

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: December 19, 2022

CASE NO(S): OLT-22-002010
(Formerly) PL030216

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

Applicant and Appellant:	Tabera Limited
Subject:	Application to amend the Zoning By-law – Refusal or neglect to make a decision OPA to develop Phase II of the Alta subdivision
Description:	
Reference Number:	84-49
Property Address/Description:	Part Lots 22, 23 and 24, Concession 3
Municipality:	Town of The Blue Mountains
OLT Case No.:	OLT-22-002010
Legacy Case No.:	PL030216-Z050136
OLT Lead Case No.:	OLT-22-002010
Legacy Lead Case No.:	PL030216-Z050136
OLT Case Name:	Tabera Limited v. The Blue Mountains (Town)

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

Subject:	Request to amend the Official Plan – Failure to adopt the requested amendment
Property Address/Description:	Part Lots 22, 23 and 24, Concession 3
Municipality/UT:	The Blue Mountains/Grey
OLT Case No.:	OLT-22-002013
Legacy Case No.:	PL030216-S050055
OLT Lead Case No.:	OLT-22-002010
Legacy Lead Case No.:	PL030216-Z050136

PROCEEDING COMMENCED UNDER subsection 51(39) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Subject: Plan of Subdivision - Appeal of the Lapsing Provision
 Reference Number: n/a
 Property Address: Part Lots 22, 23 and 24, Concession 3
 Municipality: The Blue Mountains
 OLT Case No.: OLT-22-002014
 Legacy Case No.: PL030216-S050056
 OLT Lead Case No.: OLT-22-002010
 Legacy Lead Case No.: PL030216-Z050136

PROCEEDING COMMENCED UNDER subsection 51(39) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Subject: Plan of Subdivision - Appeal of the Lapsing Provision
 Property Address/Description: Part Lots 22, 23 and 24, Concession 3
 Municipality: The Blue Mountains
 OLT Case No.: OLT-22-002015
 Legacy Case No.: PL030216-S050057
 OLT Lead Case No.: OLT-22-002010
 Legacy Lead Case No.: PL030216-Z050136

PROCEEDING COMMENCED UNDER subsection 51(39) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Subject: Plan of Subdivision - Appeal of the Lapsing Provision
 Property Address/Description: Part Lots 22, 23 and 24, Concession 3
 Municipality/UT: The Blue Mountains/Grey
 OLT Case No.: OLT-22-002020
 Legacy Case No.: PL030216-O030037
 OLT Lead Case No.: OLT-22-002010
 Legacy Lead Case No.: PL030216-Z050136

Heard: August 9, 2022 by video hearing

APPEARANCES:**Parties****Counsel**

Tabera Limited

M. Cara

Town of The Blue Mountains

W. Thomson

County of Grey

E. Treslan

Niagara Escarpment Commission

K. Hare

**MEMORANDUM OF ORAL DECISION DELIVERED BY HUGH S. WILKINS ON
AUGUST 9, 2022 AND ORDER OF THE TRIBUNAL**

[1] The Tribunal held a settlement hearing on August 9, 2022 regarding appeals brought by Tabera Limited (“Appellant”) regarding the failure of the Town of The Blue Mountains (“Town”) to make decisions on the Appellant’s applications for proposed Zoning By-law Amendments and its refusal of the Appellant’s application for a draft Plan of Subdivision to facilitate development on the lands located at Part of Lots 22, 23 and 24, Concession 3 (“subject lands”). They are located northwest of the Blue Mountain Village and south of Craigeith Provincial Park.

[2] On June 23, 2022, the Appellant informed the Tribunal that the Parties had reached a proposed settlement. The Tribunal convened a settlement hearing on August 9, 2022.

[3] On October 24, 2022, the Appellant confirmed that an associated development permit application before the Niagara Escarpment Commission had been approved and it filed with the Tribunal a final proposed draft Plan of Subdivision.

[4] The Appellant states that its associated draft Plan of Condominium appeals are being withdrawn.

ISSUES

[5] When adjudicating official plan and zoning by-law amendment appeals and draft plan of subdivision appeals, the Tribunal must determine whether the proposed instruments:

- a) are consistent with policy statements issued by the Minister (in this case, the Provincial Policy Statement, 2020 (“PPS”));
- b) conform with applicable provincial plans (in this case, the Niagara Escarpment Plan); and,
- c) represent good planning.

[6] For a zoning by-law amendment appeal, the Tribunal must determine whether the proposed amendment conforms with applicable official plans (in this case, the Town’s Official Plan and the Official Plan of the County of Grey (“County”).

[7] For draft plan of subdivision appeals, the Tribunal must have regard to the criteria set out in s. 51(24) of the *Planning Act* and determine whether the draft plan conditions are reasonable under s. 51(25) of the *Planning Act*.

[8] Further, for each of these types or appeals, the Tribunal must have regard to the matters of provincial interest set out in s. 2 of the *Planning Act* and have regard to the information and materials that the Town Council received in relation to the matters under s. 2.1(2) of the *Planning Act*.

EVIDENCE AND SUBMISSIONS

[9] The Appellant filed an affidavit in support of the proposed settlement sworn by Andrew Pascuzzo, dated August 3, 2022. Mr. Pascuzzo is a land use planner. He also

provided oral testimony at the settlement hearing. The Tribunal qualified him to provide opinion evidence in the area of land use planning.

[10] The Town, the County, and the Niagara Escarpment Commission support the proposed settlement. They did not provide evidence at the settlement hearing.

[11] At the settlement hearing, Mr. Pascuzzo stated that a portion of the subject lands was developed in 2001 with 65 single-family detached dwellings. He said that in 2005, the Appellant filed official plan amendment, zoning by-law amendment, draft plan of subdivision, and draft plan of condominium applications to facilitate a second phase of development on the subject lands. These applications resulted in appeals that were partially settled in 2007 with the withdrawal of the official plan amendment appeal and adjournment of the other proceedings. Mr. Pascuzzo stated that the 2007 settlement resulted in an agreement that development on the subject lands would be restricted to below the 240 metre ("m") contour line on the lands.

[12] Mr. Pascuzzo said mediation regarding the Zoning By-law Amendment, draft Plan of Subdivision and draft Plan of Condominium appeals was held in 2021, resulting in the proposed settlement being reached in June 2022.

[13] Mr. Pascuzzo stated that the proposed settlement includes a proposed Zoning By-law Amendment and a proposed draft Plan of Subdivision with conditions. He said the proposed development would facilitate the development of 57 new residential lots for single detached dwellings (Lots 1-52 and Lots 56-60), three municipal rights-of-way, one stormwater management block (Block 62), four open space blocks (Blocks 61, 63, 64 and 65), one block for a future road connection (Block 66), and one block reserved for residential development consisting of Lots 53-55 (Block 67) pending approval by the Niagara Escarpment Commission. He stated that the proposed development is in accordance with the 2007 settlement and restricts development to below the 240 m contour line.

[14] On October 24, 2022, the Appellant informed the Tribunal that the Niagara Escarpment Commission had approved the proposed residential development for Block 67.

