



memorandum

C14
Communication
Council – September 24, 2024
CW(2) – Report No. 30 Item No. 6

DATE: September 20, 2024

TO: Mayor and Members of Council

FROM: Haiqing Xu, Deputy City Manager, Planning and Growth Management

COPY: Nick Spensieri, City Manager

RE: COMMUNICATION – Council, September 24, 2024
Report #30, Item #6

ROYAL 7 DEVELOPMENTS LIMITED
DRAFT PLAN OF CONDOMINIUM FILE 19CDM-24V008
2920 HIGHWAY 7
VICINITY OF JANE STREET AND REGIONAL ROAD 7

Recommendation

The Deputy City Manager, Planning and Growth Management recommends:

1. That Attachment #1 of the report of the Deputy City Manager, Planning and Growth Management dated September 17, 2024 (Committee of the Whole (2), Item 6), be replaced with Attachment #1 to this communication.

Background

The following amendments have been made to the Draft Plan of Condominium conditions identified in Attachment #1:

1. At the request of the applicant, warning clause i) vi. has been revised to provide further clarification that a Minor Variance (file A167/23) was approved to permit reduced parking unit sizes for select units within the Plan of Condominium;
2. Previous condition k) has been removed as a public access easement was no longer deemed to be required over the privately-owned and operated public commercial parking garage located under Edgeley Park.

Attachment

Attachment 1 – revised from September 17, 2024, Committee of the Whole (2) (Item 6).

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Haiqing Xu'.

Haiqing Xu, Deputy City Manager,
Planning and Growth Management

ATTACHMENT NO. 1

CONDITIONS OF APPROVAL

**DRAFT PLAN OF CONDOMINIUM (STANDARD) FILE 19CDM-24V008 (THE 'PLAN')
ROYAL 7 DEVELOPMENT LTD ('THE OWNER')
2920 HIGHWAY 7
PART OF LOT 6, CONCESSION 4 ('THE LANDS')
CITY OF VAUGHAN (THE 'CITY')**

**THE CONDITIONS OF THE COUNCIL OF THE CITY THAT SHALL BE SATISFIED
PRIOR TO THE RELEASE FOR REGISTRATION OF PLAN OF CONDOMINIUM FILE
19CDM-24V008 ARE AS FOLLOWS:**

CITY OF VAUGHAN CONDITIONS:

Policy Planning and Special Programs Department, VMC Program:

- a) The final Plan shall relate to a Draft Plan of Condominium (Standard), prepared by KRCMAR Surveyors Ltd., Drawing File No. 00-202DC05, dated May 29, 2024, and relating to City File No. 19CDM-24V008.
- b) If the Plan is not registered within 3 years after the date upon which approval of Draft Plan of Condominium File No. 19CDM-24V008 was given, then the draft plan approval shall lapse unless the Owner applies to the City for an extension and approval is granted for said extension prior to the lapsing date.
- c) Prior to the execution of the Condominium Agreement, the Owner shall submit a pre-registered Plan of Condominium to the Policy Planning and Special Programs Department, VMC Program.
- d) The Owner shall enter into a Condominium Agreement with the City and shall agree to satisfy any conditions with respect to such matters as landscaping and site development, and any other matters that the City may consider necessary, and that may be outstanding from related Site Development File DA.18.050.
- e) The following clauses shall be included in the Condominium Agreement:
 - i. The Owner/Condominium Corporation shall be responsible for private waste collection, including garbage and recycling.
 - ii. The Owner/Condominium Corporation shall be responsible for private snow clearing and removal.
 - iii. The Owner/Condominium Corporation shall be responsible to regularly clean and maintain all catch basins, area drains and sewers within the lands.

- iv. Should archaeological resources be found on the Lands during construction activities, the Owner must immediately cease all construction 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 and shall contact the York Region Police Department, the Regional Coroner and the Registrar of the Cemeteries at the Bereavement Authority of Ontario (BAO) 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.
- f) The Condominium Agreement shall be registered on title against the lands to which it applies, at the cost of the Owner.
- g) Prior to registration of the Plan, the Owner and their Solicitor and Land Surveyor shall confirm that all required easements and rights-of-way for utilities, drainage and construction purposes have been granted to the appropriate authorities.
- h) Prior to final approval and registration of the Plan, the Owner shall provide a certificate from a noise consultant confirming that the noise attenuation measures identified in the approved noise and vibrations study prepared by HGC Engineering and dated Oct 21, 2019 (the "Approved Noise and Vibrations Study") have been included in the building plans. The Owner's noise consultant shall certify that the noise attenuation measures identified in the Approved Noise and Vibrations Study have been incorporated into the building, to the satisfaction of Vaughan's VMC Program and Development Engineering Department.
- i) The Owner and/or Condominium Corporation shall include the following warning clauses in the Condominium Declaration and all Agreements of Purchase and Sale and confirm same to the City. Where such clauses have not been included in all Agreements of Purchase and Sale, the solicitor for the Declarant shall confirm that all purchasers have been advised of these clauses:
 - i. "Future occupants are advised that sound levels due to increasing road traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels exceeds the Ministry of the Environment, Conservation, and Parks noise criteria."
 - ii. "This dwelling unit has been supplied with an air conditioning system which will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the Ministry of the Environment, Conservation, and Parks noise criteria."

