

Recommended Conditions of Draft Plan of Condominium Approval

That this approval applies to the Draft Plan of Condominium (Vacant Land) Application 25CDM-202503, certified by R.A. McLaren, O.L.S dated September 23, 2025, to create 4 vacant land units (1 to 4), and a common element condominium road, be received and endorsed by City Council with the following special conditions:

Development Engineering

1. That, **prior to registration**, the owner shall provide a cash payment to the City towards the future urbanization of the street (Sulphur Springs Road) based on the “New Road Servicing Rates” at the frontage of the property at the time of the plan of registration, to the satisfaction of the Director of Development Engineering.
2. That, **prior to registration**, the owner shall complete the necessary transfer deeds to convey sufficient lands of approximately 5.0 metres to the City for road widening purposes along Sulphur Springs Road, at the owner’s cost, to the satisfaction of the Director of Development Engineering.
3. That, **prior to registration**, the owner shall demonstrate that they have obtained the necessary approvals from the City to facilitate extension of the municipal watermain, subject to the Form 1 watermain approval process, and entered into the External Works Agreement with the City, at their costs, to the satisfaction of the Director of Development Engineering.
4. That, **prior to registration**, the owner shall demonstrate that they have obtained the necessary grading and servicing approvals from the City and pre-serviced each unit within the subject lands, to the satisfaction of the Director of Development Engineering.
5. That, **prior to registration**, the proponent shall include the following in the Declaration and Description; “That any/all future on-going maintenance and/or replacement cost for any structures within the condominium lands including but not limited to: private water mains/services, private storm and sanitary sewers, catch basins, rear-yard catch basins, maintenance holes, fire hydrants, check valves and chambers, parking areas, roadways, sub-drains, utilities, etc. is the sole responsibility of the condominium corporation”, to the satisfaction of the Director of Development Engineering.
6. That, **prior to registration**, the owner must submit an updated Functional Servicing Report and Stormwater Management Report, complete with preliminary grading plan to demonstrate that the post-development flows for each catchment are controlled to pre-development levels, including a Legal Opinion to demonstrate that they have right to drain onto a private lands, and adequate emergency overland flow route is provided to direct flows to the Sulphur Spring right of way, to the satisfaction of the Director of Development Engineering.

7. That, **prior to registration**, 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 the applicable conditions attached to the City of Hamilton's final approval of this Declaration and Description, to the satisfaction of the Director of Development Engineering:

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, from time to time, for the purposes of entering, inspecting, and undertaking, at any time, modifications to the surface drainage of the said Units in accordance with the Detailed Grading Plan and the Overall Grading Plan approved by the City of Hamilton.

Development Planning

8. That, **prior to registration**, the By-law implementing the Decision/Order of the Ontario Land Tribunal for OLT-23-000678 be brought into full force and effect, to the satisfaction of the Director of Development Planning.
9. That, **prior to registration**, the Final Plan of Condominium (Vacant Land) shall comply, in all respects: with all of the applicable provisions of Zoning By-law No. 05-200, as amended by the By-law approved by the Ontario Land Tribunal for Case No.: OLT-23-000678. 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), to the satisfaction of the Director of Development Planning.
10. That, **prior to registration**, the owner shall receive final approval of an application for Consent to Sever application (B-25:091), for the lands at 164 Sulphur Springs Road, to the satisfaction of the Director of Development Planning.
11. That, **prior to registration**, the owner demolish or relocate any building(s) which straddle the planned lot lines and/or any building which does not comply with the applicable provisions of Zoning By-law No. 05-200, as amended by the By-law approved by the Ontario Land Tribunal for Case No.: OLT-23-00678, to the satisfaction of the Director of Development Planning.
12. That, **prior to preliminary grading and/or servicing**, the owner shall prepare and implement a Tree Protection Plan (TPP), to the satisfaction of the Director of Heritage and Urban Design. The Tree Protection Plan is to be prepared in accordance with the City's Council adopted Tree Protection Guidelines (revised October 2010) or equivalent. Removal of trees is not to occur until this condition has been satisfied.
13. That, **prior to preliminary grading and/or servicing**, the owner shall develop and implement an Invasive Species Management Plan, to the satisfaction of the

Director of Heritage and Urban Design. This Plan is to include a Letter of Credit and a monitoring plan. Monitoring is to occur for a period of no less than 5 years.

