

**Local Planning Appeal Tribunal**  
Tribunal d'appel de l'aménagement  
local



**ISSUE DATE:** November 29, 2018

**CASE NO(S):**

PL160481

The Ontario Municipal Board (the "OMB") is continued under the name Local Planning Appeal Tribunal (the "Tribunal"), and any reference to the Ontario Municipal Board or Board in any publication of the Tribunal is deemed to be a reference to the Tribunal.

**PROCEEDING COMMENCED UNDER** subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

**Applicant and Appellant:** Centreville Development Corporation  
**Subject:** Request to amend the Official Plan - Failure of the City of Vaughan to adopt the requested amendment  
**Existing Designation:** Low Density Residential  
**Proposed Designated:** Medium Density Residential  
**Purpose:** To permit townhouse units  
**Property Address/Description:** 9846 Keele Street  
**Municipality:** City of Vaughan  
**Approval Authority File No.:** OP 13.004  
**OMB Case No.:** PL160481  
**OMB File No.:** PL160481  
**OMB Case Name:** Centreville Development Corporation v. Vaughan (City)

**PROCEEDING COMMENCED UNDER** subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

**Applicant and Appellant:** Centreville Development Corporation  
**Subject:** Application to amend Zoning By-law No. (1-88) - Neglect of the City of Vaughan to make a decision  
**Existing Zoning:** Low Density Residential  
**Proposed Zoning:** Medium Density Residential  
**Purpose:** To permit townhouse units  
**Property Address/Description:** 9846 Keele Street  
**Municipality:** City of Vaughan  
**Municipality File No.:** Z.13.006  
**OMB Case No.:** PL160481  
**OMB File No.:** PL160482

**PROCEEDING COMMENCED UNDER** subsection 51(34) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	Centreville Development Corporation
Subject:	Proposed Plan of Subdivision - Failure of the City of Vaughan to make a decision
Purpose:	To permit townhouse units
Property Address/Description:	9846 Keele Street
Municipality:	City of Vaughan
Municipality File No.:	19T-13V001
OMB Case No.:	PL160481
OMB File No.:	PL160483

**Heard:** August 14, 2018 in Vaughan, Ontario

#### **APPEARANCES:**

##### **Parties**

##### **Counsel**

Capital Build (Keele) Inc. ("Applicant"/"Appellant")	Steven Ferri and Anthony Turrin, Student-at-law
City of Vaughan ("City")	Bruce Engell and Effie Lidakis
Region of York ("Region")	Bolajoko Ogunmefun
William and Janna Manolakas	Paul Bottos

#### **MEMORANDUM OF ORAL DECISION DELIVERED BY S. TOUSAW AND JOHN DOUGLAS ON AUGUST 14, 2018 AND INTERIM ORDER OF THE TRIBUNAL**

#### **PROCEEDINGS**

[1] This settlement hearing was convened for a small development consisting of four dwelling units in two semi-detached dwellings on a residential lot at 9846 Keele Street (the "property" or "site") in the Village of Maple in the City.

[2] The Applicant had appealed the City's failure to make a decision on applications for Official Plan Amendment ("OPA"), Zoning By-law Amendment ("ZBA") and Plan of Subdivision ("Subdivision") to the Ontario Municipal Board, now the Local Planning Appeal Tribunal.

[3] When the applications were first submitted in 2013 by a previous owner, ten townhouses were proposed for the site. After several design iterations, the present Applicant is seeking approval for two semi-detached dwellings. All Parties have agreed on the form and details of the development.

[4] Semi-detached dwellings are permitted in the current land use designation of the property and thus no OPA is required. The Applicant has withdrawn its appeal to the OPA.

[5] On consent of the Parties, an order is sought granting draft approval to the Subdivision, subject to conditions, and approving the ZBA to permit the semi-detached dwellings, subject to withholding the final order on the form of the ZBA pending completion of site plan applications to the Region and City, which are currently underway.