[15] The subject lands are presently zoned as “Development (D)”, “Escarpment (E)”, and “Hazard (H)”. Mr. Pascuzzo said the Development (D) zone acts as a holding zone until future development applications are made and that the subject lands require a zoning by-law amendment to rezone them from the Development (D) zone to Residential. He said the Residential Exception (R1-1-X) zoned areas would have site-specific exceptions allowing for an increase in the minimum interior side yards from 2 m up to 4 m, a reduction in the maximum height permitted from 9.5 m down to 7.62 m (for Lots 44-55) and a reduction in the minimum frontage from 18 m down to 10 m (for Lots 53-55). The existing Escarpment (E) and Hazard (H) zones would not be changed.

[16] Mr. Pascuzzo opined that the proposed instruments are consistent with the PPS. He said the subject lands are vacant, under-utilized lands on full municipal services designated for recreational residential development. He stated that an environmental impact study was prepared which demonstrates that there is not expected to be any negative impacts on natural heritage features. He said environmental concerns raised by the public were fully addressed in the Appellant’s environmental impact study to the satisfaction of the Niagara Escarpment Commission, the County, and the local Conservation Authority.

[17] Mr. Pascuzzo opined that the proposed instruments do not conflict with the Niagara Escarpment Plan. He said the subject lands are designated as “Escarpment Recreation Area” under the Niagara Escarpment Plan, which permits seasonal and permanent residential dwellings within it. He said the Escarpment Recreation Area designation directs local municipalities to set official plan policies for these areas based on guidelines provided by the Niagara Escarpment Commission. He said these guidelines include restrictions on development on prominent slopes on the Escarpment

and guidance on permitted density and a mix of uses. He said these guidelines have been adhered to in the present case.

[18] Mr. Pascuzzo opined that the proposed Zoning By-law Amendment conforms with the County's Official Plan. He stated that the subject property is designated as "Recreation Resort Area" under the Official Plan. He said the County's Official Plan encourages growth in settlement areas with full services and promotes development that is compatible with surrounding lands use and that does not negatively impact natural resources. He said the proposed instruments facilitate development that conforms with these requirements.

[19] Mr. Pascuzzo opined that the proposed Zoning By-law Amendment conforms with the Town's Official Plan. He stated that the subject lands are designated as "Residential Recreational Area", "Escarpment" and "Hazard" on Schedule A-4 (Craigleith and Swiss Meadows) of the Town's Official Plan. He said the subject lands are 30 hectares ("ha") in size. He said 15.87 ha would be Open Space, representing 53 percent of the subject lands. He said this is in accordance with the Town's Official Plan's minimum open space requirement of 40 percent. He said the 57 residential lots would be on 14.1 ha resulting in a density of 4.04 units/ha. He said this is consistent with the 10 units/ha maximum density requirements in the Town's Official Plan.

[20] Mr. Pascuzzo stated that in assessing the proposed draft Plan of Subdivision, he had regard to the criteria set out in s. 51(24) of the *Planning Act*. He opined that the draft Plan of Subdivision addresses the health, safety, and convenience needs of residents, the need for accessibility for persons with disabilities, and the welfare of present and future inhabitants of the municipality. He said the proposed draft Plan of Subdivision is not premature, conforms with the applicable official plans and adjacent development, uses a suitable site for development, connects with the existing road network, provides for appropriately shaped lots which are consistent with adjacent development, uses existing municipal services, and is in a location with schools nearby.

[21] Mr. Pascuzzo opined that the proposed conditions for the proposed draft Plan of Subdivision are standard conditions and are reasonable in accordance with the requirements in s. 51(25) of the *Planning Act*.

[22] Mr. Pascuzzo stated that he had regard to the matters of provincial interest set out in s. 2 of the *Planning Act*, including those in relation to the protection of ecological systems, the orderly development of safe and healthy communities, and the appropriate location of growth and development.

FINDINGS

[23] Based on Mr. Pascuzzo's opinion evidence, the Tribunal finds that the proposed instruments are consistent with the PPS and conform with the Niagara Escarpment Plan and it finds that the proposed Zoning By-law Amendment conforms with the Town's Official Plan. The Tribunal has had regard to the criteria set out in s. 51(24) of the *Planning Act* and finds that the proposed draft Plan of Subdivision is appropriate. It also finds that the proposed conditions of draft Plan of Subdivision are reasonable and in accordance with s. 51(25) of the *Planning Act*. The Tribunal has had regard to the matters of provincial interest in s. 2 of the *Planning Act* as well as the information and materials that Town Council received in relation to these matters. The Tribunal finds that the proposed instruments constitute good planning.

ORDER

[24] The Tribunal orders that the appeal filed by Tabera Limited with respect to the proposed Zoning By-law Amendment is allowed, in part, and that the Town of The Blue Mountains Zoning By-law No. 83-49, as amended, is hereby amended in the manner set out in Attachment 1 to this Order and Decision. The Tribunal authorizes the municipal clerk to assign a number to this by-law for record keeping purposes.

[25] The Tribunal orders that the appeal filed by Tabera Limited with respect to the proposed draft Plan of Subdivision is allowed, in part, and the draft Plan of Subdivision, dated June 7, 2022, and attached as Attachment 2 to this Order and Decision is approved subject to the fulfilment of the conditions set out in Attachment 3 to this Order and Decision.

[26] The Tribunal orders that pursuant to subsection 51(56.1) of the *Planning Act*, the County of Grey, as the approval authority in which the lands are situated, shall have the authority to clear the conditions of draft plan approval and to administer final approval of the plan of subdivision for the purposes of subsection 51(58) of the *Planning Act*.

“Hugh S. Wilkins”

HUGH S. WILKINS
VICE-CHAIR

Ontario Land Tribunal

Website: www.olt.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

The Conservation Review Board, the Environmental Review Tribunal, the Local Planning Appeal Tribunal and the Mining and Lands Tribunal are amalgamated and continued as the Ontario Land Tribunal (“Tribunal”). Any reference to the preceding tribunals or the former Ontario Municipal Board is deemed to be a reference to the Tribunal.

ATTACHMENT 1

Proposed Zoning By-law Amendment:

1. That Section 1.5(g) of Zoning By-law 2018-65 is amended by deleting those lands legally described as Part of Lots 23 & 24, Concession 4, Blocks 67, 72, 73 and Part of Blocks 75 & 76 and Part of Alta Road, Registered Plan 1127, Town of The Blue Mountains, (former Township of Collingwood), County of Grey, from this section.

2. That Schedule "A" Map 3 is amended by changing the zoning symbols for the lands known as Part of Lots 23 & 24, Concession 4, Blocks 67, 72, 73 and Part of Blocks 75 & 76 and Part of Alta Road, Registered Plan 1127, Town of The Blue Mountains, (former Township of Collingwood), County of Grey, from the Development (D) Zone and the Hazard (H) Zone to the Residential One Zone with a Holding Symbol 41 (R1-1-h41) Zone, and the Residential One Exception 139 with a Holding Symbol 41 (R1-1-139-h41) Zone, and the Residential One Exception 140 with a Holding Symbol 41 (R1-1-140-h41) Zone, and the Open Space (OS) Zone and the Hazard (H) Zone, as shown on Schedule "A-1", attached.