- iii. “Purchasers are advised that sounds from the nearby industrial use, including the rail yard to the northeast may be audible at times.”
 - iv. Purchasers and unit owners are advised that the residential visitors and commercial parking spaces for the lands denoted in the Draft Plan of Condominium are not located on the premises and do not form part of the common elements, but will be available as paid parking in an underground parking garage under Edgeley Park located on the southwest corner of Maplecrete Road and the future Barnes Court extension.
 - v. Purchasers/Tenants and unit owners are advised that the ground floor commercial units are freehold and are not part of the Condominium Corporation and are subject to reciprocal maintenance and operating agreement(s) between the Condominium Corporation and Commercial Components related to matters including but not limited to easements, maintenance, repair and replacement of shared-facilities, cost-sharing and insurance.
 - vi. Purchasers/Tenants and unit owners are advised that the areas described as Units 52, 77, 92-94, inclusive, on Parking Level A, Units 95, 110-112, inclusive, on Parking Level B, Units 100, 115-117, inclusive, on Parking Level C, and Units 102, 117-119, inclusive, on Parking Level D, do not meet the City of Vaughan's requirements for a standard size parking unit, in accordance with By-law 1-88, as amended, and have received approval through Minor Variance Application File A167/23.
- j) Prior to execution of the Condominium Agreement(s), the Owner shall submit to Vaughan satisfactory evidence that the appropriate warning clauses have been included in the offer of purchase and sale, lease/rental agreements and condominium declarations.
 - k) Prior to final approval of the plan of condominium, the Owner shall enter into a reciprocal maintenance and operating agreement with the owner of the commercial component located under the condominium (the “REOA”). The REOA shall amongst other things: (i) include the necessary easements for access and support over existing structural members, footings and foundations for the purpose of supporting the buildings and structures; and (ii) set out the repair and maintenance and obligations between the parties to ensure the safe operation of the buildings and structures. The REOA shall be provided to the City upon request. The REOA shall be provided to the City upon request.

Building Standards Department:

- l) Prior to registration of the Plan, 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 Department and the Zoning Division, Building Standards Department. Should any relief from Zoning By-law 1-88 be required, the Owner shall apply for and obtain the necessary approvals to address any zoning deficiencies, and satisfy any conditions of approval, if required.

Financial Planning and Development Finance Department:

- m) Prior to registration of the Plan, the Owner shall confirm that they have paid all outstanding taxes, development charges and levies, as may be required by the Financial Planning and Development Finance Department.

Environmental Services Department

- n) Prior to the final approval and registration of the Plan of Condominium, the Owner shall ensure that Discharge Approval No. 2021-108564 (the “**Discharge Approval**”) is in full force and effect and that the discharge and related works are operating, in good standing and that the terms and conditions of the Discharge Approval have been complied with, all to Vaughan’s satisfaction.
- o) Prior to the final approval and registration of the Plan of Condominium, the Owner shall provide confirmation that arrangements, satisfactory to Vaughan, have been made to ensure that the Owner/Condominium Corporation applies to renew the Discharge Approval within thirty (30) days of registration of the last Condominium Corporation for the Project in accordance with the terms of the Discharge Approval. When applying for a complete transfer of the Discharge Approval (i.e. a complete removal of the Owner from the Discharge Approval), the Owner shall provide a report prepared and sealed by a professional geoscientist licensed in the province of Ontario, attesting that all private water discharge complies with the requirements of the Discharge Approval, to the satisfaction of Vaughan.
- p) Prior to the final approval and registration of the Plan of Condominium, the Owner agrees that post-development flow rates discharged to Vaughan’s storm sewer system from the Lands, including private groundwater discharge, shall not exceed the allowable flow rates discharged to Vaughan’s storm sewer system as approved by Vaughan’s Development Engineering Department and per the Discharge Approval. The Condominium Corporation may be required to add or modify the discharge and related works to Vaughan’s satisfaction, all at their sole cost and expense.
- q) The Owner/Condominium Corporation’s right to discharge private water from its Land into Vaughan’s storm sewer system is subject to all terms and conditions of

this Agreement, the Discharge Approval, Vaughan's Sewer Use By-law 130-2022, as amended, or replaced and all applicable laws and regulations.

- r) If the Owner and/or the Condominium Corporation fails to comply with any of the terms and conditions set out in Sections (o) to (r) above, Vaughan may immediately suspend, terminate or revoke at Vaughan's sole discretion, any discharge privileges granted under this Agreement and the Discharge Approval.