[6] With consent of the Parties, all of the planning evidence was provided by Murray Evans, Registered Professional Planner and consultant to the Applicant. Mr. Evans was qualified by the Tribunal to provide opinion evidence in the area of land use planning. Mr. Evans reviewed in detail the planning evidence contained in his Exhibits 1 through 11.

[7] The property is located just south of the Village of Maple core area, and fronts on the west side of the intersection of Keele Street and Barrhill Road. Barrhill Road runs easterly from Keele Street, forming a T-intersection at Keele Street. Signal lights control this intersection.

[8] Abutting to the north of the property is St. Andrews Presbyterian Church, a designated heritage building under the *Ontario Heritage Act*. The existing dwelling on the property, to be demolished, was once the manse for the church but was severed several years ago from the church property to be used as a residential lot.

[9] To the south of the property is a detached dwelling owned by William and Janna Manolakas, and to the west (rear) is Armitage Park owned by the City. Other uses

along Keele Street, in the vicinity of the property, include detached dwellings, commercial plazas, a cemetery and medium density residential uses.

[10] The ZBA zones the property to R5 Residential with special site provisions to accommodate the development. The Subdivision divides the property into four Blocks: Blocks 1 and 2 for the semi-detached dwellings, Block 3 to be dedicated to the Region for a road widening and site triangle, and Block 4 to be dedicated to the Region as a 0.3 metre (“m”) reserve for access control.

[11] After construction of the semi-detached dwellings, the Applicant intends to seek City approval to divide the Blocks down the centre wall of each semi-detached dwelling, by Consent or by exemption to part lot control, as is the common practice of the City according to Mr. Evans. Reciprocal easements will be registered on each dwelling lot and the lot abutting to the south of the property to effect a common driveway and controlled access to the signalized intersection.

[12] Mr. Evans summarizes the common themes in the policies of the Growth Plan for the Greater Golden Horseshoe (“GP”), Provincial Policy Statement (“PPS”) and Region Official Plan (“ROP”) as promoting intensification in appropriate locations to create compact, complete and walkable communities in keeping with the character of the area. He reviewed the complementary policies in the Vaughan Official Plan (“VOP”), Village of Maple Heritage Conservation Plan and the City’s Urban Design Guidelines, with emphasis on the development criteria for respecting and reflecting the character of the village.

[13] Mr. Evans emphasizes that the property is located on a Regional arterial road in an area with a variety of land uses, including similar low and medium density residential uses. The site is within walking distance of the Village of Maple core area and has direct access to a transit stop at the Keele Street – Barrhill Road intersection.

[14] Mr. Evans considers the proposed deeper front yard setback to improve street views of the historic church and to protect existing trees on the site. Wider side yards provide additional separation from the north and south lot lines, and the rear yards,

while reduced to approximately 6 m, are sufficient for outdoor amenity space and back onto the large open greenspace of Armitage Park. The final design of the dwellings (Exhibit 11) reflects Victorian and Georgian architecture (for the south and north dwelling respectively) in keeping with the heritage policies.

[15] Mr. Evans concludes that the development represents a modest form of intensification in an appropriate location and in a form respectful of its context, including being sympathetic to the adjacent heritage church. On his conclusion that the development is consistent and conforms with provincial, Region and City policies, and suitably addresses the requirements of s. 51(24) of the *Planning Act* ("Act"), Mr. Evans considers the development to represent good planning and recommends that the Subdivision be approved with conditions, and that the ZBA be approved following a final determination of its form and content after the site plan approval process is completed.

[16] The Tribunal is satisfied, on the uncontested evidence of Mr. Evans, that the ZBA and Subdivision, subject to the proposed conditions, satisfy all requisite tests of the Act as noted above. The ZBA and Subdivision, with conditions, have regard for the provincial interests of s. 2 of the Act, are consistent with the PPS, conform with the GP and conform with the ROP and VOP. The Subdivision, with conditions, satisfies the requirements of s. 51(24) of the Act. The Tribunal finds the ZBA and Subdivision, with conditions, to represent good planning in the public interest.

