signed by Jason Wilband, OLS dated October 2, 2019 and showing the following: <ul style="list-style-type: none"> • 67 lots for single detached dwellings (Lots 1 to 10 & Lots 18 to 74) • 7 lots for semi-detached dwellings (Lots 11 to 17) • one (1) block for stormwater management (Block 75) and • one (1) block for future road connection (Block 77)
2.	That the development of the draft plan of subdivision may be phased subject to the approval of an overall phasing plan for the development of the entire site to the satisfaction of the Municipality. For the purposes of this condition, the development of a phase may only proceed when the Municipality is satisfied that all of the external infrastructure/services for that stage are "in place" as described in condition 4.
3.	That the draft plan of subdivision shall be developed on full municipal services, including sanitary sewers, municipal water and urban storm water management practices. Prior to final approval of each phase of the development, the Municipality shall confirm that full municipal services are 'in place' as described in condition 4.
4.	That no development of the draft plan of subdivision shall commence until all external infrastructure and services required for the development of the lands affected 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 draft plan of subdivision.
5.	That the road allowances included on the draft plan of subdivision shall be shown and dedicated to the Municipality as public highways.
6.	That the County shall be advised by the Municipality of any required unopened road allowance be dedicated as a public highway.

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7. That all streets, including any unopened road allowance to be dedicated as a public highway, shall be named and the lots addressed on the draft plan of subdivision to the satisfaction of the Municipality and the County.
8. That the Owner be required to construct the road extensions shown on the draft plan relative to the unopened road allowances to the satisfaction of the Municipality, at the sole expense of the Owner.
9. That the Owner shall provide cash-in-lieu of parkland dedication being 5% of the appraised value of the subject lands to the satisfaction of the Municipality.
10. That prior to final approval, the County is to be advised by the Municipality that appropriate zoning is in effect for the draft plan of subdivision.
11. 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.
12. That the Subdivision Agreement satisfy all requirements of the Municipality related to financial, legal, planning and engineering matters including but not limited to the provision of roads, temporary roads and turning circles, pedestrian walkways, grading and drainage, planting of trees, landscaping, provision of community mailboxes, fencing, buffering, noise mitigation requirements, 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.
13. 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 prior to final approval, that the Owner shall obtain any necessary approval(s) under the Drainage Act to facilitate legal outlet to discharge stormwater.

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16. 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.
17. That such easements as may be required for utility, servicing, or drainage purposes shall be granted to the appropriate authority.
18. 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.
19. That prior to final approval, the Owner shall submit for the review and approval of the Upper Thames River Conservation Authority and 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 final detailed servicing and grading plans shall identify drainage and sediment and erosion control strategies. The final stormwater management plan shall also provide detail with respect to the monitoring and maintenance of the stormwater management facilities.
20. That prior to final approval, the Municipality shall advise the County 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 detention and enhancement of storm water quality, and for the purpose of ensuring perpetual maintenance and operation; and
 - b. the inclusion of any environmental protection measures recommended in the final stormwater management plan required by condition 18 that are not capable of being addressed under the Ontario Water Resources Act.
21. 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 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.

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22. That prior to final approval, the Owner shall address the following requirements to the satisfaction of the Canadian National Railway (CN):
- a. Safety setback of habitable buildings from the railway rights-of-way to be a minimum of 30 metres in conjunction with a safety berm. The safety berm shall be adjoining and parallel to the railway rights-of-way with returns at the ends, 2.5 metres above grade at the property line, with side slopes not steeper than 2.5 to 1.
 - b. The Owner shall engage a consultant to undertake an analysis of noise. At a minimum, a noise attenuation barrier shall be adjoining and parallel to the railway rights-of-way, having returns at the ends, and a minimum total height of 5.5 metres above top-of-rail. Acoustic fence to be constructed without openings and of a durable material weighing not less than 20 kg. per square metre of surface area. Subject to the review of the noise report, the Railway may consider other measures recommended by an approved Noise Consultant.
 - c. Ground-borne vibration transmission to be evaluated in a report through site testing to determine if dwellings within 75 metres of the railway rights-of-way will be impacted by vibration conditions in excess of 0.14 mm/sec RMS between 4 Hz and 200 Hz. The monitoring system should be capable of measuring frequencies between 4 Hz and 200 Hz, ± 3 dB with an RMS averaging time constant of 1 second. If in excess, isolation measures will be required to ensure living areas do not exceed 0.14 mm/sec RMS on and above the first floor of the dwelling.
 - d. The Owner shall install and maintain a chain link fence of minimum 1.83 metre height along the mutual property line. Any proposed alterations to the existing drainage pattern affecting railway property must receive prior concurrence from the Railway and be substantiated by a drainage report to the satisfaction of the Railway.
 - e. Any proposed alterations to the existing drainage pattern affecting railway property must receive prior concurrence from the Railway and be substantiated by a drainage report to the satisfaction of the Railway.
 - f. 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:

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- 1) **“Warning:** Canadian National Railway Company or its 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 to or expansions of the railway facilities on such rights-of-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.”
 - g. 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 safety berm, fencing, noise mitigation and vibration 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. This condition shall be met through a Development Agreement entered into with CN and registered on title. The Proponent will be responsible for paying CN’s reasonable costs in preparing this agreement.
 - h. 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. 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. This agreement must be registered on title.
23. That prior to final approval, that turning lanes be provided on King Street at the entrance of the subdivision opposite Lions Lane to the satisfaction of the County of Middlesex, in the form of road paint should the asphalt be of a sufficient width. If the asphalt is not of sufficient width, then all costs for the expansion of King Street including design and construction will be the responsibility of the Developer.
24. That prior to final approval, the County is to be advised in writing by the Municipality how conditions 1 to 21 have been satisfied.
25. That prior to final approval, the County is to be advised in writing by the Upper Thames River Conservation Authority how condition 19 has been satisfied.
26. That prior to final approval, the County is to be advised in writing by CN how condition 22 has been satisfied.
27. That prior to final approval, the County is to be advised in writing by the County Engineer how condition 23 has been satisfied.

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NOTES TO DRAFT APPROVAL

1. Draft approval for this plan of subdivision is for a period of nine (9) 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 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, as amended.
5. The Ministry of Environment, Conservation and Parks must be advised immediately should waste materials or other contaminants be discovered during the development of this plan of subdivision.
6. It is the applicant's responsibility to obtain any necessary permits from the Conservation Authority having jurisdiction in accordance with Ontario Regulation 157/06 made pursuant to Section 28 of the Conservation Authorities Act, as amended.
7. A copy of the subdivision agreement must be provided to the County of Middlesex (Planning Department) prior to final plan approval.
8. 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.
9. When the zoning by-law amendment required in condition 9 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.

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10. Clearance is required from the following agencies:
- Municipality of Thames Centre | 2305 Hamilton Road | Dorchester, ON N0L 1G0
 - Upper Thames River Conservation Authority | 1424 Clarke Road | London, ON N5V 5B9
 - Canadian National Railway | 935 de La Gauchetière Street West | Montreal, PQ H3B 2M9
 - County Engineer | Middlesex County Administration Building | 399 Ridout Street North | London, ON N6A 2P1

11. All measurements on final plans must be provided in metric units.

12. 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 and Development
Middlesex County”*

13. The final plan must be submitted digitally in AutoCAD (DWG) and Portable Document Format (PDF) using the appropriate citation from the Planning Act. 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.

14. 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 as amended.

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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 November 12, 2019. 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 Local Planning Appeal 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 Local Planning Appeal 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 Local Planning Appeal 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 Local Planning Appeal 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 Local Planning Appeal 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: Zoning By-law Amendment Z16-2019

