

ATTACHMENT NO. 5

CONDITIONS OF DRAFT APPROVAL

**DRAFT PLAN OF CONDOMINIUM (COMMON ELEMENTS) FILE 19CDM-23V003
(THE 'PLAN')**

**VALLEY MAJOR DEVELOPMENTS LIMITED ('THE OWNER')
4433, 4455, 4477 MAJOR MACKENZIE DRIVE
PART OF LOT 20, CONCESSION 6 ('THE LANDS')
CITY OF VAUGHAN (THE 'CITY')**

**THE CONDITIONS OF THE COUNCIL OF THE CITY OF VAUGHAN (THE 'CITY')
THAT SHALL BE SATISFIED PRIOR TO THE RELEASE FOR REGISTRATION OF
PLAN OF CONDOMINIUM (COMMON ELEMENTS) FILE 19CDM-23V003, ARE AS
FOLLOWS:**

City of Vaughan Conditions:

1. The Plan shall relate to a Draft Plan of Condominium, prepared by R-Avis Surveying Inc., drawing File No. SUBDIV-3031-5-DPS.DWG dated February 10, 2023.
2. Prior to the execution of the Condominium Agreement, the Owner shall submit a pre-registered Plan of Condominium to the Development Planning Department for review.
3. The Owner shall enter into a Condominium Agreement with the City of Vaughan and shall agree to satisfy any conditions that the City may consider necessary that may be outstanding as part of Site Development File DA.17.084.
4. The following provision(s) shall be included in the Condominium Agreement:
 - a. The Condominium Corporation shall be responsible for maintaining and managing the retaining walls and subsurface infrastructure on the Lands and shall reserve a right of entry onto the Parcels of Tied Lands (POTLs) to carry out such obligations;
 - b. The Condominium Corporation shall be responsible for maintaining and repairing the acoustical berm and/or barrier as installed. Any maintenance, repair or replacement shall be with the same material, or to the same standards, and having the same colour and appearance of the original;
 - c. The Condominium Corporation shall be responsible for the maintenance and operation of the storm channel and all of its features and apparatuses within

- the 6.0 metre storm easement in favour of the Region of York as described in YR3517577. Any additional or future works within this easement may require written approval and authorization from the Region of York;
- d. Private garbage and recycling collection, snow removal and clearing shall be the responsibility of the Condominium Corporation;
 - e. The Owner and/or Condominium Corporation shall supply, install, and maintain mail equipment to the satisfaction of Canada Post; and
 - f. Should archeological resources be found on the Lands during construction activities, the Owner must immediately cease all construction and grading activities and notify the Ontario Ministry of Tourism, Culture and Sport and the Vaughan Development Planning Department, Urban Design and Cultural Heritage Division. If human remains are encountered during construction activities, the Owner must immediately cease all construction activities. The Owner shall contact the York Region Police Department, the Regional Coroner and the Registrar of the Cemeteries and Crematoriums Regulation Unit of the Ministry of Public and Business Service Delivery for the purposes of determining whether any future investigation is warranted and complete any such investigation prior to the resumption of construction activities.
5. The following warning clauses must be included in all condominium declarations, Condominium Agreements, including but not limited to the following:
- a. "Purchasers/tenants are advised that sound levels due to increasing road traffic may occasionally interfere with some activities of the dwelling unit occupants as the sound levels exceed the Municipality's and the Ministry of the Environment and Climate Change noise criteria."
 - b. "Purchasers/tenants are advised that despite the inclusion of noise control features in the development and within the building units, sound levels due to increasing road traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels exceed the Municipality's and the Ministry of the Environment and Climate Change noise criteria."
 - c. "This dwelling unit has been fitted with a forced air heating system and the ducting etc., was sized to accommodate central air conditioning. Installation of central air conditioning will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the Municipality's and the Ministry of the Environment and Climate Change noise criteria. (Note: The location and installation of the outdoor air conditioning

device should be done so as to minimize the noise impacts and comply with criteria of MOECC publication NPC-300.)”

