

<b>Applicant:</b>	North Street Condominium	<b>Date of Decision:</b>	June 25, 2024
<b>File No.:</b>	39T-TC-CDM2303	<b>Date of Notice:</b>	July 4, 2024
<b>Municipality:</b>	Municipality of Thames Centre	<b>Last Date of Appeal:</b>	July 24, 2024
<b>Subject Lands:</b>	Part Lot 11, Concession 4, NRT	<b>Lapsing Date</b>	June 25, 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 condominium to the application in respect of the subject lands noted above was given by the County of Middlesex on June 25, 2024. 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 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**

Subsections 51(39) and 51(48) of the Planning Act defines the parties that are eligible to appeal the decision to the Ontario Land Tribunal.

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.

#### **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.

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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:** Subdivision File No. 39T-TC2102

### **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 Condominium file No. 39T-TC-CDM2303 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 May 6, 2024, and prepared by MTE Ontario Land Surveyors Ltd. showing:
  - 25 units to support residential development in the form of single detached dwellings (Units 1 to 25); and
  - Common element features generally including the private road network, stormwater management facility and community mailbox site.
2. That the draft plan of condominium shall be developed on full municipal services, including sanitary sewers, municipal water and urban storm water management practices. Prior to final approval of the development, the Municipality shall confirm that full municipal services are 'in place' as described in condition 3.
3. That no development of the draft plan of condominium 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 wastewater 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 condominium.
4. That the Owner shall enter into an agreement with the Municipality for the pre-payment of development charges to assist with the financing of required capital works for wastewater conveyance in the form of a pumping station and forcemain necessary to service the subject lands in accordance with the Municipality's Development Charges Background Study.
5. That a comprehensive traffic impact study be undertaken by a qualified professional to the satisfaction of the Municipality based on the cumulative impact of the following draft plan applications: 39T-TC2202 (Auburn Developments), 39T-TC2102 (246 North Inc.), 39T-TC-CDM2303 (246 North Inc.) and 39T-TC-CDM2302 (D. Charabin Holdings Inc.). Furthermore, that any recommended and approved mitigation measures be cost-shared amongst the foregoing developments on a per housing unit basis.

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6. That final approval shall be granted to Application for Draft Plan of Subdivision (39T-TC2102) submitted by 246 North Inc.
7. That prior to final approval, the County of Middlesex be advised by the Municipality that appropriate zoning is in effect for the proposed development.
8. 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.
9. 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 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.
10. 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 a community mailboxes, street lighting and other amenities; the installation of full municipal water and sanitary services, the installation of underground utilities, recommended and approved EIS 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.
11. 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.
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 the Owner provide 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 land based on a professional real estate appraisal with all costs borne by the Owner and undertaken to the satisfaction of the Municipality.

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15. That the Owner enter into an agreement with Canada Post Corporation for the installation of community mailboxes.
16. 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 interface of the site along North Street including but not limited to black wrought iron fencing and landscaping treatments.
17. 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.
18. That prior to final approval, any 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.
19. That prior to final approval, the owner shall submit an Environmental Impact Study to the satisfaction of the Municipality to ensure there are no unacceptable adverse impacts on adjacent natural heritage features and any recommended and approved mitigation measures shall be implemented by the condominium agreement.
20. That prior to final approval, the Owner shall submit a final Geotechnical Assessment for review and approval by the Municipality.
21. That prior to final approval, that 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.
22. The Owner shall provide a Final Hydrogeological Study to the satisfaction of the UTRCA and the Municipality.
23. The Owner shall provide a Final Functional Servicing Report and Stormwater Management to the satisfaction of the UTRCA and the Municipality.
24. The Owner shall submit a detailed Grading Plan, and Erosion and Sediment Control (ESC) drawings supported by notes, guidelines, standards, inspection, monitoring and reporting signed and dated by a professional engineer to the satisfaction of the UTRCA and the Municipality.

