

Schedule of Conditions
“Common Element Condominium”

Draft Plan of Condominium

Primont Homes (Bayview) Inc.
Block 1, Registered Plan 65M-4628
City of Richmond Hill

City File: D05-15001(19CDM(R)-15001)

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)-15001, 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 KRCMAR, Ontario Land Surveyors, Reference No.: 14-059DC01a, dated January 10, 2018.
2. The Owner shall fulfill Site Plan provisions pertaining to a related Site Plan Agreement between the Owner and the City dated July 22, 2019 and registered in the Land Registry Office of the Land Titles Division of York Region as Instrument No. YR3126201, to the satisfaction of the Commissioner of Planning and Regulatory Services.
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.

Planning and Regulatory Services Department (Regulatory Services Division)

6. 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.

7. 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 dated July 22, 2019 and registered in the Land Registry Office of the Land Titles Division of York Region as Instrument No. YR3126201.
8. 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)

9. 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, storm sewer outfall, any retaining walls, noise walls, utilities, rain barrels, 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.
10. The Owner shall file with the City, if required to do so by the City, certification from a Professional Engineer or Ontario Land Surveyor and 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 outfall, rain barrels, 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.
11. The Owner shall include the following warning clauses in the condominium declaration:

"Purchasers and tenants are advised that infiltration related stormwater chamber systems are located within the condominium and form an integral part of the stormwater management infrastructure for the community. It is the Condominium's responsibility to ensure that proper drainage is maintained and swales which convey stormwater to this system remain in its original form."

12. The Owner shall include the following warning clause in the condominium declaration:

“The sanitary sewer service connections from private property shown on Site Plan Agreement Schedules "AL", "AM" and "AN" are located within the City's easement Parts 1 – 6 on Plan 65R-38069, Instrument No. YR2932393. The Owner specifically covenants for himself and his successors or assigns to maintain all such service connections on private property and within the City easement to the satisfaction of the Commissioner. Sanitary service laterals lying within the servicing easement from mainline connection to the edge of the easement are PRIVATE and will be owned and maintained by the Condominium Corporation and shall form part of the Common Element. The City will not assume private service laterals. Any future repairs to the laterals or at the mainline connection and/or new sewer connections will require the condominium seeking prior approval by the City.”

13. The Owner shall include the following noise warning clauses in the condominium declaration as per approved Environmental Noise Impact Study, dated September 27, 2018, and the further Addendum Letter, dated October 17, 2018, prepared by Aercoustics Engineering Limited. The dwelling units included in the following noise warning clauses correspond to the Draft Plan of Condominium, dated January 10, 2018:

“Purchasers/tenants are advised that despite the inclusion of noise control features in the development and within the building units, sound levels due to increasing road and rail traffic may on occasions interfere with some activities of the dwelling occupants as the sound levels exceed the sound level limits of the Municipality and the Ministry of the Environment, Conservation and Parks.

Purchasers/tenants of dwelling units located on Parts 34 to 39, 64 to 75, 86 to 92, 124 to 131, 145 to 151 are advised that the dwelling unit has been designed with the provision for adding central air conditioning at the occupant's discretion. Installation of central air conditioning by the occupant in low and medium density developments will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Municipality and the Ministry of the Environment, Conservation and Parks.

Purchasers/tenants of dwelling units located on Parts 2 to 33, 76 to 85, 132 to 144 are advised that the dwelling unit has been supplied with a central air conditioning system which will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Municipality and the Ministry of the Environment, Conservation and Parks.

Purchasers/tenants of dwelling units located on Parts 20 to 33, 76 to 85, 132 to 144 are advised that where a rooftop acoustical barrier has been installed it shall be maintained, repaired or replaced by the Owner. Any maintenance repair or replacement shall be the same material, to the same standard, and having the same colour and appearance of the original.

Purchasers/tenants are advised that the ownership and future maintenance of any acoustic fence for the subject property will be the responsibility of the developer or property owner as they will not be owned/maintained by the City of Richmond Hill in the future.”

Planning and Regulatory Services Department (Policy Planning Division)

14. The Owner shall agree within the condominium declaration to make provisions for the ongoing maintenance of all common element landscape areas.
15. The Owner shall agree within the condominium declaration to make provisions for the ongoing maintenance and repair of the landscaping located within Parts 172 and 173 on the draft Plan of Condominium referred to in Condition 1.
16. The Owner shall complete all required landscape works to the satisfaction of the Commissioner of Planning and Regulatory Services.

Corporate and Financial Services Department

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

Alectra Utilities

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

Regional Municipality of York

21. Prior to final approval, the Owner shall provide confirmation that all the conditions of the site plan approval issued for the subject property under Regional File SP-R-007-15 (SP.15R.0109) have been satisfied.
22. 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-R-007-15 (SP.15R.0109).

23. Prior to final approval, the Owner shall confirm that all of the works within the Regional right-of-way of Bayview Avenue 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.
24. Prior to final approval, the Owner shall provide confirmation that all transfers of obligation have been completed where Regional agreements require responsibility to change from the Owner to the Condominium Corporation.
25. The Owner shall include the following clause in all Agreements of Purchase and Sale and/or Lease, Condominium Agreement, Condominium Declaration:

“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.”

CN Rail

26. Prior to final approval, the Owner shall satisfy any requirements of CN Rail.

Clearance Conditions

27. The City of Richmond Hill shall advise that Conditions 1 to 19 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 20 has been satisfied. The clearance letter shall include a brief statement detailing how the condition has been met.
29. Regional Municipality of York shall advise that Conditions 21 to 25 inclusive have been satisfied. The clearance letter shall include a brief statement detailing how each condition has been met.
30. CN Rail shall advise that Condition 26 has been satisfied. The clearance letter shall include a brief statement detailing how the condition has been met.

In accordance with Section 51 of the *Planning Act*, R.S.O. 1990, the decision to approve the draft Plan of Condominium, subject to the above conditions, is deemed to have been made on _____.

Kelvin Kwan
Commissioner of Planning and Regulatory Services

DATED at Richmond Hill this _____ day of _____, 20**.

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.