

## **SCHEDULE 1**

**Revised: November 20, 2024**  
**(Previous date: March 2, 2022)**

**SCHEDULE OF CONDITIONS 19T-83015 (South Bloomington)**  
**2036737 Ontario Inc.**  
**Part of Lot 9, Concession 9**  
**Hamlet of Bloomington**  
**Town of Whitchurch-Stouffville**

The Conditions of Approval of the above noted plan of subdivision, dated October 2<sup>nd</sup>, 1990, revised January 28, 1991, and subsequently revised on September 22, 1994 and on June 15, 2004. On May 12, 2011, it was the decision of the Ontario Municipal Board [Case File No. PL091143] that the approval for proposed plan of subdivision 19T-83015 be repealed and replaced. The conditions of approval were further revised on April 15, 2014, April 4, 2017, March 24, 2020, March 2, 2022 and November 20, 2024 and are as follows:

### **1.0 General**

**1.1** Approval shall relate to a “draft” plan of subdivision prepared by H. F. GRANDER Co. Ltd., File No. 63269-5/\_I.DPD, Project No. 63269-SI, dated JULY 3, 2018 which will include the following:

- A 15m x15 m day-lighting triangle at the intersection of Wallace Park Drive and Ninth Line
- A 5m x 5m daylighting triangle at the intersection of Wallace Park Drive and Royale Gardens Way
- A road widening across the full frontage of the site where it abuts the Ninth line of sufficient width to provide a minimum of 18 metres from the centreline of the Ninth Line
- A 2 metre widening, 40 metres in length, together with a 60 metre taper for the purposes of a northbound right turn lane, at the intersection of Wallace Park Drive and Ninth Line and/or provide an acceptable design that permits full moves at this intersection
- A temporary cul-de-sac and a 0.3 m reserve at the northerly terminus of Royale Gardens Way
- Provision that all internal road allowances within the Plan shall have a minimum right-of way-width of 20 metres

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- 1.2** The Owner acknowledges and understands that prior to Final Approval of this draft plan of subdivision, an amendment to Comprehensive Zoning By-law 2010-001-ZO to implement the plan shall have come into effect in accordance with the provisions of the Planning Act.
- 1.3** This draft approval shall lapse on March 2, 2026 unless extended by the Town upon application by the Owner.
- 1.4** The Owner shall enter into a subdivision agreement with the Town agreeing to satisfy all conditions of the Town and external agencies, financial and otherwise, prior to the issuance of Final Approval.
- 1.5** The Owner acknowledges and agrees that the draft plan of subdivision and associated conditions of draft approval may require revisions, to the satisfaction of the Town, to implement or integrate any recommendations resulting from studies or submissions required as a condition of draft approval.
- 1.6** The Owner acknowledges and agrees not to commence the stripping of topsoil or rough grading on the site, or, the removal of any trees, in the absence of an approved subdivision agreement or pre-servicing agreement with the Town.
- 1.7** The Owner acknowledges and agrees in the subdivision agreement that all lots or blocks to be left vacant for longer than a specified period of time shall be graded, seeded, and maintained to the satisfaction of the Town.
- 1.8** Prior to the execution of the subdivision agreement, the Owner will submit a geotechnical report that addresses the suitability of the lands for residential development and the construction of municipal roads and infrastructure, prepared by a qualified engineer, to the Town for review and approval. At the time of drafting these conditions the design submitted to date address this condition satisfactorily. Final approval will be confirmed once the Subdivision Agreement is executed.
- 1.9** The Owner covenants and agrees prior to the issuance of Final Approval that any abandoned wells located on the property will be decommissioned in accordance with O.Reg. 903 and shall provide a record of certification to the Town and the Region of York from a qualified individual confirming compliance. At the time of drafting these conditions the design submitted to date address this condition satisfactorily. Final approval will be confirmed once the Subdivision Agreement is executed.
- 1.10** Prior to the execution of the subdivision agreement, the Owner will submit a water budget / water balance report which assesses the implications of suburban development on the subject lands, prepared by the qualified individual, for the Town and the Toronto and Region Conservation Authority for review and approval. At the time of drafting these conditions the design submitted to date address this condition satisfactorily. Final approval will be confirmed once the Subdivision Agreement is executed.

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- 1.11** The Owner covenants and agrees in the subdivision agreement to complete a hydrogeologic investigation to establish the high water table across the site to ensure that basement footings are a minimum of 1 metre (3 ft) above the high water table level. This work will be completed and submitted to the Town for review and approval prior the issuance of Final Approval and Registration of the Plan. Further, as a condition to the issuance of a building permit, the Owner covenants and agrees in the subdivision agreement, that test pits at the location of the proposed dwelling will be completed to determine the observed high groundwater location specific to the proposed Lot, and, that future residential footings will be constructed a minimum of 1 metre (3 ft) above the high water table level. At the time of drafting these conditions the design submitted to date address this condition satisfactorily. Final approval will be confirmed once the Subdivision Agreement is executed.
- 1.12** Prior to the execution of the subdivision agreement, final approval of the plan for registration, and/or additional construction import of excess soil and/or building construction activity occurring on site to the sole satisfaction of the Town Engineer, the Owner's Engineer will provide the Town with a plan that indicates what quantity of fill was imported to the property since December 2017 and the quantity of fill remaining to be brought to the site to finalize the grading. The Owner further knowledges and agrees in the Subdivision Agreement and or any other Town agreement that fill import and/or export following March 24, 2020 will be subject to the customary fees and changes payable under the Fill By-law without any exemption for development lands. In addition to the Owner's retained QPESA Arcadis monitoring, the Town will verify volume (using its own surveys) to calculate the fees that will be payable by the Owner for the fill imported or exported following March 24, 2020.
- 1.13** The Owner agrees and covenants in the Subdivision Agreements and/or other Town Agreements that if during construction of any infrastructure or buildings within the Subdivision contaminated Lands are discovered, the Owner shall undertake, at their expense, the necessary measures to identify and deal with the contaminant, in accordance with Ministry of the Environment and Climate Change guidelines, the Town's current Fill By-Law 2019-068-RE as may be amended from time to time and or other guidelines as appropriate, to the satisfaction of the Town (Town).
- 1.14** The Owner agrees and covenants in the Subdivision Agreements and/or other Town Agreements that prior to registration of the Plan, the Owner shall obtain a Letter of Acknowledgement of the Filing of a Record of Site Condition from the Ministry of Environment and Climate Change for the entire land parcel for the applicable land use. Table 2 from the MECP guidelines for Residential/Parkland/Institutional Property Use shall be used (Town).
- 1.15** The Owner agrees and covenants in the Subdivision Agreement and/or other Town Agreements to prepare a Neighbourhood Information Plan for review and approval by the Town as a part of the Engineering design and to install