[17] With the Applicant's withdrawal of appeal to the OPA, and on the consent of the Parties to the revised instruments (ZBA Exhibit 1, Tab 23; Subdivision Exhibit 1, Tab 24; Subdivision conditions Exhibit 3), the Tribunal grants draft plan approval to the Subdivision, subject to conditions, and approves the amendment to the Vaughan Zoning By-law No. 1-88, subject to withholding its order until the final form of the ZBA is confirmed following site plan approval on the property.

[18] The Parties offered to submit wording for the Tribunal's written order; that submission is now contained in the Order below.

**INTERIM ORDER**

[19] The Tribunal orders as set out in Attachment 1.

*"S. Tousaw"*

S. TOUSAW  
MEMBER

*"John Douglas"*

JOHN DOUGLAS  
MEMBER

If there is an attachment referred to in this document,  
please visit [www.elfo.gov.on.ca](http://www.elfo.gov.on.ca) to view the attachment in PDF format.

**Local Planning Appeal Tribunal**  
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Attachment "C.1"

CONDITIONS OF APPROVAL

DRAFT PLAN OF SUBDIVISION FILE 19T-13V001 ("THE PLAN") CAPITAL BUILD (KEELE) INC. (THE "OWNER")  
FILES OP.13.004, Z.13.006 & DA.13.038  
PART OF LOT 19, CONCESSION 4, 9846 KEELE STREET, CITY OF VAUGHAN (THE "CITY")

Conditions to be Satisfied Prior to Final Approval

1. The Plan shall relate to the Draft Plan of Subdivision, prepared by Evans Planning, dated June 7, 2018.
2. The lands within the Plan shall be appropriately zoned by a Zoning By-law which has come into effect in accordance with the provisions of the Planning Act.
3. The Owner shall pay any and all outstanding application fees to the Development Planning Department in accordance with the in-effect Tariff of Fees By-law.
4. Prior to final approval the Owner shall submit to the satisfaction of the City, a listing prepared by an Ontario Land Surveyor of the Block Area, Lot Frontage and Lot Depth in accordance with the approved Zoning By-law for the lots within the Plan.
5. The Owner shall be required to complete a Private Property Tree Removal and Protection Application.
6. The Owner shall submit an environmental noise impact study, prepared in accordance with the Ministry of Environment, Conservation and Parks ("MECP") NPC-300 for review and approval of the City. The preparation of the noise study shall include the ultimate traffic volumes associated with the surrounding road and rail network. The Owner shall agree in the subdivision/Site Plan Agreement to carry out, or cause to carry out, the recommendations set out in the approved noise study and include necessary warning clauses in all Offers of Sale or Lease, to the satisfaction of the City.
7. The Conditions of Approval of York Region as set out in conditions 27-47.
8. The Owner shall engage an arborist to provide an arborist's report in respect of the impact that the Proposed Development (being the construction of the four

(4) residential units) may have on the health of the walnut tree which is located on the Manolakos' lands (being those lands immediately to the south of the subject property) and shall provide the Manolakos' with a copy of same upon receipt of same. If the arborist determines that the walnut tree will be irreversibly compromised as a result of the Proposed Development the Owner shall remove the tree (including its stump) at its cost and expense.

#### Conditions to be included in the Subdivision Agreement

9. The Owner shall enter into a subdivision agreement with the City of Vaughan to satisfy all conditions, financial or otherwise of the City, with regard to such matters as the City may consider necessary, including payments of development levies, the provisions of roads and municipal services, landscaping and fencing. The said agreement shall be registered against the lands to which it applies.
10. In the Subdivision Agreement, the Owner shall agree to successfully obtain approval of a Part Lot Control Application by Vaughan Council or a Consent Application through the Committee of Adjustment to sever and create maintenance/ reciprocal easements, in order to create four freehold residential lots and on-going maintenance including but not limited to retaining walls, landscaping, engineering works, snow removal and access maintenance.
11. The Owner shall register on title the necessary vehicular access, pedestrian access, maintenance, utility, drainage or construction easements and service cross easements to facilitate the Plan to the satisfaction of the City.
12. The Owner shall not remove trees without written approval by the City.
13. The Owner shall enter into a Tree Protection Agreement to the satisfaction of the City.
14. The Owner shall agree to erect an appropriate fence barrier along the northern limits of residential Block 2 that abut the existing St. Andrew Presbyterian Church to the satisfaction of the City.
15. The Owner shall agree to erect an appropriate fence barrier along the southern limits of residential Block 1 that abut the adjacent neighbouring property municipally known as 9838 Keele Street to the satisfaction of the City.
16. The Owner shall agree to erect an appropriate fence barrier along the



