

Applicant:	North Street	Date of Decision:	June 25, 2024
File No.:	39T-TC2102	Date of Notice:	July 4, 2024
Municipality:	Municipality of Thames Centre	Last Date of Appeal:	July 24, 2024
Subject Lands:	Part Lot 11, Concession 4 NRT	Lapsing Date:	June 25, 2027

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 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.

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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: Condominium File No. 39T-TC-CDM2303

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

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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 ("the County") are as follows:

No.	Conditions
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1. That this approval applies to the draft plan of subdivision prepared by MTE and signed by P.R. Levac, OLS dated May 6, 2024 showing the following:
 - six (6) lots to support low density residential uses in the form of single detached dwellings (Lots 1 to 6)
 - one (1) block for future development purposes (Block 7)
 - one (1) block for a 0.3 m reserve (Block 10)
 - two (2) blocks for future development to support a vacant land condominium (Blocks 8 and 9) through Application 39T-TC-CDM2303.
2. That a 0.3 metre reserve (Block 10) be conveyed to the Municipality adjacent to the road allowance and extending across the width of Block 7.
3. That the road allowance included in this draft plan be named as Village Gate Drive and dedicated as a public highway and the lots addressed on the draft plan of subdivision to the satisfaction of the Municipality and the County.
4. 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.
5. 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 the development, the Municipality shall confirm that full municipal services are 'in place' as described in condition 6.
6. 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 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 subdivision.

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7. 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.
8. 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.
9. 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.
10. 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.
11. 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, sidewalks, grading and drainage, planting of trees, landscaping, provision of community mailboxes, recommended and approved EIS mitigation requirements, recommended and approved TIS 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.
12. The Owner shall enter into an agreement with Canada Post Corporation for the installation of community mailboxes.
13. 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.
14. 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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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.
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.
18. That prior to final approval, the owner shall submit an Environmental Impact Study (EIS) 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 subdivision agreement.
19. That prior to final approval, the Owner shall submit a final Geotechnical Assessment for review and approval by the Municipality.
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 24 that are not capable of being addressed under the Ontario Water Resources Act.
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.

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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.
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 is to be advised in writing by the Municipality 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 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.

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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 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.
9. Clearance is required from the following agencies:
 - Municipality of Thames Centre | 4305 Hamilton Rd., Dorchester, ON N0L 1G3
 - Upper Thames River Conservation Authority | 1424 Clarke Road, London, ON 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 copy (1 mylar and 1 paper) for signature purposes:

"Approval Authority Certificate

39T-TC2102

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
Durk Vanderwerff"

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.

Subject to the Conditions as set out in the Notice of Decision, dated July 4, 2024, this Draft Plan is approved pursuant to Section 51 of the Planning Act, RSO 1990.

Durk Vanderwerff
Director of Planning and Development

County of Middlesex
Received

MAY 14 2024

Planning and Development
Department



key plan not to scale

DRAFT PLAN OF SUBDIVISION
of part of
LOT 11, CONCESSION 4
NORTH OF THE RIVER THAMES
(GEOGRAPHIC TOWNSHIP OF NORTH DORCHESTER)
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 HENSE
246 NORTH INC.
DATE

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.B. LEMAG
MTE OLS LTD.
DATE

additional information
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) AS SHOWN ON PLAN |
| e) AS SHOWN ON PLAN | f) AS SHOWN ON PLAN |
| g) AS SHOWN ON PLAN | h) AS SHOWN ON PLAN |
| i) AS SHOWN ON PLAN | j) AS SHOWN ON PLAN |

land use schedule

TABLE 1: FAMILY RESIDENTIAL	880.15 m ²
LOT 1, 2 & 3 AND BLOCK 7 EXCLUSIVE	
OPEN SPACE (BLOCKS 8)	1700.00 m ²
STORM WATER MANAGEMENT (BLOCKS 8)	1800.00 m ²
BLOCK 10, 11, 12 AND RESERVE	15.80 m ²
ROAD ALLENANCE	2300.00 m ²
TOTAL AREA	31201 m ²

246 NORTH STREET - ASPEN TRAILS

246 NORTH INC.

LEGEND:

- BY DENOTES WATERVALVE
WVD DENOTES WETLAND
WM DENOTES WATERMAIN
SW DENOTES STORM WATER
SDW DENOTES SANITARY DRAIN
SD DENOTES SANITARY DRAIN
SD DENOTES SANITARY DRAIN
SD DENOTES SANITARY DRAIN

MTE MTE ONTARIO LAND SURVEYORS LTD.
123 St. George Street
London, Ontario, N6A 5A1
phone: 519-304-6510

Drawn by: P. B. Lemag
Reviewed by: P. B. Lemag, O.L.S. (checked by: P.B. Lemag, O.L.S.)
Drawn by: R. Crowell
date: May 5, 2024
47030-104