- d. “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 the Municipality’s and the Ministry of Environment and Climate Change noise criteria. (Note: The location and installation of the outdoor air conditioning device should be done so as to minimize the noise impacts and comply with criteria of MOECC publication NPC-300, Residential Air Conditioning Devices.)”
6. The Condominium Agreement shall be registered on title against the lands to which it applies, at the cost of the Owner.
7. Prior to final approval, the Owner shall submit an "as-built" survey to the satisfaction of the Building Standards Department. The Owner shall submit all final plans, including fully dimensioned plans and site-statistics, confirming compliance with all By-law 1-88 requirements, as required, to the satisfaction of the Development Planning and the Zoning Division, Building Standards Department. Should any relief from Zoning By-laws 1-88 be required, the Owner shall successfully obtain approval of a Minor Variance application for the required site-specific exceptions to Zoning By-laws 1-88 from the Vaughan Committee of Adjustment. The Committees decisions regarding the Minor Variance shall be final and binding, and the Owner shall satisfy any conditions of approval imposed by the Committee.
8. The Owner and their Solicitor and Land Surveyor shall confirm that all required easements and rights-of-way for utilities (Alectra Corporation Utilities, Rogers, Bell, Enbridge Gas Inc.), drainage and construction purposes have been granted to the appropriate authorities.
9. The Owner shall provide a certificate by a noise consultant certifying that the building plans are in accordance with the noise control features recommended by the final detailed noise impact assessment report. Where mitigation measures such as wall, window and/or oversized forced air mechanical systems are required, these features shall be certified by a Professional Engineer at Vaughan’s request. The Engineer’s certificate must refer to the final detailed noise impact assessment report and be submitted to Vaughan’s Chief Building Official and the Director of Development Engineering.
10. The Owner shall confirm that they have paid all outstanding taxes, development charges and levies, as may be required by the Vaughan Financial Planning and Development Finance department.

York Region Conditions:

11. The Owner shall provide confirmation that all conditions of the Site Plan Approval issued for the Lands under Regional File No. SP.22.V.0183 have been satisfied.

Bell Canada Conditions:

12. 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.
13. 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.

Enbridge Conditions:

14. If the gas main needs to be relocated as a result of changes in the alignment or grade of the future road allowances or for temporary gas pipe installations pertaining to phased construction, all costs are the responsibility of the Owner.
15. In the event that easement(s) are required to service this development, and any future adjacent developments, the Owner will provide the easement(s) to Enbridge Gas at no cost.

Canada Post Conditions:

16. The Owner will consult with Canada Post to determine suitable permanent locations for the placement of Community Mailboxes and to indicate these locations on appropriate servicing plans.
17. The Owner will confirm to Canada Post that the final secured permanent locations for the Community Mailboxes will not be in conflict with any other utility; including hydro transformers, bell pedestals, cable pedestals, flush to grade communication vaults, landscaping enhancements (tree planting) and bus pads.
18. The Owner will install concrete pads at each of the Community Mailbox locations as well as any required walkways across the boulevard and any required curb depressions for wheelchair access as per Canada Post's concrete pad specification drawings.
19. The Owner will agree to prepare and maintain an area of compacted gravel to Canada Post's specifications to serve as a temporary Community Mailbox location. This location will be in a safe area away from construction activity in order that

Community Mailboxes may be installed to service addresses that have occupied prior to the pouring of the permanent mailbox pads. This area will be required to be prepared a minimum of 30 days prior to the date of first occupancy.

20. The Owner will communicate to Canada Post the excavation date for the first foundation (or first phase) as well as the expected date of first occupancy.

Clearances

21. The City of Vaughan shall advise that Conditions 1 to 10 have been satisfied.

22. York Region Community Planning and Development Services shall advise the Development Planning Department that Condition 11 has been satisfied.

23. Bell Canada shall advise the Development Planning Department that Conditions 12 and 13 have been satisfied.

24. Enbridge shall advise the Development Planning Department that Conditions 14 and 15 have been satisfied.

25. Canada Post shall advise the Development Planning Department that Conditions 16 to 20 have been satisfied.