western limits of residential Blocks 1 and 2 that abut the existing Ramsay Armitage Park to the satisfaction of the City.

17. The Owner shall agree to erect permanent wood fence treatments for flanking residential dwellings to reflect the recommendations of the environmental noise report, if required.
18. The following warning clauses are to be included in the Subdivision Agreement. The Owner shall cause the following warning clauses to be included in a schedule to all offers of purchase and sale, or lease/rental agreement for all lots/blocks within the entire Plan, including but not limited to the following:
  - a) "Warning: Purchasers and/or tenants are advised that removal of recycling, general waste, leaf and yard waste, bulky waste items, metal/appliance collection and any future organics collection will be by way of a private service. This development does not meet the design requirements for municipal waste collection service and is not eligible for City pickup."
  - b) "Warning: Purchasers and/or tenants are advised that the driveway maintenance including repair and snow removal are the sole responsibility of the Owners of the Development and not the City."
  - c) "Warning: Purchasers and/or tenants are advised that the planting of trees in front of residential units is a requirement of the agreement. A drawing depicting the conceptual location for the trees is included as a schedule in the Site Plan Agreement."

"The City has not imposed an amount of a 'Tree Fee' or any other fee which may be charged as a condition of purchase for the planting of trees. Any 'Tree Fee' paid by the purchasers for boulevard trees does not guarantee that a tree will be planted on the boulevard in front or on the side of a residential dwelling."
  - d) "Warning: Purchasers and/or tenants are advised that snow removal is to be removed off site and shall be the sole responsibility of the homeowner."
  - e) "Warning: Purchasers and/or tenants are advised that a York Region Bus Stop is located along Keele Street in proximity to the Plan and as such all noise, odours, fumes associated with this use may be of concern and occasionally interfere with some activities of the building occupants."

- f) "Warning: Purchasers and/or tenants are advised the maintenance easement for the area over 9838 Keele Street and the Plan is a private agreement and the City is not party to the agreement."
- g) "Warning: Purchasers and/or tenants are advised that the retaining walls and fences located on the, northerly and southerly limits of the site and all future replacement/ maintenance thereof is the sole responsibility of the future Owners of the Development and not the City."
- h) "Warning: Purchasers and/or tenants are advised that the maintenance of the landscaping provided in the front yards on the future lots is the sole responsibility of the future Owners of the Development and not the City."
- i) "Warning: Purchasers and/or tenants are advised that due to the proximity of the adjacent Ramsay Armitage Park located west of the Plan lighting from Park may be visible along with noise from the Park may at times be audible."
- j) "Warning: Purchasers and/or tenants are advised that any encroachments and/or dumping from the lot to the adjacent open space/park are prohibited."
- k) "Warning: Purchasers and/or tenants are advised that the installation of any gate of access point from the lot to the adjacent open space/park is prohibited."
- l) "Warning: 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 sound level limits of the Municipality and the Ministry of the Environment, Conservation and Parks."
- m) "Warning: This dwelling unit has been designed with the provision for adding central air conditioning at the occupant's discretion. Installation of central air conditioning by the occupant will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Municipality and the Ministry of the Environment, Conservation and Parks."
- n) "Warning: Purchasers/tenants are advised that they are obliged to enter

into a cost sharing agreement for operation, on-going maintenance and replacement of the shared elements between all units/lots, which includes but not limited to the shared driveway, retaining walls, sidewalk, landscape area, stormwater management system, garbage and snow removal.”