3. That Table 9.1- Exceptions of Zoning By-law 2018-65 is amended by adding the new exceptions:

<i>Exception Number</i>	<i>Zone</i>	<i>Special Provisions</i>
139	<i>R1-1-139</i>	The maximum height shall be 7.62 metres from finished floor elevation (FFE) as indicated in Schedule A-2 and the minimum lot frontage shall be 10 metres
140	<i>R1-1-140</i>	The maximum height shall be 7.62 metres from finished floor elevation (FFE) as indicated in Schedule A-2.
141	<i>R1-1-141</i>	The minimum interior side yards shall be 4 m.

4. That Section 10.3 Site Specific Holding Provisions is amended by adding the following zones to the Holding Number (-h41) in Table 10.1:

<i> Holding Number</i>	<i> Zone</i>	<i> Conditions for Removal</i>
<i> h41</i>	<i> R1-1-h41 R1-1-139- h41 R1-1-140- h41</i>	<ul style="list-style-type: none"> <i> i) Execution of a Subdivision Agreement with the Town.</i> <i> ii) Registration of a Plan of Subdivision.</i> <i> iii) Water and Sewer capacity has been confirmed as available to service the development.</i>

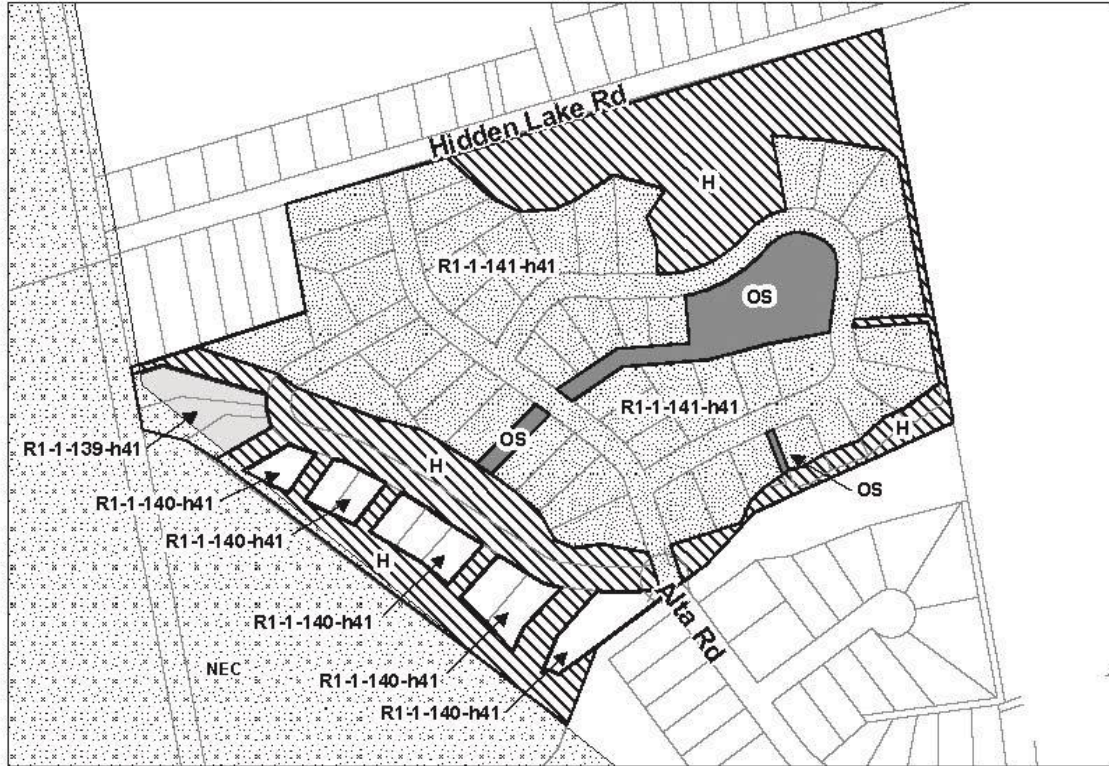
5. That Schedules A1 and A-2 form part of the ZBLA







6. This By-law shall come into force and take effect upon the approval thereof.

Schedule 'A-1'

By-law 2022-_____ Town of The Blue Mountains

Part of Lots 23 & 24, Concession 4, Blocks 67, 72, 73 and
 Part of Blocks 75 & 76 and Part of Alta Road,
 Registered Plan 1127, Town of The Blue Mountains,
 (former Township of Collingwood), County of Grey

