



C10

Communication

Council – January 28, 2025

CW(1) – Report No. 1 Item No. 9

DATE: January 24, 2025

TO: Mayor and Members of Council

FROM: Vince Musacchio, Interim Deputy City Manager, Planning, Growth Management and Housing Delivery

RE: **COMMUNICATION – Council Meeting, January 28, 2025**
Report #1, Item #9

RP B3N HOLDINGS INC.
DRAFT PLAN OF CONDOMINIUM (STANDARD) FILE 19CDM-24V013
225 COMMERCE STREET (VICINITY OF HIGHWAY 7 AND
COMMERCE STREET)

Recommendation

1. That Attachment #1a of the above noted technical report be replaced with Attachment 1 to this Communication.

Background

An amendment has been made to the City of Vaughan (Policy Planning and Special Programs Department (VMC Program) Draft Plan of Condominium conditions identified in Attachment #1a.

The following condition was removed as it has been determined through further review by the VMC Program that it is not required for this phase of the Development.

13. Prior to the execution of the Condominium Agreement, the Owner shall enter into a Pedestrian Tunnel Encroachment Agreement with the City for a below-grade pedestrian tunnel connecting lands subject to DA.18.075 to the lands subject to DA.21.031.

For more information, contact Matthew Peverini, Senior Planner – VMC Program, ext. 3636, or Nicholas Trajkovski, Planner – VMC Program, ext. 8530.

Attachments

1. Attachment 1 – Revised City of Vaughan Conditions of Draft Approval

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "V. Musacchio".

Vince Musacchio, Interim Deputy City Manager,
Planning, Growth Management and Housing Delivery

Attachment 1 – Revised Conditions of Draft Approval

ATTACHMENT NO. 1a)

CITY OF VAUGHAN CONDITIONS:

Policy Planning and Special Programs Department (VMC Program):

1. The final Plan shall relate to a Draft Plan of Condominium (Standard), prepared by R-Avis Surveying Inc., Drawing Nos. 3331-0DP1, 3331-0DP2, 3331-0DP3, 3331-0DP4, 3331-0DP5, 3331-0DP7, 3331-0DP8 and 3331-0DP9-TOWER A-0, and relating to City File No. 19CDM-24V013.
2. If the Plan is not registered within 3 years after the date upon which approval of Draft Plan of Condominium File No. 19CDM-24V013 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
3. 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).
4. 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.18.075.
5. The Condominium Agreement shall be registered on title against the lands to which it applies, at the cost of the Owner.
6. 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.
7. The following provisions shall be included in the Condominium Agreement:
 - a) The Owner/Condominium Corporation shall be responsible to regularly clean and maintain all driveway catch basins.
 - b) The Owner/Condominium Corporation shall be responsible for private snow clearing and removal.
 - c) 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.

- d) The Owner shall satisfy all requirements of the Environmental Services Department, Solid Waste Management Division and the Owner is advised that upon a successfully completed application, site inspection and executed agreement as determined by the Environmental Services Department, Solid Waste Management Division, the future condominium corporation may be eligible for municipal waste collection services. Should the future condominium corporation be deemed ineligible by the City or choose not to enter into an agreement with the City for municipal collection service, all waste collection services shall be privately administered and shall be the responsibility of the future condominium corporation.
8. 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 on October 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.
9. 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:
- a) "Purchasers/tenants are advised that despite the inclusion of noise control features in the development and within the individual building units, sound levels due to increasing road traffic may on occasion interfere with some activities of the dwelling occupants as the sound levels may exceed the sound level limits of the City and the Ministry of the Environment, Conservation, and Parks."
 - b) "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 sound level limits of the City and the Ministry of the Environment, Conservation, and Parks."

- c) "Purchasers/tenants are advised that due to the proximity of nearby commercial/office/retail facilities, sound from those facilities may at times be audible."
- 10. 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.
- 11. 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.
- 12. Prior to execution of the Condominium Agreement the Owner shall provide a public access easement over the pedestrian mews, to be registered on title. The Owner shall indemnify and save harmless the City and its employees from all actions, causes of actions, suits, claims and demands whatsoever which may arise directly or indirectly in respect of the pedestrian mews provided under said agreement.

Building Standards Department

- 13. 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

- 14. 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

- 15. Prior to the final approval and registration of the Plan of Condominium, the Owner shall ensure that Discharge Approval No. 2023-106400 (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.

16. 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.
17. A clause shall be added to the Condominium Agreement which states that the Owner agrees that post-development flow rates discharged to the City of Vaughan's storm sewer system from the Lands, including Private Water Discharge, shall not exceed the allowable flow rates discharged to the Vaughan's storm sewer system as approved by Development Engineering pursuant to the Discharge Approval. The Owner may be required to add or modify the Discharge and Related Works to the City of Vaughan's satisfaction, all at the Owner's sole cost and expense.
18. 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.