- o) “Warning: Purchasers/tenants are advised that they may be obliged to a cost sharing agreement (which includes operation, maintenance and replacement obligations) with the property owner to the south (9838 Keele Street), regarding the shared access from Keele Street.”
  - p) “Warning: Purchasers and/or tenants are advised that due to the proximity of the adjacent St. Andrew Presbyterian Church located north of the Plan, noise from the Church and bell may at times be audible.”
19. Should archaeological resources be found on the property during development activities (construction, topsoil removal etc.), all work must cease and both the Ontario Ministry of Tourism, Culture and Sport and the City of Vaughan’s Development Planning and Heritage staff shall be notified immediately.
20. In the event that human remains are encountered during construction activities, the proponent must immediately cease all construction activities. The Owner shall contact the York Regional Police Department, the Regional Coroner and the Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Business Services.
21. The Owner shall provide York Region approval for the proposed access on Keele Street.
22. The Owner shall provide Draft R-Plan and prepare necessary easement documents for the shared elements between all units/lots, within Block 1 and Block 2, which includes but not limited to the proposed driveway, retaining walls, sidewalk, landscape area, and stormwater management system, all to the satisfaction of the City.

The easement(s) shall be registered on title of each block in conjunction with final approval of the Plan.

23. i) The Owner shall provide a draft agreement to the satisfaction of the City and York Region, to clearly demonstrate cost sharing obligations for operation, maintenance and replacement of the shared elements between all units/lots, which includes but not limited to the proposed driveway, retaining walls, sidewalk, landscape area, and stormwater

management system.

- ii) The Owner shall provide an undertaking that the agreement shall be registered on title of each block in conjunction with final approval of the Plan. Once the agreement is registered on title, the Owner shall provide a copy to the City.
24. Prior to the initiation of grading, the Owner shall submit to the City for review and approval the following:

A detailed engineering report that describes the storm drainage system for the proposed development within this draft plan, which report shall include:

- a) plans illustrating how this drainage system will tie into surrounding drainage systems, and indicating whether it is part of an overall drainage scheme, how external flows will be accommodated, and the design capacity of the receiving system;
  - b) the location and description of all outlets and other facilities;
  - c) storm water management techniques which may be required to control minor or major flows; and
  - d) proposed methods of controlling or minimizing erosion and siltation onsite and in downstream areas during and after construction.
25. The Owner shall indicate in the Agreement, in words satisfactory to Bell Canada, that it will grant to Bell Canada any easement that may be required, which may include a blanket easement, for communication/telecommunication infrastructure. In the event of any conflict with existing Bell Canada facilities or easements, the Owner shall be responsible for the relocation of such facilities or easements.

The Owner is to contact Bell Canada during detailed design to confirm the provision of communication/telecommunication infrastructure needed to service the Plan.

26. In the Subdivision Agreement, the Owner shall agree that prior to Site Plan Approval, the Owner shall:
- a) register and deposit the approved M-Plan.
  - b) prior to the site plan approval or issuance of building permit (whichever comes first) for each individual unit, the Owner shall obtain lot grading approval from Development Engineering's

Inspections and Lot Grading Division and pay all applicable fees.

- c) obtain a Fill Permit and pay necessary fees should earthworks be required.
- d) pay the Development Engineering Site Plan fee of \$4,160.00 (2018).
- e) provide Draft R-Plan and prepare necessary easement documents for the shared elements between all units/lots, within Block 1 and Block 2, which includes but not limited to the proposed driveway, retaining walls, sidewalk, landscape area, and stormwater management system, all to the satisfaction of the City.
- f) prior to the transfer any lot to purchasers, the Owner shall provide a copy of the agreement to the satisfaction of the City and York Region, to clearly demonstrate cost sharing obligations for operation, maintenance and replacement of the shared elements between all units/lots, which includes but not limited to the proposed driveway, retaining walls, sidewalk, landscape area, and stormwater management system.