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

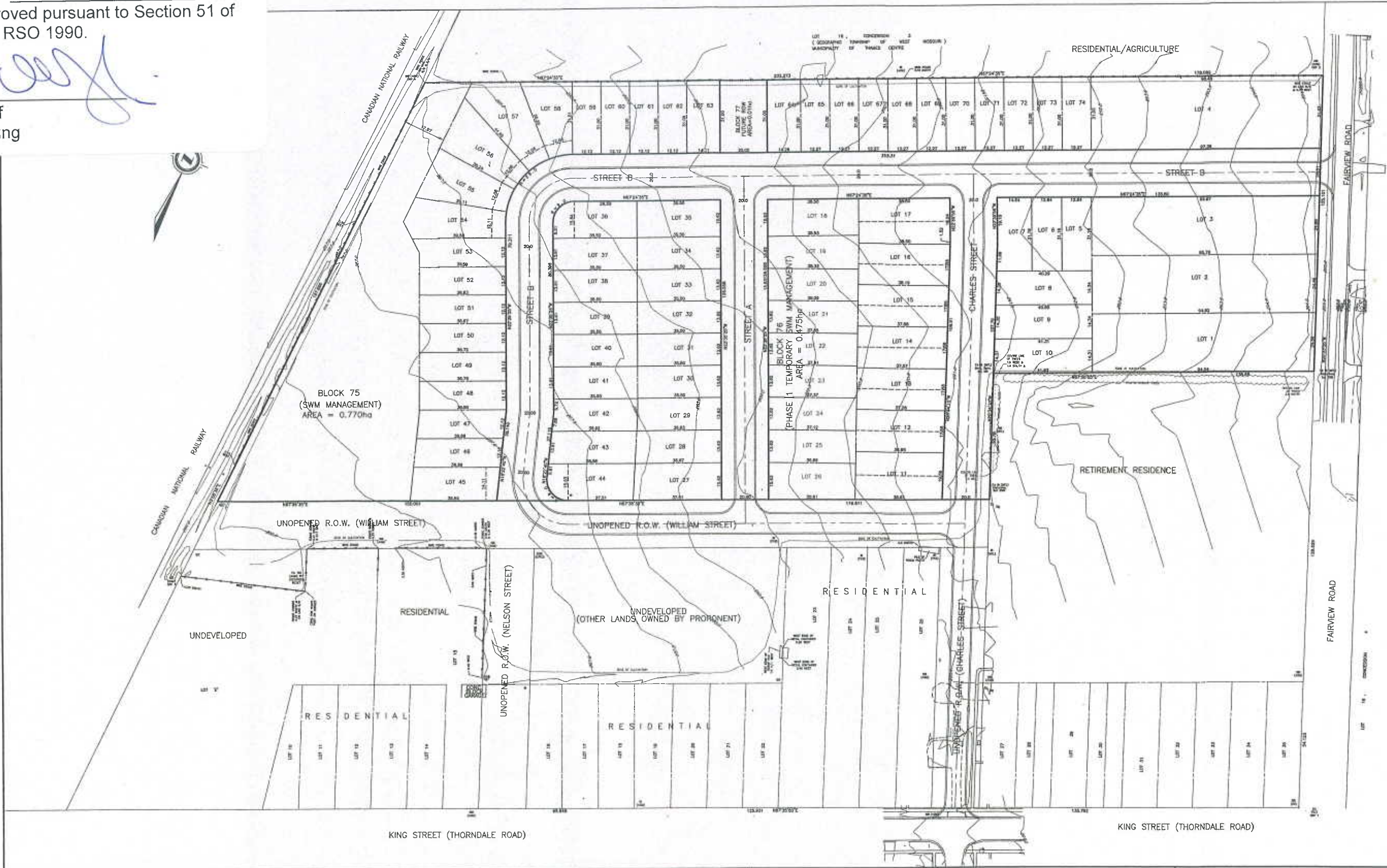
Subject to the Conditions as set out in the Notice of Decision, dated November 13, 2019, this Draft Plan is approved pursuant to Section 51 of the Planning Act, RSO 1990.

Durk Vanderwerff
Director of Planning

County of Middlesex
Received

OCT 4 2019

Planning Department



	DRAFT PLAN OF SUBDIVISION PART 1 of LOT 16, CONCESSION 3 FORMER TOWNSHIP OF WEST MISSOURI THORNDALE SETTLEMENT AREA MUNICIPALITY OF THAMES CENTRE COUNTY OF MIDDLESEX	OWNER'S CERTIFICATE I hereby authorize the firm of Development Engineering (London) Limited to submit this proposed Plan of Subdivision. JANE ELLIOTT Oct 2, 2019 DATE	REQUIREMENTS UNDER SECTION 51(17) OF THE PLANNING ACT a) AS SHOWN ON PLAN b) AS SHOWN ON PLAN c) AS SHOWN ON KEY PLAN d) LOW DENSITY RESIDENTIAL e) AS SHOWN ON PLAN f) AS SHOWN ON PLAN g) AS SHOWN ON PLAN h) FILL WATER i) SILTY CLAY, SILT AND SAND j) AS SHOWN ON PLAN k) FULL SERVICES l) AS SHOWN ON PLAN m) AS SHOWN ON PLAN	LAND USE SCHEDULE SINGLE FAMILY RESIDENTIAL LOTS 1 TO 10 = 18.30 Ha SEMI-DETACHED RESIDENTIAL LOTS 11 TO 17 BLOCKS 75 STREET A, STREET B, FUTURE ROW AND CHARLES STREET TOTAL LAND AREA (81.5%) 4.324 Ha (8.9%) 0.478 Ha (11.0%) 0.770 Ha (20.7%) 1.455 Ha (100%) 7.027 Ha	FAIRVIEW SUBDIVISION THORNDALE, ONTARIO 1732435 ONTARIO LTD.	
		SURVEYOR'S CERTIFICATE I hereby certify that the boundaries of the land to be subdivided as shown on the plan and their relationship to adjacent lands are accurately and correctly shown. JOHN WILSON, OLS ARCHAEOLOGICAL & SURVEY LIMITED Oct 2/19 DATE			development engineering CONSULTING CIVIL ENGINEERS Suite 100 41 Adelaide St. N., Unit 11 (416) 475-8000 Fax: (416) 475-8001 (416) 475-8002	SCALE: 1:750 PROJECT NO. DEL16-009 SHEET NO. DP-1 PLAN FILE NO.