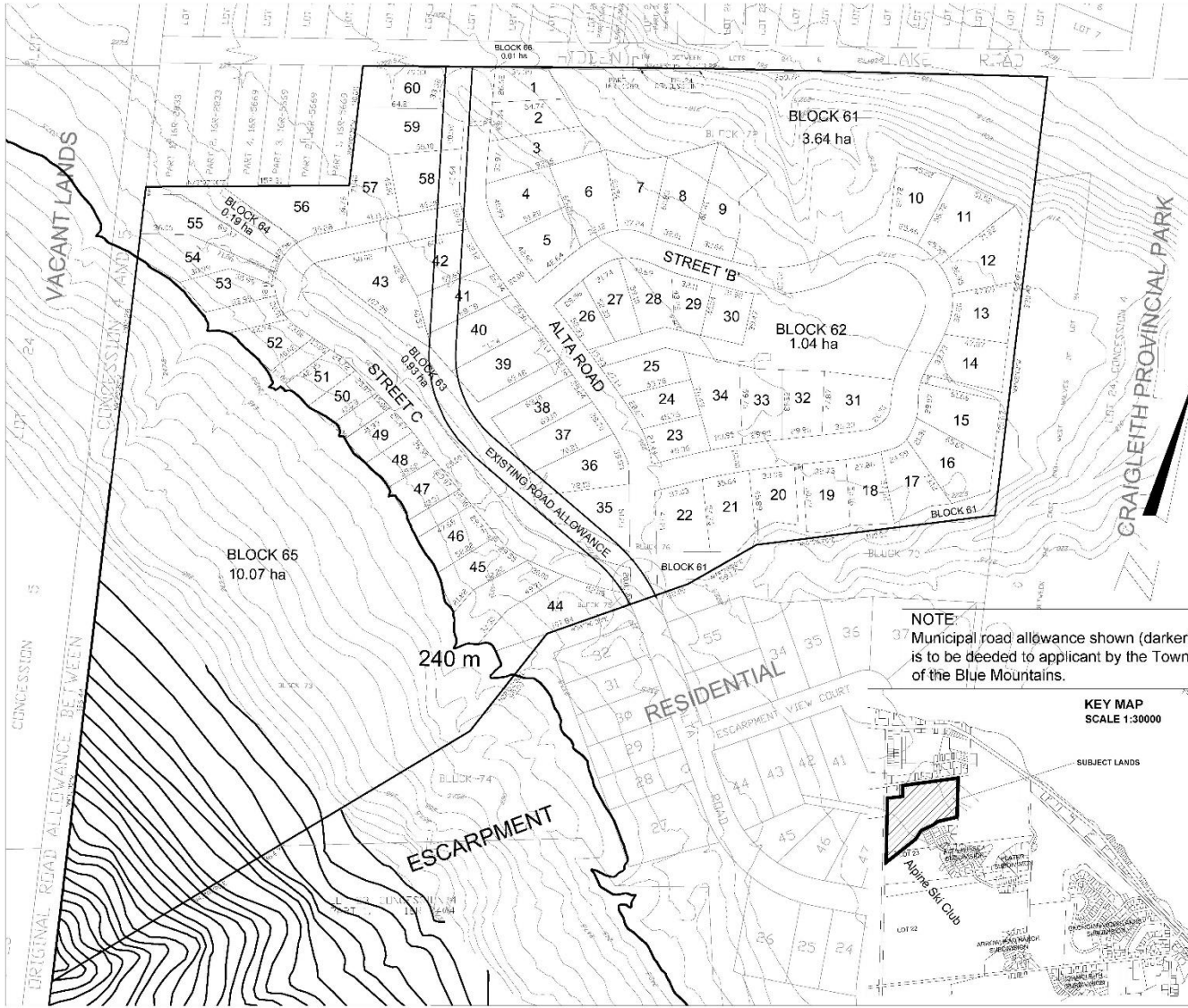


-  Lands to be rezoned from the Development (D) Zone to Residential One (R1-1-141-h41) Zone
-  Lands to be rezoned from the Development (D) Zone to Residential One Exception (R1-1-139-h41) Zone
-  Lands to be rezoned from the Development (D) Zone to Residential One Exception (R1-1-140-h41) Zone
-  Lands to be rezoned from the Development (D) Zone to Open Space (OS) Zone
-  Hazard (H) Zone
-  Niagara Escarpment Development Control (NEC) designated lands

This is Schedule 'A-1' to By-law _____
 Approved by the Ontario Land Tribunal this _____ day
 of _____, 2022.

 OLT Member

ATTACHMENT 2



DRAFT PLAN OF SUBDIVISION
 OF PART OF LOTS 23 & 24
 CONCESSION 4
 BLOCKS 67, 72, 73 and PART of
 BLOCKS 75 & 76 and PART of
 ALTA ROAD
 REGISTERED PLAN 1127
TOWN OF THE BLUE MOUNTAINS
 (FORMER TOWNSHIP OF COLLINGWOOD)
 COUNTY OF GREY

REVISED JUNE 7, 2022

ADDITIONAL INFORMATION REQUIRED UNDER SECTION 51 (17) OF THE PLANNING ACT

- (a) AS SHOWN ON DRAFT PLAN.
- (b) AS SHOWN ON KEY PLAN.
- (c) AS SHOWN ON DRAFT AND KEY PLANS.
- (d) THE LAND IS TO BE USED ACCORDING TO THE SCHEDULE OF LAND USE.
- (e) AS SHOWN ON DRAFT PLAN.
- (f) AS SHOWN ON DRAFT PLAN.
- (g) AS SHOWN ON DRAFT AND KEY PLANS.
- (h) PIPED WATER TO BE MADE AVAILABLE.
- (i) SOIL IS SILTY CLAY.
- (j) AS SHOWN ON DRAFT PLAN.
- (k) PIPED WATER AND SANITARY SEWERS TO BE MADE AVAILABLE.
- (l) NONE

SCHEDULE OF LAND USE

LOTS/BLOCKS	AREA (ha.)
LOTS 1-40	19.99
BLOCKS 61-66	16.67
ROADWAYS (CAN TRM, STWLS B, STWLS C)	2.17
SECONDARY ACCESS (ROW)	0.01
TOTAL AREA	28.87
ROADS AND RESIDENTIAL	AREA (ha.)
	PERCENT
14.83	47%
15.87	63%

NOTE
 Municipal road allowance shown (darker) is to be deeded to applicant by the Town of the Blue Mountains.

KEY MAP
 SCALE 1:30000

SCALE 1:3000

METRIC
 DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

OWNER'S AUTHORIZATION
 I AUTHORIZE PASCUZZO PLANNING INC. TO PREPARE AND SUBMIT THIS DRAFT PLAN OF SUBDIVISION TO THE COUNTY OF GREY FOR APPROVAL

TABERA LTD. DATE

SURVEYOR'S CERTIFICATE
 I CERTIFY THAT: THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED AND THEIR RELATIONSHIP TO THE ADJACENT LANDS ARE ACCURATELY SHOWN ON THIS PLAN.

PAUL R. THORSEN O.L.S. DATE

PASCUZZO PLANNING INC.

ATTACHMENT 3

OLT Case No. OLT-22-002010
 Legacy Lead Case No. (formerly) PL030216
 OLT File No. OLT-22-002015

No. Condition

DRAFT PLAN

1. The Final Plan shall conform to Draft Plan of Subdivision File No. 42T-2022-05, as per the Draft Plan of Subdivision drawing prepared by Pascuzzo Planning Inc. revised June 7, 2022 which provides for single detached lots, hazard spaces, open space, storm water management facilities, and public streets on the property legally described as Part of Lots 23 & 24, Concession 4, Blocks 67, 72, 73 and Part of Blocks 75 & 76 and Part of Alta Road, Registered Plan 1127, Town of The Blue Mountains, (former Township of Collingwood), County of Grey, and comprised of the following:
 - a. Lots 1 to 60: 60 Single Detached Dwelling lots;
 - b. Public Streets "Alta Road" and "B" and "C";
 - c. Blocks 61 and 63 to 65: 4 Blocks for Walkways and Open Space
 - d. Block 62: 1 Block for Stormwater Management; and
 - e. Block 66: Cul-de-sac adjacent to Hidden Lake Road.

Notwithstanding the above, the plan may instead be in conformity to the Draft Plan of Subdivision drawing prepared by Pascuzzo Planning Inc. revised July 20, 2022, which is identical in all respects to the June 7, 2022 plan except that the July 20, 2022 plan provides for a total of 57 Single Detached Dwelling lots (numbered 1 to 52 and 56 to 60) and provides an additional future development Block (numbered 67) in lieu of Lots 53 to 55.

2. If final approval is not given to this plan within three years of the draft approval date, and no extensions have been granted by three years from the date of draft approval. draft approval shall lapse under Subsection 51(32) of the Planning Act, RSO 1990, as amended. If the Owner wishes to request an extension to draft approval, a written explanation together with the applicable application fee and a resolution/letter of support from the local municipality must be submitted to the County of Grey, prior to the lapsing date. Please note that an updated review of the Plan and revisions to the conditions of approval may be necessary if an extension is to be granted.

