

**Appendix “A”
to SRPBS.24.090**

The Corporation of the City of Richmond Hill

Schedule of Conditions

Draft Plan of Condominium
“Standard Condominium”

City File: CON-24-0006

Elbay Developments Inc.

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

City of Richmond Hill

City of Richmond Hill

Development Planning Division

1. Approval shall relate to a draft Plan of Condominium prepared by Krcmar Surveyors Ltd., Project Number. 14-016, dated March 28, 2024.
2. The Owner shall fulfill Site Plan provisions pertaining to a related Site Plan Agreement between the Owner and the City dated March 9, 2023, and registered on April 27, 2023, in the Land Registry Office of the Land Titles Division of York Region as Instrument YR3545743, to the satisfaction of the Commissioner, Planning and Building Services Department.
3. The Owner shall enter into a Condominium Agreement or other 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, 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

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 March 9, 2023.
8. 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.

Infrastructure Planning and Development Engineering Division

9. 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.
10. The Owner shall file with the City, if required to do so by the City, certification from a 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, bike 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.
11. The Owner shall include the following noise warning clauses in the condominium declaration as per the Detailed Environmental Noise Report prepared by Jade Acoustics dated October 23, 2018. All dwelling units in Building 'J' and 'K' are subject to the following noise warning clauses:

Type A: (Inclusion of Noise Control Features)

"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 traffic (rail traffic) (air 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 (MECP)."

Type B: (Provision of Air Conditioning)

"This 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."

Type C: (Stationary Noise Sources)

"Purchasers/tenants are advised that due to the proximity of existing and future institutional/residential and industrial facilities, sounds levels from these facilities may at times be audible."

12. 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 abutting properties to the East, municipally known as 1000 Elgin Mills Road East (the "East Benefitting Lands), comprising the following Condominium Corporations:

- Condominium Corporation 1 - Building 'A' (City File: CON-23-0004)
- Condominium Corporation 2 - Blocks 7, 8, 13 and 14 (City File: CON-23-0005);
- Condominium Corporation 3 - Blocks 1 to 6 (City File: CON-23-0006);
- Condominium Corporation 4 - Building 'B' and the Heritage Dwelling (City File: CON-23-0007); and
- Condominium Corporation 5 - Blocks 9 to 12 (City File: CON-23-0008)

for the purpose of providing vehicular and pedestrian access and egress from the East Benefitting Lands 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(2)(b) 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 Commissioner of Infrastructure and Engineering Services 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 each of the aforementioned lands until such time as all the aforementioned reciprocal and/or cross easements are provided or will be

provided, after registration, in accordance with the obligations set out in the respective condominium declarations.

Corporate and Financial Services Department

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

Park and Natural Heritage Planning Section

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

Clearance Conditions

18. The City of Richmond Hill shall advise that Conditions 1 to 17 inclusive have been satisfied; the clearance letter shall contain 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, pursuant to the *Planning Act*, R.S.O. 1990, the approval to this proposed Plan of Condominium shall lapse at the expiration of three (3) years after the date upon which approval to the proposed Plan of Condominium was given, but the City of Richmond Hill may from time to time extend the duration of the approval by granting an extension prior to the lapsing date.