

Recommended Conditions of Draft Plan of Condominium Approval

That this approval for the **Draft Plan of Condominium Application 25CDM-202120, by IBI Group., on behalf of Fifty Road Inc., owner**, to establish a Draft Plan of Condominium (Vacant Land) to create a eleven (11) residential lots, private road, sidewalks, landscaped areas, visitor parking areas, centralized mailboxes on lands located at 541 and 545 Fifty Road (Stoney Creek), be received and endorsed by City Council with the following special conditions:

Development Engineering Approvals

1. That the owner shall agree to include the following in the Condominium Declaration, to the satisfaction of the Manager of Engineering Approvals:
 - a) The following easement is created upon registration of this Declaration and Description pursuant to Section 20 of the *Condominium Act, 1998*: Reserving unto the Condominium Corporation, its 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, from 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;
 - b) The proponent shall include in the Declaration and Description pursuant to Section 93 of the *Condominium Act, 1998*, a provision to establish a Capital Reserve fund to provide for regular on-going cleaning and maintenance or possible eventual replacement of the underground stormwater management storage facility by a qualified service provider as per the manufacturers' requirements to ensure compliance with the approved stormwater management plan by the City of Hamilton. The Owner is advised to follow the manufacturers' maintenance recommendations for the above stated items; and,
 - c) That any/all future on-going maintenance and/or replacement costs for any structures within the condominium lands including but not limited to: private water services, booster pumps, private storm and sanitary sewers, area drains, maintenance holes, sewage pumps, roadways, walkways, etc. is the sole responsibility of the condominium corporation and as such shall be noted in the condominium declaration;

Development Planning

2. The following warning clauses shall be included within all offers and Agreements of Purchase and Sale and/or Lease, for all residential units:

Warning Clause A:

"Purchasers are advised that the City of Hamilton will not be providing maintenance or snow removal service for the private condominium road. In addition, City Waste Management services may not be available to residents and that the provision of such services may require agreements with private contractors."

Warning Clause B:

"Garages and visitor parking areas 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."

Warning Clause C:

"The home mail delivery will be from a Community Mail Box."

3. That the Owner acknowledges in writing that Site Plan Control By-law No. 15-176 applies to the subject lands and submits a complete Application for and receives final approval of a Site Plan Control Application, to the satisfaction of the Director of Planning and Chief Planner;
4. That the Final Plan of Condominium (Vacant Land) shall comply, in all respects: with all of the applicable provisions of Zoning By-law No. 3692-92, as amended or in the event the City of Hamilton has repealed and replaced By-law No. 3692-92 with By-law No. 05-200, the final Plan of Condominium shall comply with all the applicable provisions of the Zoning By-law in force and effect at the time of registration of the Draft Plan of Condominium (Vacant Land); and, with the final approved Site Plan Control application; to the satisfaction of the Director of Planning and Chief Planner;

Forestry and Horticulture

5. That the Owner shall submit a Landscape Plan and the payment of all applicable fees, all to the satisfaction of the Forestry and Horticulture Section, Public Works Department;

Canada Post

6. The owner shall complete to the satisfaction of the Director of Growth Management and Canada Post:
 - a) Include in all offers of purchase and sale and lease or rental agreements, a statement that advises the prospective purchaser:
 - 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 of the exact Centralized Mail Box locations prior to the closing of any home sales;
- b) The owner further agrees to:
 - i) Work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the subdivision;
 - ii) Install a concrete pad in accordance with the requirements of and in locations to be approved by Canada Post to facilitate the placement of Community Mail Boxes;
 - iii) Identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of subdivision;
 - iv) Determine the location of all centralized mail receiving facilities in co-operation with Canada Post and to indicate the location of the centralized mail facilities on appropriate maps, information boards and plans; and,
 - v) Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations;
- c) Canada Post’s multi-unit policy, which requires that the owner/developer provide the centralized mail facility (Lock Box Assembly) at their own expense (less than 100 units will require a front loading Lock Box Assembly and more than 100 units will require a rear loading Lock Box Assembly which will require a mail room) will be in effect for buildings and complexes with a common lobby, common indoor or sheltered space;

Rogers

- 7. The Developer/Owner will, at its own cost, grant all necessary easements and maintenance agreements required by those CRTC-licensed telephone companies and broadcasting distribution companies intending to serve the Site Plan (collectively, the “Communications Service Providers”). Immediately following registration of the Site Plan, the Developer/Owner will cause these documents to be registered on title; and,
- 8. The Developer/Owner will, with consultation with the applicable utilities and Communications Service Providers, prepare an overall utility distribution plan that shows the locations of all utility infrastructure for the Site Plan, as well as the timing and phasing of installation;

Bell Canada

9. The Owner acknowledges and agrees to convey any easement(s) as deemed necessary by Bell Canada to service this new development. The Owner further agrees and acknowledges to convey such easements at no cost to Bell Canada;
10. The Owner agrees that should any conflict arise with existing Bell Canada facilities where a current and valid easement exists within the subject area, the Owner shall be responsible for the relocation of any such facilities or easements at their own cost;

Union Gas

11. That the Owner / Developer provide to Union Gas the necessary easements and / or agreements required by Union Gas for the provision of gas services, in a form satisfactory to Union Gas;

Corporate Services

12. That the Owner Pay the Municipal Act Sanitary Sewer (2) and Connection Charge (2) under By-law No. 02-307 for 541 (003 010 37200) and 545 (003 010 37400) Fifty Road, to the satisfaction of the Capital Budgets and Financing Section, Corporate Services Department. The recoverable amount is subject to cost indexing to the date that payment is made to the City; and,

Utilities

13. For Residential/Commercial electrical service requirements, the Developer needs to contact our ICI and Layouts Department at 1-877-963-6900 ext: 25713 or visit our web site @ www.alectrautilities.com. Relocation, modification, or removal of any existing hydro facilities shall be at the owner's expense. Please contact Alectra Utilities to facilitate this. Developers shall be responsible for the cost of civil work associated with duct structures, transformer foundations, and all related distribution equipment. Developers to acquire an easement, if required.

NOTES TO DRAFT PLAN APPROVAL

1. 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 2 months before the draft approval lapses;
2. The developer is responsible for all waste removal up until the time that an "Agreement for On-site Collection of Solid Waste" is finalized, and municipal collection services are initiated;
3. The developer must provide a signed letter from a professional engineer certifying that the road base along the access route can support at least 35,000 kilograms; and,

4. If the development is not designed according to specifications identified herein, the developer must:
 - i. Arrange a private waste hauler for the removal of all waste materials; and,
 - ii. As part of the Purchase and Sale Agreement the developer, owner, property manager or agent for the development must disclose in writing to a prospective buyer of a unit within the development that the property is not serviceable for municipal waste collection.