3. The headings inserted in these draft plan conditions are inserted for convenience only and shall not be used as a means of interpreting these draft plan conditions.
4. That prior to final approval and registration of the Plan, the Owner shall enter into and execute a Subdivision Agreement with the Town of The Blue Mountains, to satisfy these conditions and such Agreement may deal with matters including, but not limited to, financial, legal, and engineering matters, including the installation of services, roads, landscaping, and other requirements of the Town of The Blue Mountains (“the Town”), in consultation with the County of Grey (“the County”), the Grey Sauble Conservation Authority (“the GSCA”) and the Niagara Escarpment Commission (“the NEC”).
5. The Owner shall not commence any work or site alteration on the subject lands, including filling, grading, removing trees and/or topsoil, installing any works, or constructing any buildings or structures until they have entered into a Pre-Servicing or Subdivision Agreement with the Town, as may be applicable in each instance, in a form satisfactory to the Town. The Owner shall submit all supporting materials as required by the Town or any applicable authority prepared by a qualified professional and shall agree to implement the recommendations of the reports, studies and plans in the Subdivision Agreement to the satisfaction of the Town and any other applicable authority.
6. The Owner shall agree in the Subdivision Agreement that all of the works required by the Town, the County, other government authorities and utility providers for the development and servicing of the lands shall be designed and installed in accordance with the Town’s Engineering Standards, and Provincial and Federal Guidelines & Standards, that are in effect at the date of execution of the Subdivision Agreement. Where compliance with Town Engineering Standards, or the provision of adequate and appropriate servicing, necessitates off-site works, (i.e. required improvements to the Oak Court SPS SCADA and backup power, works associated with the re-direction of the southern portion of Hidden Lake Road onto Alta Road, stormwater management system upgrades, localized water pumping and/or storage, or otherwise) the owner shall enter into agreements with the Town to implement the requisite off-site works at the owners expense, to the satisfaction of the Town.
7. The Subdivision Agreement shall be registered by the Town against the lands to which it applies as provided under the *Planning Act*, prior to final approval of the plan of subdivision. A copy of the executed Subdivision Agreement shall be provided to the County of Grey.

8. The Owner shall agree in the Subdivision Agreement that all applicable Development Charges will be submitted in accordance with the Town's Development Charges By-law, the County of Grey Development Charges By-law and any applicable Education Charges By-law, subject to any applicable development charge credits and any other Agreements with the Town and County.
9. The Owner shall agree in the Subdivision Agreement to pay all processing and administration fees in accordance with the policies and by-laws in effect at the time payment is due.

ZONING

10. That prior to final approval by the Approval Authority, the Town of The Blue Mountains shall confirm that appropriate zoning is in effect for this proposed subdivision that conforms to the County of Grey Official Plan and the Town of The Blue Mountains Official Plan.

WATER/WASTEWATER CAPACITY

11. That registration of all or part of this plan of subdivision may not take place until the Approval Authority has been notified in writing by the Town Director of Operations that:
 - a. Sufficient Water and Wastewater Plant capacity exists to accommodate this development; and,
 - b. Sufficient storage and pumping facilities and associated infrastructure relating to both water and wastewater are confirmed to be available at the time of execution of the Subdivision Agreement or through completion of proposed upgrades to support the development, at the Owner's expense. and,
 - c. water supply works for fire protection are confirmed to be available at the time of execution of the Subdivision Agreement or through completion of proposed upgrades to support the development at the Owner's expense to the satisfaction of the Manager of Development Engineering, and
 - d. upgrades to the existing downstream sanitary sewerage infrastructure, including SCADA and backup power at the Oak Court SPS, and verification of downstream sewer capacity be provided to the satisfaction of the Manager of Development Engineering.

12. That the Subdivision Agreement shall contain wording that details the water and wastewater treatment capacity allocated to the development and timing related to such allocation. The Owner acknowledges that this Draft Plan Approval provides water plant and sanitary sewer plant reservation. Draft Plan Approval does not constitute a commitment by the Town to provide servicing access to the Town's water or waste wastewater treatment plants or allocation of associated built capacity.

SERVICING, GRADING AND ROAD REQUIREMENTS

13. That prior to final approval by the County, a Site Servicing Plan shall be prepared and the development shall be fully serviced with sanitary sewer and water to the satisfaction of the Town of The Blue Mountains.
14. That prior to execution of a Subdivision Agreement, a detailed engineering and drainage report which describes the stormwater drainage system for the proposed development on the subject lands shall be submitted to the satisfaction of the Town. The report shall include:
 - a. Plans illustrating how the drainage system will integrate into the drainage of surrounding properties.
 - b. The hydrogeological conditions found through the hydrogeological study should be accounted for in the design of the stormwater management controls.
 - c. The quality control measures which are required to provide enhanced treatment, as defined by the Ministry of the Environment, Conservation and Parks (MECP).
 - d. The stormwater management techniques which may be required to control minor and major flows.
 - e. How external flows will be accommodated and the design capacity of the receiving system.
 - f. The stormwater management techniques required to accommodate the 5 year storm event.
 - g. The stormwater management techniques required to accommodate the 100 year storm event.
 - h. How external flows will be accommodated and the design capacity of the receiving system.
 - i. Location and description of all outlets and other facilities which may require permits.

- j. Proposed methods for controlling or minimizing erosion and siltation on-site and/or in downstream areas during and after construction. A sediment and erosion control plan with silt fencing be prepared and implemented to the satisfaction of the Grey Sauble Conservation Authority.
- k. Overall grading plans for the subject lands.

It is recommended that the developer and/or consultant contact the Town Development Engineering Division and the Grey Sauble Conservation Authority prior to preparing the above report to clarify the specific requirements of this development.

15. The Owner shall agree in the Subdivision Agreement, in wording acceptable to the Town of The Blue Mountains:
 - a. To carry out, or cause to be carried out, all the works referred to in condition 14 above.
 - b. To obtain any necessary permits from the Grey Sauble Conservation Authority.
 - c. Prior to the initiation of any site alteration, grading or construction on the site to erect any silt fence as referred to in Condition 14 above.
16. That the Subdivision Agreement shall include a clause requiring that the Owner agrees to relocate any existing utilities as a result of the subject development at the sole expense of the Owner.
17. Stormwater overland flow routes shall be kept within municipal roads or approved drainage corridors only, and where adequate capacity is not available to convey flows, works shall be undertaken to safely convey post development flows to the existing Municipal System.
18. Prior to the initiation of any site grading or servicing and prior to registration of the plan, the Owner submit for the approval of the Town Development Engineering Division a detailed soils investigation of the site prepared by a qualified Geotechnical Engineer. A copy of this report shall also be submitted to the Town's Chief Building Official. If, in the sole discretion of the Town, certain lots are not recommended for below grade basements, the Subdivision Agreement shall reference said building restrictions including any applicable warning clauses to prospective purchasers.

19. If requested by the Town, the Owner shall provide the following reports to the Town prior to the initiation of any site grading or servicing and prior to the registration of this plan:
- a. A Phase 1 Environmental Site Assessment;
 - b. A Phase 2 Environmental Site Assessment if required as a result of the Phase 1 Environmental Site Assessment;
 - c. A decommissioning report if contaminated material has been identified and is removed, or alternatively, a copy of the risk assessment together with a copy of the written acknowledgement of its acceptance by the Ministry of the Environment, and
 - d. A copy of a Record of Site Condition and confirmation of the filing of the Record of Site Condition in the Environmental Site Registry.
20. Prior to the initiation of any site grading or servicing, the Owner shall provide a report identifying all existing water wells and private sewage disposal systems on the lands. The applicant shall provide verification to the satisfaction of the Town that all wells and septic systems identified have been decommissioned in accordance with all applicable laws and regulations.
21. That the Subdivision Agreement contain specific clauses related to the required Ontario Building Code and/or Engineering Standards, as applicable, of the Town including but not limited to the following:
- a. The appropriate horizontal and vertical alignments of all roads and underground services including their intersection geometrics.
 - b. That the public roads and related cross section(s) are designed to the satisfaction of the Town.
 - c. That suitable construction traffic routes are identified to the satisfaction of the Town.
 - d. The street lighting system on all roadways be designed and constructed to the satisfaction of the Town. The Subdivision Agreement shall also require that all external lighting, including street lighting, be dark-sky compliant.