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the same in every sales office associated with this plan for the benefit of prospective purchasers. This Neighbourhood Information Plan shall contain, at a minimum, the following as information as it becomes available

- a. Sidewalks, as applicable, including sidewalks connecting to existing external subdivisions;
- b. Driveways;
- c. Above ground utilities;
- d. Naturalized areas;
- e. Stormwater management ponds and maintenance accesses;
- f. Parks and environmentally sensitive blocks
- g. Transit routes and transit stops (existing and proposed);
- h. Information of the development of the other lands owned by the Applicant;
- i. Active transportation routes;
- j. Canada Post boxes; and
- k. Street furniture.

- 1.16** The Owner agrees and covenants in the Subdivision Agreement and/or other Town Agreements to convey the stormwater pond lands in Block 33 without monetary consideration, and shall be free of all encumbrances.
- 1.17** The Owner covenants and agrees to retain an engineering consultant that will design public infrastructure for the use of pedestrians/public compliant with the AODA requirements and acceptable to the Town's Operating Departments.
- 1.18** The Owner covenants and agrees in the Subdivision Agreements and/or other Town Agreements that if revisions to the approved Draft Plan of Subdivision result in additional conveyances to the Town, that the Owner shall dedicate these lands to the Town without monetary consideration and these lands shall be free of all encumbrances.
- 1.19** The Owner agrees and covenants in the Subdivision Agreement and/or other Town Agreements to prepare a Construction Management and Maintenance Plan/Report identifying access, parking, delivery staging, storage, snow and debris removal and phasing of construction onsite etc., all to the sole satisfaction of the Town (Operating and Emergency Response Departments).
- 1.20** The Owner agree(s) that the Draft Plan Approval date for the purposes of Section 51.1(4) of the *Planning Act* is November 20, 2024.

## **2.0 Roads**

- 2.1** The road allowances included within this draft plan of subdivision shall be dedicated as public highways without monetary consideration and shall be free of all encumbrances.

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- 2.2** The road allowances included within this draft plan of subdivision shall be named to the satisfaction of the Town and the Region of York Planning & Development Services Department.
- 2.3** Any dead ends or open sides of road allowances created by this draft plan of subdivision shall be terminated in 0.3 metre reserves, to be conveyed to the Town without monetary consideration and free of all encumbrances, to be held by the Town, until required for future road allowances or development of adjacent lands.
- 2.4** The Owner shall covenant and agree in the subdivision agreement that the public highways, daylighting triangles, etc. shall be designed and constructed in accordance with established municipal standards to the satisfaction of the Town.
- 2.5** The Owner shall covenant and agree in the subdivision agreement to provide temporary turning circles and any necessary easements where required at the Owner's expense. The Owner shall also covenant and agree in the subdivision agreement to remove the temporary turning circles and restore the streets to their normal condition at the Owner's expense when required by the Town and to the satisfaction of the Town. The design of temporary turning circles, and any implications on surrounding land uses, shall be addressed in the subdivision agreement to the satisfaction of the Town.
- 2.6** The Owner shall covenant and agree in the subdivision agreement that construction access into the subdivision lands shall be exclusively from Ninth Line.
- 2.7** The Owner shall covenant and agree in the subdivision agreement to prepare a street tree planting plan which shall include a minimum of two trees per residential lot, averaging a spacing interval of 10 metres, recognizing the constraints associated with driveway locations and the placement of above ground utility pads / pedestals, etc. The minimum caliper of trees shall be 75 mm. The size, spacing and species selected shall be to the satisfaction of the Town.
- 2.8** The Owner shall submit a Streetscape Plan, prepared by a qualified Landscape Architect in good standing with the O.A.L.A., to the satisfaction of the Town. The Streetscape Plan shall include all roads internal to the subdivision and the eastern limits of the Ninth Line Road Allowance across the property frontage.
- 2.9** The Owner covenants and agrees that the detailed design and the construction of all approved landscaping shall be completed in accordance with the provisions of the approved Streetscape Plan and at no cost to the Town.
- 2.10** The Owner shall engage the services of a consultant to prepare and submit for review, a noise study to the satisfaction of the Town and the Region of York, for the residential development that frames the Ninth Line. The Study shall recommend noise attenuation features and the Owner shall agree to

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implement the noise attenuation features to the satisfaction of the Town and the Region of York. At the time of drafting these conditions the design submitted to date address this condition satisfactorily. Final approval will be confirmed once the Subdivision Agreement is executed.

