

Appendix "A" - Staff Report SRPRS.20.127

Schedule of Conditions "Common Element Condominium"

Draft Plan of Condominium

Fifth Avenue (King North) Inc.
Part of Block 1, Plan 65M-4651
City of Richmond Hill

City File: D05-19003 (19CDM(R)-19003)

The conditions of the Council of the City of Richmond Hill to be satisfied prior to the release for registration of Plan of Condominium 19CDM(R)-19003, City of Richmond Hill, are as follows:

City of Richmond Hill

Planning and Regulatory Services Department (Development Planning Division)

1. Approval shall relate to a Draft Plan of Condominium prepared by R-PE Surveying Ltd., Ontario Land Surveyors, Job #: 16-220, having a Surveyor's Certificate dated July 10, 2020.
2. The Owner shall fulfill Site Plan provisions pertaining to a related Site Plan Agreement between the Owner and the City (File D06-17088) to the satisfaction of the Commissioner of Planning and Regulatory Services, and shall agree that prior to final approval, the Site Plan Agreement shall be fully executed and registered by the City in the Land Registry Office of the Land Titles Division of York Region.
3. The Owner shall enter into a Condominium Agreement, if required to do so by the City which shall be registered on title and to the satisfaction of the City Solicitor, in priority to all other claims or interest.
4. The Owner shall submit plans of Condominium pre-approved by the Land Registry Office, satisfactory to the City, prior to final approval of the Plan of Condominium.
5. Prior to final approval, the Owner shall, if required to do so by the City, submit to and obtain the approval of the City for the form and content of the Condominium Description and Declaration and the Owner shall incorporate into the Plan and Declaration under Section 7 of the *Condominium Act*, 1998, all right(s)-of-way and easements for vehicular access, on-site traffic circulation, municipal servicing or utility servicing to the satisfaction of the City.
6. The Owner shall agree to create a non-exclusive surface easement (the "Access Easement") over the interior private driveway to be built on a portion of the grade level of the Subject Lands. The Easement shall be in favour of the lands located between the Subject Lands and Parker Avenue, legally described as Block 1,

Registered Plan 65M-4649 (PIN 03206-4298) (the "East Benefitting Lands") for the purpose of providing vehicular and pedestrian access, ingress and egress, to and from the East Benefitting Lands, and to and from the adjoining public highways known as McCachen Street and Parker Avenue. The Easement shall be a strata/surface easement, which may be created and/or granted all at once or in phases and may be created pursuant to section 20 of the *Condominium Act*, 1998 by describing the Easement in the Condominium Declaration and description or approval by the Committee of Adjustment. The Easement shall be in a form and location satisfactory to the Commissioner and the Owner shall be responsible for the preparation of any and all Reference Plan(s) necessary for the creation or conveyance of the Easement and all other costs related thereto.

Planning and Regulatory Services Department (Regulatory Services Division)

7. Prior to final approval of the Plan, the Owner shall provide the City with evidence in the form of an Architect's Certificate or other certification, satisfactory to the City, stating that all buildings are substantially completed to the extent that all boundaries of the units to be created have been constructed.
8. Prior to final approval of the Plan, the Owner shall provide the City with evidence in the form of an Ontario Land Surveyor's Certificate stating that all buildings have been located on the ground in accordance with the Site Plan contained in the said Site Plan Agreement between the Owner and the City.
9. Prior to final approval of the Plan, the Owner shall have fully complied with all orders issued pursuant to the *Building Code Act*, 1992 and shall have completed all work necessary to correct any building deficiencies related to said order to the satisfaction of the City.

Planning and Regulatory Services Department (Development Engineering Division)

10. Prior to final approval of the Plan, the Owner shall provide the City with evidence in the form of Engineer's Certificate stating that all grading, drainage, above and below ground services, asphalt paving, concrete works and demarcation of parking spaces within the Common Element Condominium area, and any other matters required to support the development of the lands within the Plan, including but not limited to, any retaining walls, low impact development features that are to be located within the Parcels of Tied Land and are to be secured with easements in favour of the Condominium Corporation, have been substantially completed in accordance with the plans and conditions in the said Site Plan Agreement. To guarantee completion of the aforesaid work, the letter of credit secured through the Site Plan Agreement will be kept in full force by the City.
11. The Owner shall file with the City, if required to do so by the City, certification from a Professional Engineer or Ontario Land Surveyor or Solicitor authorized to practice in the Province of Ontario that all necessary easements required to service the lands and buildings within the Plan and any adjoining lands (if such adjoining lands were, at any time, a single parcel of land with the lands within the Plan) for, but not limited to, access, parking, street lighting, water, sanitary sewer, storm sewer, structural support grading, retaining walls, low impact development

features, amenity areas, access and maintenance purposes, have been lawfully created or will be lawfully created upon the registration of the Declaration referred to in Condition 5.

