

Attachment 2
Summary of Improvements to Subdivision Agreement Template

	Section	Current Template	Major Changes and Improvements
1.	ALL SECTIONS	<ul style="list-style-type: none"> The structure of the templates has not been reviewed since 2002 	<ul style="list-style-type: none"> The format of the new templates has been modified to create an agreement structure that places all standard provisions in the main body of the agreement and organizes all technical and application-specific requirements & conditions within clearly identifiable schedules The body of the new agreements will no longer require review or modification, and staff will focus only on schedules which will be populated based on the nature of the specific application. It is expected that this structural re-alignment of the templates will not only improve internal processing times but will also make the agreements easier for the development community and the City.
2.	ALL SECTIONS	<ul style="list-style-type: none"> The current subdivision agreement template has provisions for green-field developments only. 	<ul style="list-style-type: none"> The new subdivision agreement template is modified to provide provisions for green field and high-rise developments, which staff may select for inclusion based on the type of development (reducing the current time to customize agreements for high-rise developments).
3.	RECITALS	<ul style="list-style-type: none"> Old terminology and legalese 	<ul style="list-style-type: none"> Clear language, references to updated statutory authority and phasing, when applicable.
4.	ORGANIZATION OF AGREEMENT	<ul style="list-style-type: none"> None 	<p>Definitions</p> <ul style="list-style-type: none"> Easy for the reader to refer to defined terms throughout the agreement.

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			<p>Schedules</p> <ul style="list-style-type: none"> • Overview of all Schedules to the Agreement. • Reference to the special provisions in Schedule B-2 (former Section 21). <p>Purpose and Nature of the Agreement</p> <ul style="list-style-type: none"> • Establishes scope of the Works to facilitate development. • Now covers both green field and high-rise developments. <p>Obligations of the Owner</p> <ul style="list-style-type: none"> • Clearly describes the obligations of the owner to develop the lands in accordance with the Approved Plans and Drawings, City’s specifications and applicable special provisions.
5.	PLANS AND DRAWINGS	<ul style="list-style-type: none"> • Requirements are spread-out and repetitive throughout the Agreement. • No clear definition of “Construction Drawings” or references to their approval. 	<p>Approved Plans and Drawings</p> <ul style="list-style-type: none"> • Dedicated Section for Approved Plans and Drawings. • Clear definition of term “Approved Plans and Drawings”. • Highlights how development must conform with City approved documents. • Mechanisms to amend and revise City approved plans and drawings with ease.
6.	APPROVALS	<ul style="list-style-type: none"> • None 	<p>Conditions of Approval</p> <ul style="list-style-type: none"> • Clearly outlines the City’s requirements prior to registration of the Plan of Subdivision.

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			<p>Withdrawal of Approval</p> <ul style="list-style-type: none"> States City’s statutory authority to withdraw. <p>Termination of Agreement</p> <ul style="list-style-type: none"> Defines when Agreement ceases to apply.
7.	FINANCIAL REQUIREMENTS	<ul style="list-style-type: none"> No headings. Confusing language; difficult to read. Paragraphs did not follow proper order. Other financial obligations scattered throughout the agreement. Repetition of same obligations in other sections. 	<ul style="list-style-type: none"> Added proper headings for quick reference. Re-worded and re-ordered financial provisions for better flow and readability. Clarified events of default. Enhanced language to clarify and remove ambiguities regarding enforcement powers of the City.
8.	EXAMPLE OF REVISIONS TO FINANCIAL REQUIREMENTS	<p>Section 2.1 (Financial Requirements)</p> <p>(a) The Owner shall pay the cost of the services, including construction and engineering for the Plan, to the extent that the City shall not be required to pay any portion of the cost thereof</p>	<p>Re-worded and re-located as follows:</p> <p>(a) This is now in Section 1.7 under the heading Obligations of Owner.</p>

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		<p>unless specifically provided otherwise in this agreement.</p> <p>(b) In the event that a claim for lien is filed under the Construction Lien Act, and the City could be thereby liable, then the City may draw upon the Municipal Services Letter of Credit (M.S.L.C.) and with the consent of the Owner, satisfy the claim or lien, or without the consent of the Owner pay the required sum into Court to the credit of the action. The Owner shall pay the City any costs or expenses which it may thereby incur and these may be recovered from the M.S.L.C.</p> <p>(c) Prior to registration of this agreement, the Owner shall pay to the City all costs to register this agreement. The Owner further agrees to pay to the City any further costs</p>	<p>(b) This is now in Section 4 under the heading Construction Act Compliance.</p> <p>(c) This is set out in Section 6.1 under the heading Registrations.</p>