- 2.11** The following warning clause shall be included in the subdivision agreement with respect to the lots affected or influenced by the approved Noise Study:

“Purchasers are advised that despite the inclusion of noise attenuation features within the development area and within the individual building units, noise levels will continue to increase, occasionally interfering with some activities of the building’s occupants.”

- 2.12** Where noise attenuation features will abut the Ninth Line right-of-way, the Owner shall agree in the subdivision agreement, in wording satisfactory to the Town and the Region of York, as follows:

- a. That no part of any noise attenuation feature shall be constructed on or within the Ninth Line right-of-way
- b. That noise fences adjacent to the Ninth Line right-of-way may be constructed on the private side of the 0.3 metre reserve and may be a maximum of 2 metres in height, subject to the Town’s concurrence
- c. The maintenance of the noise attenuation features and fences bordering the Ninth Line right-of-way as referenced in Condition 2.12 b) shall not be the responsibility of the Town or the Region of York.

- 2.13** The Owner covenants and agrees in the subdivision agreement to construct Royale Gardens Way to the northern terminus of the plan of subdivision as part of the first phase of development for this property.

- 2.14** The Owner covenants and agrees in the subdivision agreement that the design and construction of the Wallace Park Drive crossing over the tributary to the Little Rouge Creek (between Blocks 38 & 39) shall be completed to the satisfaction of the Town and the Toronto and Region Conservation Authority. The crossing design and any construction / post construction mitigative measures shall be completed in a fashion consistent with the conclusions / recommendations of the approved Environmental Impact Study as set out in Condition 3.1. Further, the Owner covenants that the abutments for the road crossing will be outside of the greater of the meander belt or the 100 year erosion limit of the tributary.

### **3.0 Environmentally Sensitive Lands**

- 3.1** The Owner shall complete an Environmental Impact Study (EIS) which will confirm the limits of development affecting Blocks 38 & 39. The EIS shall

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- confirm the limits of development; establish the required environmental buffer; identify any edge management practices that should be employed to protect the adjacent environmental feature; identify areas in Key Natural Heritage Feature that would be enhanced through additional plantings; and, the best management practices that should be incorporated into the adjacent suburban area to mitigate any impacts so as to ensure the continued ecological function of the Key Natural Heritage Feature. The EIS shall be completed to the satisfaction of the Town and the Toronto and Region Conservation Authority for approval prior to the issuance of Final Approval.
- 3.2** The Owner covenants and agrees in the subdivision agreement to prepare a Landscaping and Open Space Plan, prepared by a qualified Landscape Architect in good standing with the O.A.L.A., which identifies planting within Blocks 38 & 39 and preservation practices to protect and enhance the ecological integrity of the Key Natural Heritage Feature. The identified Landscaping and Open Space Plan shall be submitted by the Owner and approved by the Town and the Toronto and Region Conservation Authority. The Landscaping and Open Space Plan shall implement the conclusions / recommendations of the approved EIS as set out in Condition 3.1.
- 3.3** If the geotechnical report, as set out in Condition 1.8, indicates the potential for interaction between underground services / utilities, stormwater management facilities, etc. and groundwater resources, the Owner covenants and agrees in the subdivision agreement to properly account for this matter in the submission of engineering drawings so as to minimize the impact on groundwater resources and to maintain existing contributions to the wetland and creek baseflows.
- 3.4** The Owner shall covenant and agree in the subdivision agreement that the detailed design and the completion of all approved landscaping as required by Conditions 3.1 & 3.2 shall be at no cost to the Town and the Toronto and Region Conservation Authority, and shall be completed in accordance with the approved Landscaping and Open Space Plan.
- 3.5** The Owner shall covenant and agree in the subdivision agreement that Blocks 38 & 39 shall be dedicated to the Toronto and Region Conservation Authority, at no cost and free of all encumbrances as part of the issuance of Final Approval and Registration of the first phase of development.
- 3.6** In accordance with the applicable provisions of Section 51.1 of the *Planning Act*, the Town will seek the payment of cash-in-lieu for the provision of parkland. Where parkland is dedicated to the Town under the adjacent plan 19T(W)86.101, the lands shall be unencumbered by endangered species. A payment of cash-in-lieu will be required for any lands or portions thereof that are proposed to be dedicated to the Town and that are encumbered by any endangered species to the sole satisfaction of the Town.
- 3.7** The Owner covenants and agrees in the subdivision agreement or other Town Agreements to obtain approval from the Ministry of Natural Resources

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and Forestry prior to initiating development near or adjacent to Butternut Trees and/or associated buffer for the protection of the same located within the plan.

- 3.8** The following warning clause shall be included in the subdivision agreement with respect to lots 3, 4, 5 and 8 due to the presence of Butternut trees:

“Purchasers are advised that the property contains an endangered species due to the presence of Butternut tree(s). The purchaser is hereby advised that approval from the Ministry of Natural Resources and Forestry is required prior to any development near the Butternut tree(s).”