The agreement shall be registered on title in conjunction with the final approval of the Plan or prior to transferring the land to the purchaser.

- g) the City shall be entitled to enforce the operation, maintenance or replacement of the shared elements (including but not limited to the proposed driveway, retaining walls, sidewalk, landscape area, and stormwater management system) as against any one or more Owner of lands within the Plan jointly and/or severally pursuant to the Municipal Act, 2001.
- h) pay all fees required under the subdivision approval, including but not limited to: contribution towards survey monuments, waste management contributions, printing of signed subdivision drawings, water used for testing and flushing the water services, woodlot contributions, and contribution to external downstream oversizing costs, where applicable.
- i) provide easements as may be required for utility, drainage or construction purposes to the appropriate authority(ies), free of all charge and encumbrance.
- j) obtain necessary Approvals from the Ministry of the

Environment, Conservation and Parks for all wastewater works that service the development including but not limited to the proposed stormwater management system, if necessary.

- k) prior to earlier of the initiation of any grading or construction on the subdivision, the Owner shall install an erosion and sediment control within the property, as per the approved drawings. The erosion and sediment control shall be designed and maintained in place until sufficient grass cover is established within the site to the satisfaction of the City.
- l) agree in the Site Plan Agreement to implement the recommendations of the final noise report into the design and construction of the buildings on the lands, and include all necessary warning statements on all agreements of purchase and sale or lease of individual units, all to the satisfaction of the City.
- m) prior to occupancy of each unit, a noise consultant shall certify that the building plans are in accordance with the noise control features recommended by the approved Noise Report. Where wall, window and/or oversized forced air mechanical systems are required by the Noise Report, these features be certified by a Professional Engineer at the City's request. The Engineer's certificate must refer to the final Noise Report and be submitted to the City's Chief Building Official and the Director of Development Engineering.
- n) the Conditions of Approval of Alectra Utilities Corporation (formerly "Power Stream") as set out in conditions 48-50.
- o) the Conditions of Approval of Enbridge Gas Distribution as set out in conditions 51-54.

Conditions of Approval of York Region:

- 27. The road allowances included within the draft plan of subdivision shall be named to the satisfaction of the City of Vaughan and York Region.
- 28. York Region shall confirm that adequate water supply and sewage capacity are available and have been allocated by the City of Vaughan for the development proposed within this draft plan of subdivision or any phase thereof.
- 29. The Owner shall provide an electronic set of the final engineering drawings

showing the watermains and sewers for the proposed development to the Community Planning and Development Services Division and the Infrastructure Asset Management branch for record.

30. The proposed crossings of the existing regional 900 mm diameter water main on Keele Street shall be designed and constructed to the satisfaction of the Region.
31. The Owner shall provide direct shared pedestrian/cycling connections from the proposed development to Keele Street and to support active transportation and public transit, where appropriate. A drawing showing the conceptual layout of active transportation facilities and connections internal to the site and to the Regional roads shall be provided.
32. The Owner shall provide a set of engineering drawings, for any works to be constructed on or adjacent to the York Region road, to Development Engineering, Attention: Manager, Development Engineering, that includes the following drawings:
  - a) Plan and Profile for the York Region road and intersections;
  - b) Grading and Servicing;
  - c) Construction Access Design;
  - d) Utility and underground services Location Plans;
  - e) Signalization and Illumination Designs;
  - f) Line Painting;
  - g) Traffic Control/Management Plans;
  - h) Erosion and Siltation Control Plans;
  - i) Landscaping Plans, including tree preservation, relocation and removals;
  - j) Sidewalk locations, concrete pedestrian access to existing and future transit services and transit stop locations as required by York Region Transit/Viva;

