

The Corporation of the City of Richmond Hill

Schedule of Conditions

Draft Plan of Condominium
("Common Element Condominium")

City File: CON-24-0008 (19CDM(R)-24008)

Zonix Kent Inc.

Block 4, Registered Plan 65M-4767

City of Richmond Hill

City of Richmond Hill

Development Planning Division

1. Approval shall relate to a draft Plan of Condominium prepared by Pearson+Pearson Surveying Ltd., Project Number 1866, dated September 18, 2024.
2. The Owner shall fulfill Site Plan provisions pertaining to a related Site Plan Agreement between the Owner and the City dated May 19, 2023, and registered in the Land Registry Office of the Land Titles Division of York Region as Instrument YR3553357, to the satisfaction of the Commissioner, Planning and Building Services Department.
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, 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 May 19, 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. The Owner shall include the following noise warning clauses in the condominium declaration as per approved Noise Feasibility Study, dated June 9, 2020. The dwelling units included in the following noise warning clauses correspond to Draft Plan of Condominium, dated September 18, 2024:

Type A: (Exceedance of sound levels)

"Purchasers/tenants are advised that sound levels due to increasing road traffic may occasionally 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 D: (Supply with central air conditioning system)

"Purchasers/tenants 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."

10. The Owner agrees 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 Access Easement would be in favour of the lands located immediately to the east of the Subject Lands, municipally known as 4, 6, 8, 10 and 12 McCachen Street and legally described as Block 1, Plan 484 ("the East Benefitting Lands") for the purpose of providing vehicular and pedestrian access, ingress and egress, to and from the Benefitting Lands, to and from all public highways, known as Seguin Street and McCachen Street. The Access Easement shall be a strata/surface easement, which may be created and/or granted all at once or in phases and maybe 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 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 Access Easement and all other costs related thereto.

11. 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.
12. 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.

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 of Planning and Building Services as specified in the Site Plan Agreement.

Regional Municipality of York

18. Prior to final approval, the Owner shall provide confirmation that all of the conditions of the Site Plan Approval issued for SP.20.R.0160 on February 8 2023, have been satisfied.

19. 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.
20. Prior to final approval, the Owner shall confirm that all of the works within the Regional right-of-way have 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.
21. The Owner shall include in all Agreements of Purchase and Sale and/or Lease, Condominium Agreement, and the Condominium Declaration the following clauses:
 - a) “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.”
 - b) “As the site is within a Highly Vulnerable Aquifer (HVA), the storage of bulk fuel ($\geq 2500L$) (e.g. fuel oil for backup generators, etc.) or bulk chemicals ($\geq 500L$) is not permitted without the approval of York Region's Water Resources group, which will require the submission of Contaminant Management Plan for review and approval before permission can be granted.”

Clearance Conditions

22. 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.
23. Regional Municipality of York shall advise that Conditions 18 to 21 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, 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.