**4.0 Municipal Services**

- 4.1** Prior to the issuance of Final Approval, the Owner shall submit a stormwater management study, prepared by a qualified engineer, detailing the provision of stormwater quality and quantity management facilities, hydraulic gradelines, overland flow routes, erosion and siltation controls (construction and post construction) for approval by the Town and the Toronto and Region Conservation Authority (TRCA). The Owner acknowledges and agrees that they will be required to construct the proposed stormwater management facilities and associated infrastructure, provide any easements for stormwater management facilities and infrastructure / overland flow routes, as the case may be. The easements for stormwater infrastructure / overland flow routes shall be conveyed to the Town and the TRCA, if required, upon registration of the plan of subdivision.
- 4.2** The Owner shall acknowledge and agree in the subdivision agreement that the development of the plan of subdivision shall be serviced by private individual drilled wells and individual private septic systems.
- 4.3** The Owner shall acknowledge and agree in the subdivision agreement that building permits will not be requested until the Chief Building Official has been advised by the Town Engineer that drilled wells, private septic systems, utilities, the central pressurized fire hydrant system or commitment to install individual Ontario Building Code-compliant residential fire sprinkler systems, and roads satisfactory to the Town Engineer are available to the Lots, except that building permits may be issued by the Town for model homes upon terms and conditions established by the Town.
- 4.4** Prior to the issuance of Final Approval for the draft plan, or any phase thereof, detailed engineering drawings shall be provided by the Owner, which have been prepared by a qualified engineer, which will include, but not limited to grading control plans, plan and profile drawings of all underground and above ground services, general plans, drainage plans, composite utility plans, stormwater management detail plans, etc. to the satisfaction of the Town.

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- 4.5** The Owner shall covenant and agree in the subdivision agreement to design, construct, and/or pay for the construction of public highways, curbs, gutters, roadside ditches and culverts, underground and above ground services, streetlights, utilities, stormwater management facilities, street and directional signs, etc. to the satisfaction of the Town.
- 4.6** The Owner shall satisfy the Town with respect to any and all financial obligations for external municipal works that are necessary to facilitate the development of the draft plan lands prior to the issuance of Final Approval for the draft plan, or any phase thereof.
- 4.7** The Owner shall covenant and agree in the subdivision agreement to install individual Ontario Building Code-compliant residential fire sprinkler systems in each building.
- 5.0 Individual Private Sewage Disposal System and Private Wells**
- 5.1** Each Lot shall be serviced with an individual private sewage disposal system installed to meet the requirements of the Town and Part 8 of the Ontario Building Code.
- 5.2** Primary leaching bed areas shall be provided on each Lot, with the size of the areas based on the "T" time for existing native soil conditions and/or that of any imported fill material, and with their locations to be in areas where existing site conditions exhibit an average slope not exceeding 1:4 (25%).
- 5.3** Individual test cuts in the proposed leaching bed area shall be completed and inspected on each Lot at the time that application is made for a certificate of approval for, and prior to installation of, a private sewage disposal system for that Lot.
- 5.4** A consultant, specializing in the design and installation of private sewage disposal systems, shall be retained to submit the necessary detailed site plan with each application for a certificate of approval for a private sewage disposal system.
- 5.5** A detailed site plan showing the existing and proposed grades, site grading, locations of or envelopes for all buildings and structures, including finished floor elevations, amenity areas, driveways, primary and reserve leaching bed areas, septic tanks, pump tanks, siphon tanks, balancing tanks, distribution boxes, municipal water supply, drainage swales, drainage direction and other pertinent information, including storm drainage and erosion and sedimentation control features, shall be submitted with each application for a certificate of approval for a private sewage disposal system.
- 5.6** Only sewage, and no other wastes such as water softener backwash or high efficiency furnace condensate, shall be directed into the private sewage disposal system unless the system is specifically designed to accommodate these flows.

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- 5.7** All raised leaching bed areas shall be provided with a mantle 15 metres minimum in length and of sufficient depth in any direction in which sewage may flow laterally after leaving the leaching bed area, and shall be sodded immediately upon completion.
- 5.8** No structures (including foundations for antennas, satellite dishes, etc.), accessory buildings, heat pump heat exchange grids or swimming pools shall be located within the primary leaching bed area.
- 5.9** No landscaping involving decks, berms, foundations, patios, walkways, driveways or newly planted trees shall be permitted in the primary leaching bed area.
- 5.10** No automatic sprinkler devices or stormwater infiltration systems shall be located within or close enough to the active leaching bed area that they may adversely affect the operation or effectiveness of the leaching bed area.
- 5.11** No eavestrough discharge, sump pump discharge, surface water or storm drainage shall be directed into the private sewage disposal sewage system or discharged either into the ground or onto the ground surface in the vicinity of the primary leaching bed area.
- 5.12** Prior to the initiation of any grading, temporary fencing shall be installed around designated prime bed area to preserve existing native soils in their natural state.
- 5.13** Removal of temporary fencing, removal of topsoil, and grading shall only be carried out on a Lot by Lot basis with light construction equipment immediately prior to the construction of the leaching bed.
- 5.14** All wells will be drilled to the lower portion of the Oak Ridges Moraine Aquifer Complex (more than 45 m below grade) with a minimum 1.8 m length of stainless steel screen and constructed in accordance with O.Reg. 903.
- 5.15** All operational wells should be certified by a qualified professional to confirm well yield and groundwater quality. The Owner covenants and agrees in the subdivision agreement to include this provision in the Purchase and Sales Agreements.
- 5.16** A submersible pump with a restricted pumping rate of 22.5 L/minute shall be installed in each well. The pump should be installed a minimum of two-thirds of the well depth to allow for sufficient available head to provide buffering from other future off-site takings. The Owner covenants and agrees in the subdivision agreement to include this provision in the Purchase and Sales Agreements.
- 5.17** Underground sprinkler systems shall be prohibited as the potential impacts of additional water supply was not taken into account for the evaluation period completed.
- 5.18** Prior to final approval, the Owner shall complete, to the satisfaction of the Town and the Region, Stages 1 and 2 of the Groundwater Monitoring Program approved by the Town on May 3<sup>rd</sup>, 2011 (referenced as Draft #8), as set out within Attachment No. 3 to the Report of that date related to this Plan.