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		<p>incurred by the City as a result of the registration of this or any other documents pursuant to this agreement.</p> <p>(d) If payment is not made within (ten) 10 days of written notice to the Owner, the City may draw upon the M.S.L.C. for the required sum.</p>	<p>(d) This is now in Section 4 under the heading Construction Act Compliance.</p>
9.	CONSTRUCTION ACT COMPLIANCE	<ul style="list-style-type: none"> • Embedded in Section 2.1 and 2.9 (q) 2.9 (r) under the heading of Financial Requirements. • Referred to the old act. 	<ul style="list-style-type: none"> • Now separated into its own Section. • Refers to current <i>Construction Act</i>. • Up to date templates
10.	ENVIRONMENTAL CLEARANCES	<ul style="list-style-type: none"> • Embedded in Section 21 (Special Provisions) without proper heading. • Outdated language. 	<ul style="list-style-type: none"> • Dedicated Section titled “Environmental Clearances”. • Updated and re-worded provisions to clarify developer’s obligations and City and Provincial’s requirements.
11.	REGISTRATIONS AND CONVEYANCES	<ul style="list-style-type: none"> • Easement and Conveyances (Section 4 and scattered throughout the Agreement). 	<ul style="list-style-type: none"> • All registration and conveyance requirements in one place. • Headings added for readability and flow. • Revised and updated language.

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		<ul style="list-style-type: none"> No Headings. 	
12.	PARKLAND REQUIREMENTS	<ul style="list-style-type: none"> No dedicated clauses or sections. 	<ul style="list-style-type: none"> Section dedicated to Parkland Requirements. New Schedule L outlining all Parkland Requirements. Provisions for Base-Parkland Works and Above-Parkland Works.
13.	CONSTRUCTION OF WORKS PRELIMINARY ACCEPTANCE MAINTENANCE FINAL ASSUMPTION	<ul style="list-style-type: none"> Clauses contained within sections 6, 16, 17, 18, and 21 (Special Provisions) were repetitive, not described in orderly fashion, unclear language. 	<ul style="list-style-type: none"> Dedicated sections and headings. Orderly sequence of clauses under appropriate headings. Re-worded and re-ordered to improve flow and readability.
14.	BUILDING PERMITS	<ul style="list-style-type: none"> Scattered and without headings. 	<ul style="list-style-type: none"> Language has been updated to comply with the Building Code. New By-law pursuant to Section 34(5) of the <i>Planning Act</i> is being proposed to Council to ensure that municipal servicing is in place prior to building permits being issued.
15.	OCCUPANCY	<ul style="list-style-type: none"> Scattered and without headings. 	<ul style="list-style-type: none"> Language updated for ease of reference readability and compliance with the Building Code. Added proper headings.

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16.	INDEMNIFICATION AND INSURANCE	<ul style="list-style-type: none"> • Outdated language. • Outdated insurance coverage. • Incorrect references (<i>i.e.</i> Additional vs Named insured). • Basic indemnification. • No headings. • No release. 	<ul style="list-style-type: none"> • Updated language. • Comprehensive coverage requirements. • Revised indemnification. • Headings for ease of reference. • Release of City’s liability.
17.	EXTERNAL AGENCIES CONDITIONS	<ul style="list-style-type: none"> • Scattered within Section 21 (Special Conditions). • No headings. 	<ul style="list-style-type: none"> • Dedicated section and Schedule M with headings.
18.	GENERAL PROVISIONS	<ul style="list-style-type: none"> • Missing standard clauses. 	<ul style="list-style-type: none"> • Language revised and updated. • Examples: <ul style="list-style-type: none"> “References herein to any statute or any provision thereof include such statute or provision thereof as amended, revised, re-enacted and/or consolidated and any successor statute thereto.” “In the event the Plan of Subdivision is not registered <u>within two years (2) after the execution of this Agreement</u> by the Parties, this Agreement shall be null and void and of no further effect, and the City shall not be liable for any expenses, costs or