Planning and Regulatory Services Department (Park and Natural Heritage Planning Section)

12. The Owner shall agree within the Condominium Declaration to make provisions for the ongoing maintenance of all common element landscape areas.
13. The Owner shall complete all required landscape works to the satisfaction of the Commissioner of Planning and Regulatory Services.

Corporate and Financial Services Department

14. Prior to final approval, the Owner shall pay the applicable Release Fees to the satisfaction of the City.
15. The Owner shall pay any outstanding taxes owing to the City.
16. The Owner shall pay any outstanding Local Improvement charges owing against the subject lands.

Regional Municipality of York

17. Prior to final approval, the Owner shall provide confirmation that all of the conditions of the Site Plan Approval issued for the subject property under Regional File No. SP.17.R.0294 have been satisfied.
18. Prior to final approval, the Owner shall execute all Regional Agreements and obtain all of the necessary permits required as part of the Site Plan Approval for the subject property issued under Regional File No. SP.17.R.0294.
19. Prior to final approval, the Owner shall confirm that all of the works within the King Road right-of-way have been completed to the satisfaction of the Region or that the Region holds sufficient securities to cover the cost of any outstanding works. Should there be insufficient security to cover the cost of the remaining works, the Owner shall arrange for the deposit of additional securities in the amount sufficient to cover the cost of all outstanding works.
20. Prior to final approval, the Owner shall provide confirmation that all Transfers of Obligations have been completed where Regional Agreements require the responsibility to change from the Owner to the Condominium Corporation.
21. The Owner shall include in all Agreements of Purchase and Sale and/or Lease, Condominium Agreement, Condominium Declaration the following clause:

"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."

Alectra Utilities

22. Prior to final approval, the Owner shall enter into a Licence Agreement with Alectra Utilities.

Enbridge Gas Inc.

23. Prior to final approval, the Owner shall satisfy the requirements of Enbridge Gas Inc. with respect to the proposed condominium development on the subject lands.

Bell Canada

24. Prior to final approval, the Owner shall satisfy the requirements of Bell Canada with respect to the proposed condominium development on the subject lands.

Canada Post

25. Prior to final approval, the Owner shall satisfy the requirements of Canada Post with respect to the proposed condominium development on the subject lands.

Clearance Conditions

26. The City shall advise that Conditions 1 to 16 inclusive have been satisfied. The clearance letter shall include a brief statement detailing how each condition has been met.
27. The Regional Municipality of York shall advise that Conditions 17 to 21 inclusive have been satisfied. The clearance letter shall include a brief statement detailing how each condition has been met.
28. Alectra Utilities shall advise that Condition 22 has been satisfied. The clearance letter shall include a brief statement detailing how the condition has been met.
29. Enbridge Gas Inc. shall advise that Condition 23 has been satisfied. The clearance letter shall include a brief statement detailing how the condition has been met.
30. Bell Canada shall advise that Condition 24 has been satisfied. The clearance letter shall include a brief statement detailing how the condition has been met.
31. Canada Post shall advise that Condition 25 has been satisfied. The clearance letter shall include a brief statement detailing how the condition has been met.

Note: Where Final Approval For Registration Has Not Been Given Within Three (3) Years After The Date Upon Which Approval To The Proposed Plan Of Condominium Was Given, The City Of Richmond Hill May, In Its Discretion And Pursuant To The *Planning Act*, R.S.O. 1990, Withdraw Its Approval To This Proposed Plan Of Condominium, Unless Approval Has Been Sooner Withdrawn, But The City Of Richmond Hill May, From Time To Time, Extend The Duration Of The Approval.