

**Conditions of Draft Plan of (Standard) Condominium**  
**220 Dundurn Street South, Hamilton**  
**25CDM-CONV-201801**

That this approval for Red-Line Revision Draft Plan of Condominium Application 25CDM-CONV-18-01 applies to the Draft Plan, prepared by A.J. Clarke and Associates certified by B.J. Clarke, O.L.S., dated May 2, 2018, showing common element areas which include stairwells, elevators, hallways, driveway access, visitor parking, landscaped areas, lobby areas, lounges, centralized mail box and fitness room, a total of 124 dwelling units, 159 resident parking units, and 23 locker units, on lands located at 220 Dundurn Street South (Hamilton) attached as Appendix "B" to Report PED18230, subject to 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By-law No. 6593 and Minor Variance Applications HM/A-13:83 and HM/A-13:173 or in the event the City of Hamilton has repealed and replaced the City of Hamilton Zoning By-law No. 6593 with By-law No. 05-200 the final Plan of Condominium shall comply with the applicable provisions of the Zoning By-law in force and effect at the time of the registration of the Draft Plan of Condominium, to the satisfaction of the Director of Planning and Chief Planner.
- 2) That the final Plan of Condominium shall comply, in all respects, with Final Approved Site Plan Control Application DA-13-077, to the satisfaction of the Director of Planning and Chief Planner.
- 3) 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.
- 4) 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.
- 5) 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.

- 6) 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.
- 7) 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.
- 8) 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:
    - (i) That the home / business mail delivery will be from a designated Centralized Mail Box; and,
    - (ii) 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:
    - (i) Install a centralized lock box assembly within the common element of the Condominium.
- 9) That the Owner shall include the following warning clauses 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 that sound levels due to increasing road traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels may exceed the Municipality's and the Ministry of Environment, Conservation and Parks noise criteria.
  - (b) Purchasers / tenants are advised that this dwelling unit has been supplied with a central air conditioning system which will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are

within Municipality's and the Ministry of the Environment, Conservation and Parks noise criteria.

- (c) Purchasers / tenants are advised of the following: "Warning: Canadian Pacific Railway or its assigns or successors in interest has or have a railway right-of-way located within 300 metres and a yard within 1,000 metres of the subject site. Operations are conducted 24 hours a day, 7 days a week including the shunting of trains and the idling of locomotives. There may be alterations to or expansions of the railway facilities and / or operations in the future, which alterations or expansions may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuation measures in the design of the development and individual dwellings. CPR will not be responsible for complaints or claims arising from the use of its facilities and / or its operations on, over or under the aforesaid right-of-way and yard.
- 10) That the Owner submit a list, including the mailing address unit number of each residential unit on each floor, to the satisfaction of the Senior Director of Growth Management.
  - 11) That the Owner address all required revisions to the Draft Plan of Condominium (Condominium Conversion), to the satisfaction of the Senior Director of Growth Management and the Director of Planning and Chief Planner.
  - 12) That the Owner satisfy all other requirements, financial or otherwise, of the City of Hamilton.
  - 13) That the Owner enters into and registers on title the Condominium Approval Agreement incorporating the approved plan of condominium and related conditions.
  - 14) That Draft Plan of Condominium Application 25CDM-CONV-18-01 be registered to the satisfaction of the 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.