- k) Functional Servicing Report (water, sanitary and storm services);
  - l) Engineering drawings showing plan and profile views of proposed sewers and watermains and appurtenances, including manholes, watermains, valves, hydrants, etc. proposed within the subdivision.
33. The location and design of the construction access for the subdivision work shall be completed to the satisfaction of Development Engineering and illustrated on the Engineering Drawings.
34. The owner shall provide York Region with the following:
- a) An executed copy of the shared access agreement with mutual easements with the owner(s) of the property to the south; and
  - b) A copy of a registered easement for the portion of the property to the south required to construct the shared driveway access.
35. In the alternative, to Condition 34 above, if the Owner is unable to provide a registered easement, the owner shall provide the Region with security in the amount \$365,000 for the Region's costs, in the event that the Region is required to expropriate the portion of the south property required to construct the shared access driveway.
36. The Owner shall demonstrate, to the satisfaction of Development Engineering that elevations along the streetline shall be 0.2 metres above the centreline elevations of the York Region roadway, unless otherwise specified by Development Engineering.
37. The Owner shall have prepared, by a qualified Tree Professional, a Tree Inventory and Preservation/Removals Plan and Arborist Report identifying all existing woody vegetation within the York Region right-of-way to be removed, preserved or relocated. The report/plan, submitted to Development Engineering for review and approval, shall adhere to the requirements outlined in the York Region Street Tree and Forest Preservation Guidelines and shall be to the satisfaction of York Region Natural Heritage and Forestry Staff.
38. The Owner shall have prepared, by a qualified professional Landscape



Architect, landscape design plans detailing landscape works and street tree planting in the York Region right-of-way as required by any and/or all of the following, York Region's Streetscaping Policy, York Region's Street Tree Preservation and Planting Design Guidelines, any prevailing Streetscape Masterplan or Secondary Plan or as required by Urban and Architectural Design Guidelines.

39. The Owner shall engage the services of a consultant to prepare and submit for review and approval, a noise study to the satisfaction of Development Engineering recommending noise attenuation features.
  
40. The Region requires the Owner submit a Phase One Environmental Site Assessment ("ESA") in general accordance with the requirements of the Environmental Protection Act and O. Reg. 153/04 Records of Site Condition, as amended ("O. Reg. 153/04"). The Phase One ESA must be for the Owner's property that is the subject of the application and include the lands to be conveyed to the Region (the "Conveyance Lands"). The Phase One ESA cannot be more than (2) years old at: (a) the date of submission to the Region; and (b) the date title to the Conveyance Lands is transferred to the Region. If the originally submitted Phase One ESA is or would be more than two (2) years old at the actual date title of the Conveyance Lands is transferred to the Region, the Phase One ESA will need to be either updated or a new Phase One ESA submitted by the Owner. Any update or new Phase One ESA must be prepared to the satisfaction of the Region and in general accordance with the requirements of O. Reg. 153/04. The Region, at its discretion, may require further study, investigation, assessment, delineation and preparation of reports to determine whether any action is required regardless of the findings or conclusions of the submitted Phase One ESA. The further study, investigation, assessment, delineation and subsequent reports or documentation must be prepared to the satisfaction of the Region and in general accordance with the requirements of O. Reg. 153/04. Reliance on the Phase One ESA and any subsequent reports or documentation must be provided to the Region in the Region's standard format and/or contain terms and conditions satisfactory to the Region.

The Region requires a certified written statement from the Owner that, as of the date title to the Conveyance Lands is transferred to the Region: (i) there are no contaminants of concern, within the meaning of O. Reg. 153/04, which are present at, in, on, or under the property, or emanating or migrating from the property to the Conveyance Lands at levels that exceed the MOECC full depth site condition standards applicable to the property; (ii) no pollutant, waste of any nature, hazardous substance, toxic substance, dangerous goods, or other substance or material defined or regulated under applicable environmental laws is present at, in, on or under the Conveyance Lands; and (iii) there are no

underground or aboveground tanks, related piping, equipment and appurtenances located at, in, on or under the Conveyance Lands.

The Owner shall be responsible for all costs associated with the preparation and delivery of the Phase One ESA, any subsequent environmental work, reports or other documentation, reliance and the Owner's certified written statement.