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			damages suffered or incurred by the Owner as a result thereof, including any refund of fees, levies or other charges paid by the Owner in accordance with this Agreement.”
19.	SCHEDULE B-1 GENERAL PROVISIONS Works and Servicing	<ul style="list-style-type: none"> Sections 6 to 15 and 21 (Special Provisions) or no stand alone clause. As well as scattered throughout the agreement. 	<ul style="list-style-type: none"> Centralized all City requirements and created dedicated sections regarding: <ul style="list-style-type: none"> consultants and contractors engineering requirements architectural control, urban design and landscaping utilities Updated language. This schedule improves readability and helps developers to easily identify the standard conditions applicable to development. Organizing this information in one schedule will create efficiency both for developers who can now easily identify such provisions and will create efficiency to expedite the preparation of the agreements.
20.	SCHEDULE B-2 SPECIAL PROVISIONS	<ul style="list-style-type: none"> Former Section 21 (Special Provisions). 	<ul style="list-style-type: none"> Special provisions moved to a stand-alone schedule to avoid need to populate/manipulate body of the agreement and ease of reference. Create efficiencies by reducing the turn-around time related to the preparation of agreements, circulation, and review time.

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21.	SCHEDULE C WORKS NOT TO BE ASSUMED BY THE CITY	<ul style="list-style-type: none"> Former Schedule L 	<ul style="list-style-type: none"> Added clarification that any works not listed in this Schedule will not be assumed by the City.
22.	SCHEDULE D ESTIMATED COST OF WORKS	<ul style="list-style-type: none"> Schedule D 	<ul style="list-style-type: none"> Updated the incorporate the works related to trail systems, parkland works, protection of private wells, etc.
23.	SCHEDULE E WORKS SPECIFICATIONS	<ul style="list-style-type: none"> Description of Works, no clear references to applicable specifications. 	<ul style="list-style-type: none"> Moved requirements regarding Works to Schedule B-1. Added a clear list of all applicable City's specifications. Previously Schedule E contained a description of Works, with no clear reference to applicable specifications. The revised Schedule E now clearly identifies all applicable City specifications only and all required Works have been moved to Schedule - B1.
24.	SCHEDULE F WORKS SCHEDULE	<ul style="list-style-type: none"> Schedule F 	<ul style="list-style-type: none"> Updated timelines to comply with Building Code.
25.	SCHEDULE G DESCRIPTION OF THE LANDS	<ul style="list-style-type: none"> Schedule G 	<ul style="list-style-type: none"> No major changes.

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26.	SCHEDULE H ESTIMATED COST OF WORKS	<ul style="list-style-type: none"> Schedule H 	<ul style="list-style-type: none"> No major changes.
27.	SCHEDULE I AMOUNTS PAYABLE TO THE CITY	<ul style="list-style-type: none"> Schedule I 	<ul style="list-style-type: none"> Updated to incorporate the new fee by-laws
28.	SCHEDULE J APPROVED PLANS AND DRAWINGS	<ul style="list-style-type: none"> Former Schedule B Construction Drawings. 	<ul style="list-style-type: none"> Centralized references to all approved plans, drawings and reports to which the Works need to conform.
29.	SCHEDULE K CONVEYANCES	<ul style="list-style-type: none"> Schedule K. 	<ul style="list-style-type: none"> Updated language.
30.	SCHEDULE L PARKLAND REQUIREMENTS	<ul style="list-style-type: none"> None. 	<ul style="list-style-type: none"> Added detailed provisions for Base and Above-Base Parkland Works. Previously the subdivision agreement contained no section or schedule dedicated to the City's parkland requirements. The revised agreement contains a new section and schedule detailing provisions regarding base and above-base Parkland Works.
31.	SCHEDULE M EXTERNAL AGENCIES	<ul style="list-style-type: none"> None. 	<ul style="list-style-type: none"> Centralizes all external agencies terms and conditions into one schedule.

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32.	SCHEDULE N CONSULTANT'S LOT GRADING CERTIFICATE	<ul style="list-style-type: none"> Schedules N-1 and N-2 	<ul style="list-style-type: none"> Condensed into one schedule.
33.	SCHEDULE O LOT GRADING DESIGN FOR RESIDENTIAL DEVELOPMENT	<ul style="list-style-type: none"> Schedule O 	<ul style="list-style-type: none"> Deleted.
34.	SCHEDULE P EXTERNAL LANDS TO COST SHARE	<ul style="list-style-type: none"> Schedule P1 and P2 	<ul style="list-style-type: none"> No major changes.
35.	SCHEDULE Q GENERAL PHASING REQUIREMENTS	<ul style="list-style-type: none"> Schedule Q 	<ul style="list-style-type: none"> New Schedule connected to Section 2.8 of the Agreement.