

**Conditions of Draft Plan of (Standard) Condominium**  
**115 Main Street East, Hamilton**  
**25CDM-CONV-201402**

That this approval for Condominium Conversion Application 25CDM-CONV-201402, by Old Colony Properties Ltd., Owner, to establish a Draft Plan of Condominium (Standard) for a portion of the existing multiple dwelling, consisting of 128 dwelling units, located at 115 Main Street East (Hamilton), 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 City of Hamilton Zoning By-law No. 05-200 in force and effect at the time of registration of the Draft Plan of Condominium or to receive additional Minor Variance Approval for any deficiency with respect to the By-law, to the satisfaction of the Director of Planning and Chief Planner.
- 2) That the Owner shall submit a report, in accordance with Section 9 (4) of the *Condominium Act*, 1998, prepared and certified by a qualified Registered Professional Engineer or Licensed Architect, to the satisfaction of the Chief Building Official of the City of Hamilton, to confirm the structural and mechanical integrity of the building and any owner initiated measures required to correct any deficiencies prior to the release of the final plan for registration.
- 3) That the Owner provide the Manager of Development Approvals with evidence that satisfactory arrangements, financial and otherwise, have been made with a telecommunication service provider approved by the Canadian Radio and Telecommunication Commission (CRTC) that adequate telecommunication service will be provided to the condominium including 9-1-1 emergency calling service that identifies, at a minimum, the callers name and location information.
- 4) That the Owner shall agree in the Condominium Approval Agreement, in words satisfactory to Bell Canada, to grant to Bell Canada any easements that may be required for telecommunication services. Easements may be required subject to final servicing decisions. In the event of any conflict with existing Bell Canada facilities or easements, the Owner / Developer shall be responsible for the relocation of such facilities or easements.
- 5) That the Owner provide Bell Canada with one or more conduit or conduits of sufficient size from each unit to the room(s) in which the telecommunication facilities are situated and one or more conduits from the room(s) in which the telecommunication facilities are located to the street line to the satisfaction of Bell Canada.
- 6) That the Owner shall agree in the Condominium Agreement, in words satisfactory to Union Gas Limited, to grant to Union Gas Limited any easements that may be required for gas services. Easements may be required subject to final servicing

decisions. In the event of any conflict with existing Union Gas Limited facilities or easements, the Owner / Developer shall be responsible for the relocation of such facilities or easements.

- 7) That the Owner shall investigate the noise levels on the site to determine potential noise impacts and to implement any noise control measures that are satisfactory to the City of Hamilton in conformity to the Ministry of the Environment, Conservation and Parks recommended sound level limits. An acoustical report prepared by a qualified Professional Engineer containing the recommended noise control measures to the satisfaction of the City of Hamilton, Director of Planning and Chief Planner. Should a peer review of the acoustical report be warranted, all associated costs shall be borne by the owner / applicant and shall be submitted to the satisfaction of the City of Hamilton, Director of Planning and Chief Planner.
- 8) That the Owner shall include the following warning clause in all Development Agreements and agree in writing to include in all Offers of Purchase and Sale or Lease / Rental Agreements, to the satisfaction of the Director of Planning and Chief Planner:
  - (a) Purchasers / tenants are advised of the following: "Parking for this building is not included in the sale of condo units, and it is the responsibility of the property owner / tenant to ensure that their parking needs are being met. On-street, over flow parking may not be available and cannot be guaranteed in perpetuity, on-street parking permits / time limit exemption permits are not available to multi-tenant buildings."
- 9) That the Owner shall complete the following to the satisfaction of Canada Post and the Senior Director of Growth Management:
  - (a) Include in all offers of purchase and sale and rental leases, a statement that advises prospective purchaser / tenants:
    - (aa) That the home / business mail delivery will be from a designated Centralized Mail Box; and,
    - (bb) That the developers / owners be responsible for officially notifying the purchasers / tenants of the exact Centralized Mail Box locations prior to the closing of any home sales.
  - (b) The Owner further agrees to:
    - (aa) Install a centralized lock box assembly within the common element of the Condominium.
- 10) That the Owner confirm if there is an existing encroachment agreement registered for the subject property and if there is an encroachment agreement, the Owner

agrees to undertake any required modifications to the agreement, to the satisfaction of the Director of Engineering Services, Public Works Department;

- 11) That the Owner satisfy all other requirements, financial or otherwise, of the City of Hamilton.
- 12) That the Owner enters into and registers on title the Condominium Approval Agreement incorporating the approved plan of condominium and related conditions.

**NOTE:** Pursuant to Section 51(32) of the *Planning Act*, draft approval shall lapse if the plan is not given final approval within 3 years. However, extensions will be considered if a written request is received before the draft approval lapses.