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This shall include baseline data collection, including a survey of existing area wells and the installation of nine (9) monitoring wells, a continuous pump test to assess the impact of water taking of the Plan as if it was fully built out, and analysis is based on this data of the cumulative impact of development planned for the Hamlet of Bloomington.

**5.19** The Owner shall agree in the subdivision agreement, to complete Stage 3 and 4 of the Groundwater Monitoring Program referred to in Condition 5.18. This shall include monitoring of the nine (9) groundwater monitoring wells and submission of a Year End report within sixty (60) days of the end of each calendar year following occupancy of the first home summarizing the results observed in the monitoring wells. The monitoring program shall continue for a minimum of one (1) year after the full occupancy of all residential units.

**5.20** Prior to final approval, the Owner shall post financial securities for the Groundwater Monitoring Program to the satisfaction of the Town.

## **6.0 Utilities**

**6.1** Prior to the execution of the subdivision agreement for the draft plan, the Owner shall prepare an overall composite utility plan to the satisfaction of the Town and all affected authorities / service providers.

**6.2** The Owner shall covenant and agree in the subdivision agreement that hydro electric, telephone, telecommunication services, gas and television cable services, shall be constructed at no cost to the Town, or where applicable the Region, as underground facilities within the public highway allowances or within other appropriate easements, as approved on the Composite Utility Plan, to the satisfaction of the Town and affected authorities / service providers.

**6.3** The Owner shall covenant and agree in the subdivision agreement to enter into any agreement(s) required by any applicable utility company(ies) to undertake the installation of utilities consistent with the approved Composite Utility Plan.

**6.4** The Owner shall covenant and agree in the subdivision agreement with respect to the provision of natural gas distribution to:

- a. make satisfactory arrangements with the appropriate service authority to install all of the natural gas distribution system within the proposed public highway allowance;
- b. grade all streets to final elevation prior to the installation of the gas lines;

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- c. provide the necessary field survey information required for the installation of the gas distribution system, all to the satisfaction of the Town and the service provider.

## **7.0 Canada Post**

**7.1** The Owner shall covenant and agree in the subdivision agreement to include on all offers of purchase and sale, a statement that advises the prospective purchaser that mail delivery will be from a designated community mail box. The Owner will be responsible for notifying the purchaser of the exact community mail box locations prior to the closing of any home sale.

**7.2** Prior to the release for registration of the draft plan of subdivision, the Owner will consult with Canada Post Corporation and the Town to determine suitable locations for the placement of community mailboxes, and, will indicate on the appropriate servicing plans:

- a. the location of community mail boxes;
- b. an appropriately sized section of concrete pad as per municipal standards to place the community mailbox on;
- c. any required walkways across the boulevard, as per Town requirements; and,
- d. any required curb depressions for wheelchair access to the satisfaction of the Town and Canada Post.

**7.3** The Owner shall covenant and agree in the subdivision agreement to provide suitable temporary community mailbox location(s), which may have to be utilized by Canada Post until the curbs, sidewalk and final grading have been completed at the permanent community mailbox locations.

## **8.0 Development Charges**

**8.1** The Owner covenants and agrees to provide written notice of all development charges related to the subdivision development, including payments made and any amounts owing, to all first purchasers of lands within the first phase of the draft plan at the time the lands are transferred to the first purchasers.

**8.2** The Owner shall enter into an agreement with the Regional Municipality of York agreeing to satisfy all conditions, financial and otherwise, of the Regional Corporation in accordance with the approved Regional Development Charges By-law, as may be amended from time to time.

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**9.0 Environmental Clearance**

9.1 The Owner covenants and agrees in the subdivision agreement that if during construction of any infrastructure or buildings within the subdivision contaminated lands are discovered, the Owner shall undertake, at their expense, the necessary measures to identify and deal with the contaminate, in accordance with Ministry of the Environment, Conservation and Parks guidelines, or other guidelines as appropriate, to the satisfaction of the Town.

**10.0 Heritage and Archeological Resources**

10.1 Prior to the issuance of Final Approval of the first phase of the draft plan, the Owner shall carry out a cultural heritage assessment for the lands to ensure the proper assessment and identification of built heritage and archaeological resources, and further, to mitigate any identified adverse impacts to significant heritage resources to the satisfaction of the Town and the Ministry of Heritage, Sport, Tourism, and Culture Industries. No demolition, grading, filling or any form of soil disturbances shall take place on the lands prior to the issuance of a letter from the Ministry of Heritage, Sport, Tourism, and Culture Industries to the Town indicating that all matters relating to heritage resources have been addressed in accordance with licensing and resource conservation requirements.

10.2 The Owner covenants and agrees in the subdivision agreement to implement any measures recommended by the heritage resource assessment, to the satisfaction of the Town and the Ministry of Heritage, Sport, Tourism, and Culture Industries.

**11.0 Region of York**

11.1 The Owner shall have prepared, by a qualified professional transportation consultant, a functional transportation report/plan outlining York Region road improvements for this subdivision. The report/plan, submitted to the York Region Transportation Services Department for review and approval, shall explain all transportation issues and shall recommend mitigative measures for these issues.