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25. That prior to final approval, the owner shall obtain a Section 28 permit under the Conservation Authorities Act shall be obtained from the Upper Thames River Conservation Authority ("UTRCA") prior to the commencement of any development or site alteration within the UTRCA's Regulated Area including filling, grading, construction, site alteration to watercourse and/or interference with a wetland.
26. That prior to final approval, the County of Middlesex is to be advised in writing by the Municipality of Thames Centre how conditions 1 to 24 (inclusive) have been satisfied.
27. That prior to final approval, the County is to be advised in writing by the Upper Thames River Conservation Authority how conditions 22, 23, 24 and 25 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 Village 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 condominium agreement must be provided to the County of Middlesex (Planning Department) prior to final plan approval.

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7. If the agency's condition concerns a condition in the condominium agreement, a copy of the agreement should be sent to them. This will expedite clearance of the final plan.
8. Clearance is required from the following agencies:
  - Municipality of Thames Centre | 4305 Hamilton Rd., Dorchester, ON
  - Upper Thames River Conservation Authority | 1424 Clarke Road, London, ON
9. All measurements in condominium final plans must be presented in metric units.
10. The final plan approved by the County of Middlesex must include the following paragraph on all copies (1 mylar and 1 paper) for signature purposes:

"Approval Authority Certificate  
39T-TC-CDM2303

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 \_\_\_\_\_, 20 \_\_\_\_\_.

\_\_\_\_\_  
Durk Vanderwerff, Director of Planning and Development"

11. 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.
12. 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.
13. All the above conditions shall apply to every phase of development unless otherwise noted.

  
Durk Vanderwerff  
Director of Planning and Development

MAY 14 2024

Planning and Development  
Department



key plan                      not to scale

DRAFT PLAN OF CONDOMINIUM  
of all of  
BLOCK 9  
PLAN 33M-undep  
in the  
MUNICIPALITY OF THAMES CENTRE  
COUNTY OF MIDDLESEX

MTE OLS LTD.

scale 1 : 500



**METRIC:**

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

AREAS SHOWN ON THIS PLAN ARE IN SQUARE METRES AND CAN BE CONVERTED TO SQUARE FEET BY MULTIPLYING BY 10.7639.


## owner's certificate

I hereby authorize the firm of MTE OLS LTD., ONTARIO LAND SURVEYORS to submit this proposed Plan of Subdivision.

JEFF HOUSE  
246 NORTH INC.

surveyor's certificate

We 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.

  
P.R. LEVAC, O.L.S.  
MTE | OLS LTD.

MAY 8, 2024  
DATE

additional information  
requirements under section 51(17)  
of the Planning Act

- |                              |  |
|------------------------------|--|
| a) AS SHOWN ON PLAN          | g) AS SHOWN ON PLAN  |
| b) AS SHOWN ON PLAN          | h) PIPED WATER   |
| c) AS SHOWN ON KEY PLAN      | i) SILTY SAND WITH GRAVEL AND LOOSE TO DENSE SAND AND GRAVEL |
| d) SINGLE FAMILY RESIDENTIAL | j) AS SHOWN ON PLAN  |
| e) AS SHOWN ON PLAN          | k) FULL SERVICES   |
| f) AS SHOWN ON PLAN          | l) AS SHOWN ON PLAN  |

## land use schedule

MULTIPLE FAMILY RESIDENTIAL UNITS 1 TO 25 INCLUSIVE	10300 sq2
COMMON ELEMENTS CONDOMINIUM	10400 sq2
<b>TOTAL AREA</b>	<b>110400 sq2</b>

246 NORTH STREET - ASPEN TRAILS

246 NORTH INC.

**LEGEND:**

- |     |         |                |
|-----|---------|----------------|
| WV  | DENOTES | WATERVALVE     |
| HYD | DENOTES | HYDRANT        |
| WM  | DENOTES | WATERMAIN      |
| STM | DENOTES | STORM SEWER    |
| SAN | DENOTES | SANITARY SEWER |
| CB  | DENOTES | CATCHBASIN     |
| MH  | DENOTES | MANHOLE        |

REGISTERED

PLAN No. 351



**MTE ONTARIO LAND SURVEYORS LTD.**  
123 St. George Street  
London, Ontario, N6A 3A1  
phone: 519-204-6510

CAD File : P:\P\47030\103\47030-103.DWG			File No : <b>47030-103</b>
Surveyed by : <u>D. Bianchi, O.L.S.</u>	Checked by : <u>P.R. Levac, O.L.S.</u>		
Drawn by : <u>R. Crowell</u>	Date : <u>May 6, 2024</u>		