41. Upon registration of the plan, the Owner shall convey the following lands to York Region for public highway purposes, free of all costs and encumbrances, to the satisfaction of the Regional Solicitor:
  - a) A widening across the full frontage of the site of sufficient width to provide a minimum of 21.5 metres from the centreline of Keele Street, and
  - b) A 5.0 metre by 5.0 metre daylight triangle at the northwest corner of Keele Street and Barrhill Road
42. The Owner shall provide a solicitor's certificate of title in a form satisfactory to York Region Solicitor, at no cost to York Region with respect to the conveyance of the above noted lands to York Region.
43. The intersection of Keele Street and Barrhill Road shall be designed to the satisfaction of Development Engineering with any interim or permanent intersection works including turning lanes, profile adjustments, illumination and/or signalization as deemed necessary by Development Engineering.
44. The Owner shall demonstrate, to the satisfaction of Development Engineering, that all local underground services will be installed within the area of the development lands and not within York Region's road allowance. If a buffer or easement is needed to accommodate the local services adjacent to York Region's right-of-way, then the Owner shall provide a satisfactory buffer or easement to the Area Municipality, at no cost to the Region.
45. The Owner shall provide a copy of the Site Plan Agreement to the Regional Corporate Services Department, outlining all requirements of the Corporate Services Department.
46. The Owner shall enter into an agreement with York Region, agreeing to satisfy all conditions, financial and otherwise, of the Regional Corporation; Regional Development Charges are payable in accordance with Regional Development

Charges By-law in effect at the time that Regional development charges, or any part thereof, are payable.

47. The Regional Corporate Services Department shall advise that Conditions 27 to 46 inclusive, have been satisfied.

Conditions of Approval of Alectra:

48. The owner, or his agent, for this plan is required to contact Alectra to discuss all aspects of the above project. Alectra will require site plan drawings, draft m-plans, legal plans, architectural design drawings, electrical consultant's drawings, number of units/lots in the subdivision/development and type of the subdivision/development (i.e., single family residential, town homes, condominium town homes, industrial etc.), square footage of the buildings, the required voltage, amperage and building loads, along with the completed and signed Subdivision Application Information Form (SAIF). Alectra will then use this information to determine the type of available service in the area to supply this project and determine the design fee for the subdivision or development.

Once Alectra has received the design fee and requested information, Alectra will prepare the hydro design, obtain the owner's /developer's approval of the design and obtain the required approvals from the local municipality and prepare the cost of the electrical distribution system (EDS) installation.

Alectra will provide the owner/developer with an "Offer to Connect" (OTC) agreement which will specify all the details and the responsibilities of each party.

The information on the SAIF must be as accurate as possible to reduce unnecessary customer costs, and to provide a realistic in-service date. The information from the SAIF is also used to allocate/order materials, to assign a technician to the project, and to place the project in the appropriate queue.

49. All proposed buildings, billboards, signs, and other structures associated with the development must maintain minimum clearances to the existing overhead or underground electrical distribution system as specified by the Ontario Electrical Safety Code and the Occupational Health and Safety Act.
50. If there are any existing components of Alectra's electrical distribution system on the proposed project site, they will have to be relocated by Alectra at the Developer's cost. Any conflicts due to driveway locations or clearances to the existing overhead or underground distribution system will have to be relocated

by Alectra at the Developer's cost.

Conditions of Approval of Enbridge Gas Distribution:

51. The applicant shall contact Enbridge Gas Distribution's Customer Connections department by emailing SalesArea30@enbridge.com for service and meter installation details and to ensure all gas piping is installed prior to the commencement of site landscaping (including, but not limited to: tree planting, silva cells, and/or soil trenches) and/or asphalt paving.
52. 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 phase construction, all costs are the responsibility of the applicant.
53. In the event that easement(s) are required to service this development, the applicant will provide the easement(s) to Enbridge Gas Distribution at no cost.
54. The applicant will grade all road allowances to as close to final elevation as possible, provide necessary field survey information and all approved municipal road cross sections, identifying all utility locations prior to the installation of the gas piping.