11.2 The Owner shall agree in the subdivision agreement, in wording satisfactory to York Region Transportation Services Department, to implement the recommendations of the functional transportation report/plan as approved by the York Region Transportation Services Department.

11.3 The Owner shall submit detailed engineering drawings, to the York Region Transportation Services Department for review and approval, that incorporate the recommendations of the functional transportation report/plan as approved

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by York Region Transportation Services Department. Additionally, the engineering drawings shall include the subdivision storm drainage system, erosion and siltation control plans, site grading and servicing, plan and profile drawings for the proposed intersections, construction access and mud mat design, utility and underground servicing location plans, pavement markings, electrical drawings for intersection signalization and illumination design, traffic control/construction staging plans and landscape plans.

- 11.4** Prior to final approval, the Owner shall provide a set of engineering drawings, approved by the Town, which indicate the storm drainage system, the overall grading plans and all proposed accesses onto York Region roads, for all lands within this plan of subdivision, to the York Region Transportation Services Department for verification that all York Region's concerns have been satisfied.
- 11.5** Prior to final approval and concurrent with the submission of the subdivision servicing application (MECP) to the Town, the Owner shall provide a set of engineering drawings, for any works to be constructed on or adjacent to a Regional road, to the Roads Branch, Attention: Manager, Development Approvals, that includes the following drawings:
- a. Plan and Profile for the Regional road and intersections;
  - b. Grading and Servicing;
  - c. Intersection/Road Improvements, including the recommendations of the Traffic Report;
  - d. Construction Access Design;
  - e. Utility and underground services Location Plans;
  - f. Signalization and Illumination Designs;
  - g. Line Painting;
  - h. Traffic Control/Management Plans;
  - i. Erosion and Siltation Control Plans;
  - j. Landscaping Plans, including tree preservation, relocation and removals.
- 11.6** Prior to final approval, the Owner shall provide drawings for the proposed servicing of the site to be reviewed by the Engineering Department of the Town. A MECP ECA application in digital format shall be submitted to the York Region's Planning and Development Services Department, Attention: Mrs. Eva Pulnicki, P.Eng.
- 11.7** The location and design of the construction access for the subdivision shall be completed to the satisfaction of the York Region Transportation Services Department and illustrated on the Engineering Drawings.
- 11.8** Any existing driveway(s) along York Region road frontage shall be removed as part of the subdivision work, at no cost to York Region.
- 11.9** The streetline elevations shall generally be 0.3 metres above the centerline elevation of the adjacent regional roadways. Should this not be feasible, prior

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- to final approval, an alternative proposal with sufficient detail shall be prepared and submitted to York Region for their review and approval.
- 11.10** Prior to final approval, the Owner shall provide a copy of the approved duly executed local subdivision agreement to York Region, outlining all requirements of York Region.
- 11.11** The Owner shall submit drawings depicting the following to the satisfaction of York Region:
- a. All existing woody vegetation within the Regional Road right-of-way;
  - b. Tree protection measures to be implemented on and off the Regional Road right- of-way to protect right-of-way vegetation identified for preservation;
  - c. Any woody vegetation within the Regional Road right-of-way that is proposed to be removed or relocated. However, it is to be noted that tree removal within Regional Road rights of way shall be avoided to the extent possible/practical. Financial or other compensation may be sought based on the value of trees proposed for removal;
  - d. A planting plan for all new and relocated vegetation to be planted within the Regional Road right-of-way, based on the following general guideline: Tree planting shall be undertaken in accordance with York Region standards as articulated in Streetscaping Policy and using species from the Regional Street Tree Planting List. These documents may be obtained from the Forestry Section. If any landscaping or features other than tree planting (e.g. flower beds, shrubs) are proposed, they will require the approval of the local municipality and be supported by a maintenance agreement between the municipality and York Region for area municipal maintenance of these features. In addition, the agreement should indicate that where the Town does not maintain the feature to the Region's satisfaction, the area municipality will be responsible for the cost of maintenance or removal undertaken by the Region.
- 11.12** Any landscaping provided on a York Region right-of-way by the Owner or the Town for aesthetic purposes must be approved by the York Region Transportation Services Department and shall be maintained by the Town with the exception of the usual grass maintenance.
- 11.13** The following lands shall be conveyed to York Region for public highway purposes, free of all costs and encumbrances:

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- a. a widening across the full frontage of the site where it abuts Ninth Line of sufficient width to provide a minimum of 18 metres from the centerline of construction of the Ninth Line;
  - b. a 15 metre by 15 metre daylight triangle at the intersection of Wallace Park Drive and Ninth Line;
  - c. an additional 2.0 metre widening, 40 metres in length, together with a 60 metre taper for the purpose of a northbound right turn lane at the intersection of Wallace Park Drive and Ninth Line;
  - d. a 0.3 metre reserve across the full frontage of the site where it abuts Ninth Line and adjacent to the above noted widenings. A reserve is not required across approved access locations.
- 11.14** The Owner shall provide a solicitor's certificate of title in a form satisfactory to the York Region Solicitor, at no cost to York Region, with respect to the conveyance of all lands required by York Region.
- 11.15** In order to determine the property dedications (if any) required to achieve the ultimate right-of-way width of Ninth Line abutting the subject site, the applicant shall submit a recent plan of survey for the property that illustrates the existing centre line of the Ninth Line.
- 11.16** Prior to Final Approval, York Region requires the Owner to submit to it, in accordance with the requirements of the *Environmental Protection Act* and O. Reg. 153/04 *Records of Site Condition Part XV.1 of the Act* (as amended), a Phase I environmental site assessment prepared and signed by a qualified professional, of the Owner's lands and more specifically of the lands to be conveyed to York Region (the "Assessment"). Based on the findings and results of the Assessment, York Region may require further study, investigation, assessment and delineation to determine whether any remedial or other action is required. The Assessment and any subsequent environmental reports or other documentation prepared in respect of the environmental condition of the lands to be conveyed must to be addressed to York Region, contain wording to the effect that York Region shall be entitled to rely on such reports or documentation in their entirety, and such reports or documentation shall be satisfactory to York Region.
- 11.17** Prior to Final Approval, the Owner shall certify, in wording satisfactory to the York Region Transportation and Works Department, that no contaminant, pollutant, waste of any nature, hazardous substance, toxic substance, dangerous good, or other substance or material defined or regulated under applicable environmental laws is present at, on, in or under all lands to be conveyed to York Region (including soils, substrata, surface water and groundwater, as applicable): (i) at a level or concentration that exceeds the *Environmental Protection Act* O. Reg. 153/04 full depth generic site condition