TREE PRESERVATION AND LANDSCAPING

22. That prior to final approval, the Owner shall prepare a Landscape Analysis, Vegetation/Tree Preservation/Management Plan and Landscape Plan by a qualified consultant to the satisfaction of the Town of The Blue Mountains, the Grey Sauble Conservation Authority, the Niagara Escarpment Commission, and the Ministry of Environment, Conservation and Parks (if required). The Landscape Plan shall include amongst other matters:

- a. Special provisions to ensure that the existing vegetation on the periphery of the site be maintained and protected during the development process;
- b. Mitigation and compensation for impacts to Butternut trees in conformity with Ontario Regulation 242/08 (Section 23.7) and to the satisfaction of the Ministry of Environment, Conservation and Parks (MECP), if required; A forest edge management plan to avoid impacts to areas where woodlands or trees are to be maintained;
- c. Building envelopes for each lot;
- d. Appropriate signage and/or marked delineation between lots and adjacent Hazard lands, to the Town's satisfaction.
- e. The Landscape/Tree Preservation Plan will also address the protection and replacement of the Butternut trees to the satisfaction of the Ministry of Environment, Conservation and Parks (MECP), if required; and
- f. That said plan be incorporated into the Subdivision Agreement with the Town.

PARK, TRAILS AND OPEN SPACE REQUIREMENTS

23. The Owner shall agree in the Subdivision Agreement to convey free and clear of all encumbrances, and at no cost to the Town, Blocks 61, 62, 63, 64 and 65. The Owner shall further agree that whereas the conveyance of Block 61 constitutes a partial parkland dedication, the conveyance of Blocks 62 to 65 shall not be included as part of the parkland calculation. The Owner shall further agree to pay cash-in-lieu of parkland dedication for the remaining four percent (4%) to meet the requirements of Section 51.1 of the Planning Act.
24. The Owner shall agree in the Subdivision Agreement to design and construct at no cost and to the satisfaction of the Town, trails and associated crossings to be designated and signed accordingly. The trail within such Blocks shall be construction in conjunction with the development of the first phase of the subdivision and shall be completed to a minimum of 3.0 metres in width as per a design approved by the Town of the Blue Mountains Community Services Department. The trail shall be designed to be compatible with existing features and constructed to minimize environmental impacts. Where applicable, the Owner shall prepare a tree study to the satisfaction of the Town, in consultation with the Grey Sauble Conservation Authority, to determine the health of existing trees, the extent of root growth, erosion risks and drip line to establish appropriate setback from mature trees. The final trail route will be determined through preparation of a Trail Plan by the Owner, to the satisfaction of the Town.

FENCING

25. The Owner shall agree in the Subdivision Agreement to design and construct suitable tree planting, as may be required by the Town, along stormwater management and pump station blocks to the satisfaction of the Town.
26. The Subdivision Agreement shall contain wording to the satisfaction of the Town requiring that any tree plantings required for public lands shall be erected on Town land and shall be erected prior to any residential occupancy within the plan of subdivision

WARNING CLAUSES

27. Where applicable, the Owner shall agree in the Subdivision Agreement to include a clause within all Offers of Purchase and Sale Agreements with prospective purchasers of lots adjacent to a public walkway, advising of the potential for exposure to pedestrian traffic and related noise from time to time, to the satisfaction of the Town.
28. Where applicable, the Owner shall agree in the Subdivision Agreement to include a clause within all Offers of Purchase and Sale Agreements with prospective purchasers advising that buildout of the development may generate construction related noise, vibration, dust and other such nuisances.
29. The Owner shall agree in the Subdivision Agreement to place the following notification in all offers of purchase and sale for all lots and/or units:
 - a. "Purchasers are advised that winter maintenance and snow plowing from public streets and laneways will be done in accordance with the Council approved protocol and policies for snow removal."
 - b. "Purchasers and/or tenants are advised that the homeowner's builder is responsible for the timing and coordination of rectifying lot grading matters which occur prior to assumption."
 - c. "Purchasers and/or tenants are advised that prior to the placement of any structures in side and rear yards, the Zoning By-law should be reviewed to determine compliance and that a Site Alteration Permit may be required prior to proceeding to do any site work."
 - d. "Purchasers and/or tenants are advised that private landscaping is not permitted to encroach within the Town's road allowance, public open space or environmental areas. Any unauthorised encroachments are to be removed by the homeowner prior to Assumption."
 - e. "Purchasers and/or tenants are advised that an overall grade control plan has been approved for this Plan and further some lots will incorporate the drainage of adjoining lots through the design of swales and rear lot catch basins."

- f. "Purchasers are advised that any unauthorized alteration of the established lot grading and drainage patterns by the homeowner may result in negative drainage impacts to their lot and/or adjoining lots."
- g. "Purchasers and/or tenants are advised that the homeowner's Builder is required to ensure the lot is graded to the approved lot grading plan and to have the lot grading certified prior to the reduction/release of any post lot grading securities. The Builder is to advise the purchaser once the lot has been graded to the approved plan and certification has been provided to the Town. The purchaser and/or tenant will be provided a period of time in which contest any grading issues. Should the purchaser not contest the grading certificate completed by the Builder, the purchaser will then assume full responsibility for the lot grading beyond that point. Purchasers are advised that they are not permitted to modify or alter the grading of their lot without prior written approval from the Town of The Blue Mountains."
- h. "Purchasers are advised that accommodation within a public school in the community is not guaranteed and students may be accommodated in temporary facilities; including but not limited to accommodation in a portable classroom, a "holding", or in an alternate school within or outside of the community."
- i. "Purchasers are advised that if school buses are required within the Subdivision in accordance with Board Transportation policies, as may be amended from time to time, school buses will not enter cul-de-sacs and school bus pick up points will generally be located on the through street at a location as determined by the Student Transportation Service Consortium of Grey Bruce."
- j. "Purchasers are advised that Alta Rd. may or may not be extended to connect with Hidden Lake Rd. in the future"

ROADS & WALKWAYS

- 30. The Owner shall agree in the Subdivision Agreement that all road allowances and road widenings required and included within this Plan of Subdivision shall be dedicated as public highways on the Plan for final approval and shall be deeded to the Town free and clear of encumbrances, to the satisfaction of the Town.
- 31. That prior to final approval, the Owner shall agree in the Subdivision Agreement that a municipal numbering system be assigned to the satisfaction of the Town with regard to 911 emergency servicing. The Owner shall also agree in the Subdivision Agreement to display the lot number and corresponding assigned municipal address in a prominent location on each lot.
- 32. That prior to final approval, Street "B" and Street "C" shall be named to the satisfaction of the Town with regard to 911 emergency servicing and in accordance with the Town of The Blue Mountains Street Naming Policy.