14. That, **prior to preliminary grading and/or servicing**, the owner shall develop and implement a Restoration Plan, to the satisfaction of the Director of Heritage and Urban Design. The Landscape Plan prepared by Affinity Habitat Studio (dated July 17, 2025) is to form the basis of this Plan.
15. That, **prior to preliminary grading and/or servicing**, the owner shall provide written correspondence from the Ministry of Environment, Conservation and Parks (MECP) with regards to impacts to Butternut as a result of infrastructure associated with the driveway, to the satisfaction of the Director of Heritage and Urban Design.
16. That, **prior to registration**, the owner shall submit a Landscape Plan prepared by a certified Landscape Architect showing the placement of compensation trees for any tree removals, to the satisfaction of the Director of Heritage and Urban Design. The Landscape Plan is to include any compensation plantings associated with impacts to Butternut.
17. That, **prior to registration**, the owner shall prepare and implement a Stewardship Plan, to the satisfaction of the Director of Heritage and Urban Design.
18. That, **prior to registration**, the owner shall prepare and implement a five-year Monitoring Plan, to the satisfaction of the Director of Heritage and Urban Design. This Plan is to include a letter of credit. Monitoring reports will be submitted to the City of Hamilton by January 31st of the following year monitoring was completed. Monitoring shall commence post development and occur in years 1, 3 and 5.
19. That, **prior to registration**, the owner shall agree to include the following warning clauses in all purchase and sale and/or lease agreements, to the satisfaction of the Director of Planning and Chief Planner:

Warning Clause A

“For fences to be built in the rear of Units 1, 2, 3, and 4 and at 164 Sulphur Springs Road, gates shall be prohibited.”

Warning Clause B

“Tree removal will be prohibited within the woodland. There is to be no maintenance of the woodland by homeowners. If there are overhanging hazard trees, the City Municipal Law Enforcement section shall be contacted to assess the tree.”
20. That, **prior to registration**, the owner shall submit a copy of the letter from Ministry of Citizenship and Multiculturalism for sign off on Provincial Interest with

respect to archaeology, to the satisfaction of the Director of Heritage and Urban Design.

Transportation Planning

21. That, **prior to registration**, the owner shall complete the necessary transfer deeds to convey sufficient lands of approximately 5.0 metres, to the City for road widening purposes along Sulphur Springs Road, at their costs, and to the satisfaction of the City to the satisfaction of the Director of Transportation Planning and Parking.
22. That, **prior to preliminary grading and/or servicing**, the owner shall design the proposed condominium road access to be 7.5 metres wide at the ultimate property line and taper to the internal aisle width (i.e., 6.0 metres) at a rate of 6:1, if required and the curve radii must be between 4.0 and 6.0 metres, to the satisfaction of the Director of Transportation Planning and Parking.
23. That, **prior to preliminary grading and/or servicing**, the owner shall pave the edge of (Sulphur Springs Road) pavement to a minimum of 6.0 metres onto private property or the equivalent of one vehicle length typically using the access, whichever is greater, to the satisfaction of the Director of Transportation Planning and Parking.
24. That, **prior to preliminary grading and/or servicing**, the owner shall provide a 5.0 metre by 5.0 metre visibility triangle for the condominium road access approach, to the satisfaction of the Director of Transportation Planning and Parking.
25. That, **prior to registration**, the owner include the following warning clause in the declaration and all agreements of purchase and sale, to the satisfaction of the Director of Transportation Planning and Parking:

Warning Clause C

“A 5.0 metre by 5.0 metre visibility triangle is to be provided for the condominium road approach between the driveway limits and the ultimate property line along Sulphur Springs Road. No object or mature vegetation can exceed a height of 0.6 metres above the corresponding perpendicular centreline elevation of the adjacent street.

Legislative Approvals

26. That, **prior to registration**, the owner finalize municipal addressing and street naming (if applicable) with the Legislative Approvals Section, to the satisfaction of the Director, Growth Management and Chief Development Engineer.

Forestry and Horticulture

27. That, **prior to preliminary grading and/or servicing**, the owner shall prepare and implement a Tree Management Plan (TMP), to the satisfaction of the Director of Environmental Services.

Hamilton Conservation Authority

28. That, **prior to servicing**, the owner shall prepare a final Stormwater Management Plan for the properties, to the satisfaction of Hamilton Conservation Authority.

Bell Canada

29. That, **prior to registration**, 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.
30. That, **prior to registration**, 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.
31. That, **prior to registration**, the owner acknowledges and agrees that it is the responsibility of the Owner to provide entrance/services duct(s) at their own cost from Bell Canada's existing network infrastructure to service this development. In the event that no such network infrastructure exists, in accordance with the *Bell Canada Act*, the owner shall be required to pay for the extension of such network infrastructure.

Enbridge Gas

32. That, **prior to registration**, the owner shall make satisfactory arrangements with Enbridge Gas Inc. to provide the necessary easements and / or agreements required by Enbridge Gas for the provision of local gas services for this project. Once registered, the owner shall provide these easements to Enbridge Gas at no cost, in a form agreeable and satisfactory to Enbridge Gas.

Alectra Utilities

33. 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 at 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. An “Agreement for On-site Collection of Municipal Solid Waste” must be completed and executed in order to receive municipal waste collection for the residential dwellings on the private road.
3. 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 approved and initiated.
4. Prior to the start of municipal waste collection service, the developer must be substantially completed and be free of construction debris and construction related activities.