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standards applicable to the intended use that such lands will be put by York Region at the time of conveyance or any other remediation standards published or administered by governmental authorities applicable to the intended land use; and (ii) in such a manner, condition or emanating from such lands in such a way, that would result in liability under applicable environmental laws. The Assessment, any subsequent environmental reports or other documentation and the Owner's certification shall be done at no cost to York Region.

- 11.18** The Owner shall agree that prior to the development approval, access to lot 1 and 32 shall be via Wallace Park Drive and direct access to Ninth Line will not be permitted.
- 11.19** The intersection of Wallace Park Drive and the Ninth Line shall be designed to the satisfaction of the York Region Transportation Services Department with any interim or permanent intersection works including turning lanes, profile adjustments, illumination and/or signalization as deemed necessary by the York Region Transportation Services Department.
- 11.20** Prior to final approval, the Owner shall engage the services of a consultant to prepare and submit for review and approval, a noise study to the satisfaction of the Community Planning and Development Services Division recommending noise attenuation features.
- 11.21** The Owner shall agree in the subdivision agreement, in wording satisfactory to the Community Planning and Development Services Division, to implement the noise attenuation features as recommended by the noise study and to the satisfaction of the Community Planning and Development Services Division.
- 11.22** The Owner shall agree in the subdivision agreement, in wording satisfactory to the Community Planning and Development Services Division, that where berm, noise wall, window and/or oversized forced air mechanical systems are required, these features shall be certified by a professional engineer to have been installed as specified by the approved Noise Study and in conformance with the Ministry of the Environment, Conservation and Parks guidelines and the York Region Noise Policy.
- 11.23** The following warning clause shall be included in a registered portion of the subdivision agreement with respect to the lots or blocks affected:
- "Purchasers are advised that despite the inclusion of noise attenuation features within the development area and within the individual building units, noise levels will continue to increase, occasionally interfering with some activities of the building's occupants".
- 11.24** Where noise attenuation features will abut a York Region right-of-way, the Owner shall agree in the subdivision agreement, in wording satisfactory to York Region's Community Planning and Development Services Division, as follows:

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- a. that no part of any noise attenuation feature shall be constructed on or within the York Region right-of-way;
  - b. that noise fences adjacent to York Region roads may be constructed on the private side of the 0.3 metre reserve and may be a maximum 2.5 metres in height, subject to the area municipality's concurrence;
  - c. that maintenance of the noise barriers and fences bordering on York Region right-of-ways shall not be the responsibility of York Region; and
  - d. that any landscaping provided on York Region right-of-way by the Owner or the area municipality for aesthetic purposes must be approved by the Community Planning and Development Services Division and shall be maintained by the area municipality with the exception of the usual grass maintenance.
- 11.25** The Owner shall agree in the subdivision agreement, in wording satisfactory to the Community Planning and Development Services Division, to be responsible to decommission any existing wells on the owner's lands in accordance with all applicable provincial legislation and guidelines and to the satisfaction of the area municipality.
- 11.26** Prior to final approval, the Owner shall demonstrate, to the satisfaction of the Community Planning and Development Services Division, that all local underground services will be installed within the area of the development lands and not within York Region's road allowance. If a buffer or easement is needed to accommodate the local services adjacent to York Region's right-of-way, then the Owner shall provide a satisfactory buffer or easement to the Area Municipality, at no cost to the Region.
- 11.27** The Owner shall agree in the subdivision agreement, in wording satisfactory to the Community Planning and Development Services Division that the Owner will be responsible for determining the location of all utility plants within York Region right-of-way and for the cost of relocating, replacing, repairing and restoring any appurtenances damaged during construction of the proposed site works. The Owner must review, or ensure that any consultants retained by the Owner, review, at an early stage, the applicable authority's minimum vertical clearances for aerial cable systems and their minimum spacing and cover requirements. The Owner shall be entirely responsible for making any adjustments or relocations, if necessary, prior to the commencement of any construction.
- 11.28** The Owner shall prepare a Transportation Demand Management (TDM) Plan letter to address the following comments to the satisfaction of York Region:

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- a. A TDM checklist that summarizes the programs and measures, estimated costs and responsibility of the applicant to implement TDM recommendations. (See page 47 of the York Region Transportation Mobility Plan Guidelines, November 2016, for details)
- b. A TDM communication strategy, to assist York Region and the Town to effectively deliver the Information Packages and pre-loaded PRESTO Cards to residents. This strategy shall also include a physical location for distribution of the Information Packages and pre-loaded PRESTO Cards.