33. That prior to final approval, the Owner shall ensure that all dead ends and open sides of road allowances, and other exterior side yard flankages of Lots and Blocks, within this Plan of Subdivision shall be terminated in 0.3 metre reserves to be conveyed to the Town.
34. The Owner shall agree in the Subdivision Agreement that any road that is not a through street at the completion of the development may be terminated in a design in accordance with Town Engineering Standards, or other manner as determined by the Town. And that if required by the Town, Alta Rd. shall terminate in a cul-de-sac prior to its intersection with Hidden Lake Rd. while maintaining emergency and/or alternate access via Hidden Lake Rd. to the satisfaction of the Town.
35. The Owner shall agree in the Subdivision Agreement to convey, free and clear of encumbrances, save and except such encumbrances as may be permitted by the Town in its sole discretion, and at no cost to the Town, land for the purpose of a pedestrian walkway, to the satisfaction of the Town.
36. That prior to final approval, and if necessary, the Owner acquire necessary portions of the Alta Rd. municipal road allowance in accordance with, and subject too, the Town's Sale and Other Disposition of Land Policy, including approval by Town Council.

UTILITIES & CANADA POST

37. The Owner shall agree in the Subdivision Agreement to prepare and submit an overall utility coordination plan showing the location of all required utilities, including on-site drainage facilities, streetscaping, and Community Mail Boxes (CMB's) such location plan shall be prepared to the satisfaction of the applicable authority in accordance with the requirements of those utility providers (including: natural gas, hydro, and telecommunications service providers) that will conduct works within the plan of subdivision.
38. Prior to final approval, the Owner shall provide written confirmation to the Town that satisfactory arrangements, financial and otherwise, have been made with necessary utility companies for any facilities serving this draft plan of subdivision.
39. The Owner shall agree in the Subdivision Agreement to locate all utilities (telephone lines, local power, other cable services) underground and is encouraged to provide fibre optic cable or enhanced telecommunication technologies.
40. The Owner shall agree in the Subdivision Agreement to provide sites for CMB's to service the Subdivision and that it is the responsibility of the developer/builder to

provide the concrete pad for the placement of the CMB's in accordance with the requirements as provided by Canada Post.

41. The Owner covenants and agrees to provide the Town with evidence that satisfactory arrangements, financial and otherwise, have been made with Canada Post for the installation of CMB's as required by Canada Post.

NEIGHBOURHOOD INFORMATION MAPPING

42. That prior to execution of any Subdivision Agreement, the Owner shall submit a Development Communications Plan for review and approval by the Town. The Development Communications Plan shall inform the Town and area residents of Significant Site activities and include:
- a. Installation of a Project Notification Sign, 1.2 m x 2.4 m minimum, to Town template, at each construction access to the Lands and visually obvious to the public, at least two (2) weeks before the construction start date, and maintained for full duration of construction.
 - b. Notification of the construction project to property owners as deemed appropriate in consultation with Development Engineering via hand/mail delivery.
 - c. Schedules of intended site activities updated routinely (typically, weekly to bi-weekly).
 - d. A minimum of two (2) weeks' notice following Town approval and prior to commencement of significant site activities including such as site alteration works as tree clearing & grubbing, commencement of site servicing/grading, placement of asphalt, concrete curbs and sidewalk, landscaping and off-site works on Town Owned Lands/Roads following receipt of appropriate approvals.

Furthermore the Owner agrees in the Subdivision Agreement to prepare monthly update communications as may be required by the Town. These communications will provide updates related to on-site activities such as construction access, earth movements, foundation works, installation of asphalt and curbing, dust control and house construction.

43. That the Owner shall provide in each sales office (should any be constructed) a large coloured map, not less than 1.5 metres by 2 metres, of the approved land use plans to date and/or where applicable, the land use plans approved in the Official Plan for the overall community together with a copy of the Town of The Blue

Mountains Official Plan and a prominent note indicating that further information can be obtained from the Town of The Blue Mountains Planning Services Department.

44. The Developer shall prepare a preliminary Neighbourhood Development Information Map for the subdivision, to the satisfaction of the Town's Director of Planning & Development Services. The Map is to be posted in a prominent location at the entrance to the development, in each sales office from where homes in the subdivision are being sold, and included within the individual purchase and sale agreements. The Map shall include the location and type of parks, open space / valleyland and walkways, a general description of their proposed facilities as well as the following information:
- a. All approved street names,
 - b. The proposed land uses within the subdivision based on the draft approved plan,
 - c. The immediately surrounding existing and proposed land uses,
 - d. The approved phasing of the development (if applicable) and construction access routes,
 - e. The approximate locations and types of other fencing within the subdivision,
 - f. Where parks and open space, stormwater management facilities and walkway / vista blocks / servicing blocks are located,
 - g. The types and locations of parks, valley lands and other open space (i.e. passive or active) and a general description of their proposed facilities and anticipated level of maintenance,
 - h. The locations of all anticipated community mailboxes ("CBM's"),
 - i. The following standard notes:
 1. "This map, and the following list, is intended to provide potential home buyers with general information about the neighbourhood and the surrounding area. If you have specific questions, you are encouraged

to call the Town's Planning & Development Services Department during normal business hours which are 8:30 am to 4:30 pm, Monday to Friday."

2. "Please Note: this map is based on information available on _____(month/year) and may be revised without notice to purchasers."
3. "Some streets in this subdivision will be extended in the future and temporary access roads may be closed."
4. "There may be catch basins or utilities easements located on some lots in this subdivision."
5. "Environmentally sensitive areas, hazard lands, valleys, woodlots and stormwater management ponds in this subdivision will be left in a natural condition with minimal maintenance and no grass cutting, only periodic removal of debris. Residents adjacent to these blocks are requested to limit the use of pesticides and fertilizers to reduce adverse effects on the natural environment."
6. "Community mailboxes (CBM's) will be directly beside or in front of some lots."
7. "Purchasers are advised that the final location of walkways in Blocks may change without notice."
8. "Streets may contain on-street parking, and may be available for overnight parking, subject to parking permits."
9. "The completion of some dwellings in this subdivision may be delayed until after the completion of exterior finishes on the adjacent buildings."
10. "Neighbourhood and/or boulevard trees will be planted according to Town standards and a tree will not necessarily be located in front of every home. Purchasers are further advised that home builders are not permitted to charge a purchaser separately for the cost of trees, sodding, fencing and paving of the driveway apron. The Town will not reimburse purchasers, nor assist in any recovery of moneys paid, under any circumstance."

11. "The design of features on public lands may change. Builders' sales brochures may depict these features, however, the Town has no control over builders' sales brochures."
12. "Gates are not permitted in fences when lots abut publicly owned lands, including but not limited to open space lands, hazard lands, a trail, valleyland, active park, woodlot or stormwater management pond."
13. "The Town's Zoning By-law regulates the width of driveways. Please do not have your driveway widened before inquiring about the permitted driveway width for your lot."
14. "The Town of The Blue Mountains is responsible for household garbage, recycling and green bin collection after receiving confirmation that it is safe to access the site. For further information, please contact the Town at 519-599-3131"
15. "For further general information on proposed and existing land use, please call the Town's Planning Services Division 519-599-3131."
16. "For detailed grading and berming information, please call the Town's Development Engineering Division 519-599-3131"

The developer shall ensure that each builder selling homes within the subdivision provides prospective purchasers as part of any offer of purchase and sale agreement the material referred to in condition 44 above.

