

**Appendix “B”**  
to SRPBS.24.016

The Corporation of the City of Richmond Hill

Schedule of Conditions

Draft Plan of Condominium  
“Standard Condominium”

City File: CON-23-0005

**Elgin House Properties Limited**

**Part of Lots 26 and 27, Concession 2 E.Y.S.**

**City of Richmond Hill**

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**City of Richmond Hill**

**Development Planning Division**

1. Approval shall relate to a draft Plan of Condominium prepared by R-PE Surveying Ltd., Project Number. 17-211, dated July 6, 2023.
2. The Owner shall fulfill Site Plan provisions pertaining to a related Site Plan Agreement between the Owner and the City dated October 26, 2020, and registered in the Land Registry Office of the Land Titles Division of York Region as Instrument YR3214153, to the satisfaction of the Commissioner, Planning and Building Services Department.
3. The Owner shall fulfill Site Plan provisions pertaining to a related Amending Agreement between the Owner and the City dated August 9, 2022, and registered in the Land Registry Office of the Land Titles Division of York Region as Instrument YR3494751, to the satisfaction of the Commissioner, Planning and Building Services Department.
4. 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.
5. 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.
6. 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, S.O. 1998, c. 19*, all

right(s)-of-way and easements for vehicular and pedestrian access, on-site traffic circulation, private servicing, municipal servicing or utility servicing to the satisfaction of the City.

### **Building 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 and Amending Agreement between the Owner and the City dated October 26, 2020, and August 9, 2022.
9. Prior to final approval of the Plan, the Owner shall have fully complied with any orders issued pursuant to the *Building Code Act, 1992, S.O. 1992, c. 23* and shall have completed all work necessary to correct any building deficiencies related to said orders to the satisfaction of the City.

### **Development Engineering Division**

10. Prior to final approval of the Plan, the Owner shall provide the City with evidence in the form of an Engineer's Certificate stating that all grading, drainage, above and below ground services, asphalt paving, concrete works, bike parking and demarcation of parking spaces 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 certification from an Ontario Land Surveyor 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 within the Plan) for, but not limited to, access, parking, bike parking, water, sanitary and storm sewer, structural support and maintenance have been granted or will be granted upon registration of the Condominium Declaration, together with a certification from a Solicitor authorized to practice in Ontario that a reciprocal operating and cost-sharing agreement that deals with mutual easements for the provision of services, lateral support and access for installation and maintenance of services will be in place and will bind the landowner and condominium corporation to be created on the subject lands by registration of the condominium declaration.
12. The Owner shall include the following noise warning clauses in the condominium declaration as per the Addendum Letter #2 to Environmental Noise Impact Study prepared by Valcoustics Canada Ltd., dated December 18, 2017.

All dwelling units in Blocks 7 and 8, which correspond to the Draft Plan of Condominium for Phase 2, dated October 21, 2023, are subject to the following noise warning clauses:

Type A: (Inclusion of noise control features)

"Purchasers/tenants of all dwelling units are advised that despite the inclusion of noise control features in the development and within the building unit, sound levels due to increasing road 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."

Type B: (Proximity to Stationary Sources)

"Purchasers/tenants of all dwelling units are advised that due to the proximity of the Elgin Mills Community Environmental Centre, Richmond Hill Operations Centre and the Snow Storage Facility, noise from these facilities may at times be audible."

Type D: (Supply with central air conditioning system)

"Purchasers/tenants of all dwelling units 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."

Type E: (Proximity to Stationary Sources)

"Purchasers/tenants of all dwelling units are advised that sound levels due to the nearby facilities are required to comply with sound level limits that are protective of indoor areas and are based on the assumption that windows and exterior doors are closed. This dwelling unit has been supplied with a ventilation/air conditioning system which will allow windows and exterior doors to remain closed."

All dwelling units in Blocks 13 and 14, which correspond to the Draft Plan of Condominium for Phase 2, dated July 6, 2023, are subject to the following noise warning clause:

Type B: (Proximity to Stationary Sources)

"Purchasers/tenants of all dwelling units are advised that due to the proximity of the Elgin Mills Community Environmental Centre, Richmond Hill Operations Centre and the Snow Storage Facility, noise from these facilities may at times be audible."

13. The Owner acknowledges to grant a non-exclusive surface easement (the "Access Easement") over the interior private driveway and sidewalk to be built on a portion of the grade level of the subject lands. The Access Easement would be

in favour of the lands located between the subject property, known as Phase 2 - Block 7, 8, 13 and 14 (City File: CON-23-0005) and in favour of the abutting property to the West, municipally known as 930 Elgin Mills Road East (the "West Benefitting Lands"), as well as the following properties known as:

- Phase 1 -Building 'A' (City File: CON-23-0004);
- Phase 3 -Blocks 1 to 6 (City File: CON-23-0006);
- Phase 4 -Building 'B' and the Heritage Dwelling (City File: CON-23-0007); and
- Phase 5 -Blocks 9 to 12 (City File: CON-23-0008)

for the purpose of providing vehicular and pedestrian access and egress from the West Benefitting Lands, the four neighbouring condominium phases and from all adjoining public roadways, being Prairie Willow Street, Saigon Drive and Nannyberry Street. The Access 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 (Ontario) by describing the Access Easement in the condominium declaration and description or approval by the Committee of Adjustment. The Access Easement shall be in a form and location satisfactory to the Executive Director and the Owner shall be responsible for the preparation of any and all Reference Plan(s) necessary for the creation or conveyance of the Access Easement and all other costs related thereto. In no event shall any condominium declaration(s) be registered in connection with any of the lands within the Plan until such time as all the aforementioned reciprocal and/or cross easements or joint use agreements are provided.

14. The Owner shall file with the City, if required to do so by the City, certification from a Professional Engineer or Ontario Land Surveyor that all necessary easements required to service the lands 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 access, parking, water, sanitary sewer and storm sewer purposes, have been lawfully created or will be lawfully created upon the registration of the Declaration referred to in Condition 6.

#### **Corporate and Financial Services Department**

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

### **Park and Natural Heritage Planning Section**

18. The Owner shall agree within the condominium declaration to make provisions for the ongoing maintenance of all common element landscape areas.
19. The Owner shall complete all required landscape works to the satisfaction of the Commissioner, Planning and Building Services Department.

### **Regional Municipality of York**

20. Prior to final approval, the Owner shall provide confirmation that all of the conditions of the site plan approval issued for the subject property on June 4, 2020, under Regional File No. SP.15.R.0130, have been satisfied.
21. Prior to final approval, the Owner shall confirm that all of the works within the Regional 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.
22. 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.”

### **Clearance Conditions**

23. The City of Richmond Hill shall advise that Conditions 1 to 19 inclusive have been satisfied; the clearance letter shall contain a brief statement detailing how each condition has been met.
24. The Regional Municipality of York shall advise that Conditions 20 to 22 have been satisfied. The clearance letter shall include a brief statement detailing how each 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.