## **12.0 Toronto and Region Conservation Authority**

### **12.1** Prior to the initiation of grading and prior to the registration of this plan or any phase thereof, the owner shall:

- a. submit a detailed engineering report for the review and approval of the Toronto and Region Conservation Authority (TRCA) that describes the storm drainage system (quantity and quality) for the proposed development of the subject lands. This Report shall include:
  - i. plans illustrating how this drainage system will tie into surrounding drainage systems. Matters to be discussed, but are not necessarily limited to, include: overall drainage scheme for the catchment area; the accounting for external flows and how it will be accommodated; and, the design capacity of the receiving system;
  - ii. storm water management techniques which may be required to control minor and major flows;
  - iii. appropriate Stormwater Management Practices to be used to treat stormwater, to mitigate the impacts of development on the quality and quantity of ground and surface water resources as it relates to fish and their habitat, groundwater recharge and infiltration, etc.;
  - iv. proposed method for controlling or minimizing erosion and siltation on-site and/or in downstream areas during and after construction;
  - v. location and description of all outlets and other facilities which may require a permit pursuant to O.Reg. 166/06 (TRCA

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- b. submit overall grading plans for the subject lands;
- c. submit a monitoring program for the wetland communities on the subject lands for each phase of development. The monitoring program shall include the collection of baseline water quality throughout the development process to include the following parameters: N, P, TSS, heavy metals, chlorides, temperature and water level / piezo data.
- d. identify any permits and/or approvals that will be necessary to be secured from the TRCA.

**12.2** The Owner covenants and agrees in the subdivision agreement, in wording acceptable to the TRCA:

- a. to carry out, or cause to be carried out, to the satisfaction of the TRCA, the recommendations of the technical report referenced in Condition 12.1;
- b. to undertake a monitoring program for each phase of development, as described in Condition 12.1 c);
- c. to maintain all stormwater management and erosion and sedimentation control structures operating and in good repair during the construction period, in a manner satisfactory to the TRCA;
- d. to obtain all necessary permits pursuant to O.Reg. 166/06 or other approvals from the TRCA; and
- e. to obtain Authorization under the Federal Fisheries Act, if required, through the submission of a comprehensive fish habitat compensation package for the harmful alteration, disruption or destruction of fish habitat.

**13.0 Architectural Control**

- 13.1** The Owner shall retain a design consultant to formulate an architectural control manual to be submitted to the Town for approval prior to the commencement of the sales and marketing program, and, prior to the execution of the subdivision agreement affecting the first phase of development. The Owner shall incorporate design elements and features that are present in the heritage homes situated in the hamlet of Bloomington and

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the immediate rural area into the architectural control manual being prepared for the draft plan.

**13.2** The Owner shall covenant and agree in the subdivision agreement to incorporate the requirements and criteria of the Town approved architectural control manual into all municipal works and landscaping, where relevant, site plan and building permit applications within the draft plan.

**13.3** The Owner shall covenant and agree in the subdivision agreement to have the design consultant who prepared the approved architectural control manual to certify that each building permit application is designed in accordance with the said approved manual prior to the building permit being issued by the Chief Building Official. Further, the cost associated with the review and certification of the building permit application by the control architect shall be borne by the Owner.

**14.0 External Clearances**

**14.1** Prior to release for registration of the draft plan, or any phase thereof, clearance letters, containing a brief statement detailing how conditions have been met, will be required from authorized agencies as follows:

- a. The Regional Municipality of York Planning & Development Services Department shall advise that Conditions 1.9, 2.2, 2.10 to 2.12 inclusive, 5.18 to 5.20 inclusive, 8.2 and 11.1 to 11.28 inclusive have been satisfied;
- b. The Toronto and Region Conservation Authority shall advise that Conditions 1.10, 2.14, 3.1 to 3.5 inclusive, 4.1, 12.1 and 12.2 have been satisfied;
- c. The Ministry of Heritage, Sport, Tourism, and Culture Industries shall advise that Conditions 10.1 and 10.2 have been satisfied;
- d. Enbridge Consumers Gas shall advise that Conditions 6.1 to 6.4 inclusive have been satisfied;
- e. Canada Post Corporation shall advise that Conditions 7.1 to 7.3 inclusive have been satisfied.

**14.2** Scoped list of reports/studies to be submitted and/or updated/revised to reflect the proposed development and resubmitted to the Town (when originals are older than 5 years or if the development proposal is amended) in accordance with the above conditions, included but not limited to:

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- a. Soils/Geotechnical Report in accordance with condition 1.8;
- b. Stormwater Management Study in accordance with condition 4.1;
- c. Water budget / water balance report in accordance with condition 1.10
- d. Traffic Impact Study/ Functional Transportation Report/plan in accordance with condition 11.5;
- e. Noise Impact Study in accordance with condition 2.10;
- f. Groundwater Monitoring Program Report in accordance with condition 5.18 and 5.19;
- g. Environmental Impact Study (EIS) in accordance with condition 3.1;
- h. Record of Site Condition (RSC) in accordance with condition 1.13 and 1.14;
- i. Engineering Report(s), Erosion and Sediment Control, LID reports in accordance with conditions in sections 11 and 12;
- j. Architectural Control Manual in accordance with condition 13.1, 13.2, and 13.3; and
- k. Cultural Heritage Assessment in accordance with condition 10.1,
- l. Construction Management and Maintenance Plan/Report with condition 1.19.