MISCELLANEOUS

45. In the event that required subdivision land use and notice signage becomes damaged and/or missing from their original approved locations, the Town may re-install signage on the Owner's behalf and the Owner shall reimburse the Town for such works.
46. Prior to final approval and registration, the Subdivision Agreement shall include special provisions addressing the following matters in wording acceptable to the Town:

- a) That the Owner shall agree that all vacant lots shall be rough graded such that best efforts are taken to ensure there is no standing water and maintained in general conformance with the approved Landscape Analysis, Vegetation/Tree Preservation/Management Plan and Landscape Plan and the comprehensive grading plan. Efforts will be made to maintain the existing tree cover where applicable until such time as building envelopes have been established. The Owner shall further agree in the Subdivision Agreement to topsoil and seed any rough graded area not proceeding to construction in a timely manner, to the satisfaction of the Town.
- b) That the Owner shall agree to engage a qualified engineer and that the Owner's Engineer certify that their reports conform with applicable standards to the satisfaction of the Town of The Blue Mountains and that the Engineer provides certification that the final constructed works conform to the approved design.
- c) That the Owner shall agree to engage a qualified engineer to review and certify that the completed pre-grading works comply with the pre-grading shown on the approved grading and drainage plan.
- d) the Owner, and/or any future Lot Owner, shall agree to engage a qualified consultant to prepare a Final Lot Grading Certificate prior to Final Inspection, indicating that the grading of the lot has been completed in conformity with the Approved for Construction Master Grading/Drainage Plan, and to submit to the CBO for approval.
- e) The Owner shall agree that any temporary stormwater management, construction mitigation, sediment and erosion control measures be approved by the Town and in place prior to site alteration with the exception of site alteration to install such measures.
- f) That the Owner shall agree to obtain any required statutory permits from the County of Grey, Town of The Blue Mountains, the Grey Sauble Conservation Authority, or any other applicable authority, prior to any site alteration.
- g) That the Owner shall agree that the Town of The Blue Mountains will provide full collection curb side in front of the individual homes upon providing confirmation that the Town contracted waste collection trucks can safely access the site. It is the Developer's responsibility to request municipal curbside collection from the Town Operations Division. Upon request, the Town will assess the ability to provide curbside waste collection to the development or phase requested, and will provide written confirmation of the Town's ability to commence collection and the date of commencement. Until municipal collection commences it is the responsibility of the Owner/Developer to provide appropriate private collection to occupied units.

- h) That the Owner and/or any Future Lot Owners, as applicable in each instance, agrees to not store construction materials on vacant lots and/or open space blocks that abut lots which are occupied by homeowners.
 - i) The Owner shall agree that should previously unknown or unassessed deeply buried archaeological resources be uncovered during development, such resources may be a new archaeological site and therefore subject to Section 48 (1) of the *Ontario Heritage Act*. The proponent or person discovering the archaeological resources must cease alteration of the site immediately and engage a licensed archaeologist to carry out archaeological fieldwork, in compliance with sec. 48 (1) of the *Ontario Heritage Act*.
47. Prior to final approval and registration, the Subdivision Agreement shall include a clause advising that anyone working on the subject lands who uncovers a burial site containing human remains shall cease fieldwork or construction activities and immediately report the discovery to the police or coroner in accordance with the *Funeral, Burial and Cremation Services Act*.
48. Prior to final approval and registration, the Owner shall agree in the Subdivision Agreement to grant all necessary easements and/or blocks and/or enter into agreement to provide for trail and other access.
49. Prior to final approval and registration, the Owner shall agree in the Subdivision Agreement to grant all necessary easements and/or blocks and/or enter into agreement for drainage, utility and servicing purposes, as may be required, to the appropriate agency or public authority.
50. Prior to execution of the Subdivision Agreement, the Owner shall submit to the Town of The Blue Mountains and the County of Grey with a digitized copy of the Final Plan in a format acceptable to the County of Grey.
51. That prior to final approval, a copy of the fully executed Subdivision Agreement between the Owner and the municipality shall be provided to the County of Grey and the Grey Sauble Conservation Authority.

ADMINISTRATIVE – CLEARANCE OF CONDITIONS

52. Prior to the signing of the Final Plan on behalf of the Approval Authority, they shall be advised that the above-noted conditions have been carried out to the satisfaction of the appropriate agencies and the Town.

NOTES TO DRAFT APPROVAL

- 1. It is the applicant's responsibility to fulfil the conditions of draft approval and to ensure that the required clearance letters are forwarded by the appropriate agencies to the County of Grey, quoting the County file number.
- 2. An electrical distribution line operating at below 50,000 volts might be located within the area affected by this development or abutting this development. Section 186 - Proximity - of the Regulations for Construction Projects in the Occupational Health and Safety Act, requires that no object be brought closer than 3 metres (10 feet) to the energized conductor. It is proponent’s responsibility to be aware, and to make all personnel on site aware, that all equipment and personnel must come no closer than the distance specified in the Act. They should also be aware that the electrical conductors can raise and lower without warning, depending on the electrical demand placed on the line. Warning signs should be posted on the wood poles supporting the conductors stating **“DANGER - Overhead Electrical Wires”** in all locations where personnel and construction vehicles might come in close proximity to the conductors.

- 3. Clearances or consultations are required from the following agencies, as well as the appropriate agency or authority providing utilities or services:

Town of The Blue Mountains
 PO Box 310, 32 Mill Street
 Thornbury, ON N0H 2P0

Grey Sauble Conservation Authority
 237897 Inglis Falls Road, RR4
 Owen Sound, ON N4K 5N6

Canada Post Corporation
 300 Wellington Street
 London, ON N6B 3P2

Niagara Escarpment Commission
 1450 7th Avenue
 Owen Sound, ON N4K 2Z1

- 4. With respect to any draft plan conditions requiring clearance or consultation with conservation authorities, for any conditions relating to natural hazards a clearance letter will be required prior to issuing final approval as this falls under the mandate of the conservation authorities. For any matters that are related to natural heritage, this falls under the mandate of the local municipality and the County. The local municipality and the County rely on the services of conservation authorities for natural heritage review and therefore the local municipality and the County will consult with the conservation authority to determine if they are satisfied that those conditions have been addressed. The conditions will clearly note which conditions require clearance from the conservation authority and which requires clearance from the local municipality/County in

consultation with the conservation authority. In cases where the local municipality or the County (in consultation with the conservation authority) are not satisfied that conditions related to natural heritage matters have been addressed to their satisfaction then a peer review may be required at the expense of the Owner.

5. We suggest you make yourself aware of the following subsections of the Land Titles Act:
 - a) subsection 144(1) requires all new plans to be registered in a Land Titles system if the land is situated in a land titles division; and
 - b) subsection 144(2) allows certain exceptions.

The subdivision plan for Registration must be in conformity with the applicable Ontario Regulation under *The Registry Act*.

6. Inauguration or extension of a piped water supply, a sewage system or a storm drainage system, is subject to the approval of the Ministry of the Environment, Conservation and Parks under the *Ontario Water Resources Act*, RSO 1990, as amended.
7. All measurements in subdivision final plans must be presented in metric units.
8. The final plan approved by the County must be registered within thirty (30) days or the County may withdraw its approval under subsection 51(32) of the *Planning Act*, RSO 1990, as amended.

END