

**Special Conditions of Draft Plan of Condominium Approval for  
25CDM-201507, 706 Highway No. 8**

That this approval for the Draft Plan of Condominium (Common Elements) 25CDM-201507, prepared by IBI Group and certified by Dan McLaren O.L.S, dated June 22, 2018, showing Block 7 for private condominium road and stormwater management dry pond, labelled as "Common Element", and Block 8 containing Core Areas and Vegetation Protection Zone, labeled "Common Element" be received and endorsed by City Council with the following special conditions:

1. That the Final Plan of Condominium shall comply with all of the applicable provisions of the City of Hamilton Zoning By-law No. 05-200, as amended by By-law No. 18-XXX, as in force and effect at the time of the registration of the Draft Plan of Condominium.
2. That the Final Plan of Condominium shall comply with the approved Final Plan of Subdivision, in all respects, to the satisfaction of the Manager of Development Planning, Heritage and Design.
3. That the Owner shall register Draft Plan of Subdivision 25T-201507, "Butternut Hill", to the satisfaction of the Director of Planning and Chief Planner.
4. That the Owner shall include the following warning clauses in the Condominium Approval Agreement and Condominium Agreement and all Purchase and Sale Agreements and any rental or lease agreements required for occupancy:

To the satisfaction of the Director of Planning and Chief Planner:

- (a) Purchasers / Tenants are advised that the City of Hamilton will not be providing maintenance or snow removal service for the private condominium road.
- (b) Purchasers / Tenants are advised of the recommended maintenance responsibilities for the stormwater management quantity control facilities.

To the satisfaction of Canada Post:

- (c) Purchasers / Tenants are advised of the exact Centralized Mail Box locations prior to the closing of any home sale.
- (d) Purchasers / Tenants are advised that home / business mail delivery will be from a designated Centralized Mail Box.

To the satisfaction of the Senior Director, Growth Management

- (e) Purchasers / Tenants are advised that there is a blanket easement in favour of the Condominium Corporation that covers any and all shared services on the development over the Storm Water Management facility.
  - (f) Garages are provided for the purpose of parking a vehicle. It is the responsibility of the owner / tenant to ensure that their parking needs (including those of visitors) can be accommodated onsite. On-street, overflow parking may not be available and cannot be guaranteed in perpetuity.
5. That, prior to occupancy, the owner shall provide Purchasers / Tenants with a Stewardship Brochure that has been prepared by the applicant to the satisfaction of the Manager of Development Planning, Heritage and Design. The Stewardship Brochure will be distributed to all future homeowners and will describe the importance of the natural feature and its functions and how the homeowner can minimize their impact on this feature.
  6. That, prior to occupancy, interpretive signs be installed at the rear of each lot at the VPZ boundary, to inform residents about the ecological significance of the area and how to protect it (do not remove vegetation, do not dump compost or other materials, do not build structures, etc.).
  7. That the Owner shall enter into a Development Agreement to ensure that the tenure of each of the proposed freehold dwellings having frontage on the condominium road has legal interest, in common, to the Common Elements Condominium, to the satisfaction of the City Solicitor.
  8. That the owner shall satisfy all conditions, financial or otherwise, of the City of Hamilton.

### **Growth Management**

9. The following easement is created upon registration of this Declaration and Description pursuant to section 20 of the Condominium Act, 1998 in order to comply with condition (5) attached to the City of Hamilton's final approval of this Declaration and Description:
  - (a) Reserving unto the Condominium Corporation, it assigns, successors, servants, agents and employees, the right in the nature of an easement, to enter without charge in, over and along all of the Units and the Common Elements of the Condominium, for time to time, for the purposes of entering, inspecting and undertaking, at any time, modifications to the surface drainage of the said Units and the Common Elements of the Condominium in

accordance with the Detailed Grading Plan and the Overall Grading Plan approved by the City of Hamilton.

### **Development Engineering**

10. The Owner agrees to advise purchasers through the agreement of purchase and sale of the recommended maintenance responsibilities for the stormwater management facilities to the satisfaction to the City's Senior Director of Growth Management.
  
11. The Owner agrees to advise purchasers through the agreement of purchase and sale of the recommended maintenance responsibilities for the stormwater management facilities to the satisfaction of the City's Senior Director of Growth Management.

**NOTE:** Pursuant to Section 51(32) of the *Planning Act*, draft approval shall lapse if the plan is not given final approval within three years. However, extensions will be considered if a written request is received before the draft approval lapses.