

The Corporation of the City of Richmond Hill

Schedule of Conditions

Draft Plan of Condominium
"Standard Condominium"

City File: CON-24-0001 **(19CDM(R)-24001)**

Montagna Capital Inc.

Block 3, Registered Plan 65M-4807

City of Richmond Hill

City of Richmond Hill

Development Planning Division

1. Approval shall relate to a draft Plan of Condominium prepared by R-PE Surveying LTD., Job Number 23-297, dated December 16, 2024.
2. The Owner shall fulfill Site Plan provisions pertaining to a related Site Plan Agreement between the Owner and the City dated March 28, 2024, and registered in the Land Registry Office of the Land Titles Division of York Region on June 27, 2024 as Instrument YR362394 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 March 28, 2024.
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 9.
11. The Owner shall include the following noise warning clauses in the condominium declaration as per the recommendations of the approved Environmental Noise Report for the Subject Lands prepared by Valcoustics Canada Ltd., dated October 20, 2022, and the Addendum to the report prepared by Valcoustics Canada Ltd., dated July 12, 2023. The units referenced in the following noise warning clauses correspond to the submitted Draft Plan of Standard Condominium of Block 3, Plan 65M-4807 prepared by R-PE Surveying Ltd., dated December 16, 2024:

Type A: (Inclusion of noise control features)

"Purchasers/tenants of all Units 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 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: (Provision of central air conditioning system)

"Purchasers/tenants of Units 1 to 54, 93 to 100, and 139 to 150 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 C: (Provision of adding central air conditioning)

"Purchasers/tenants of Units 55 to 92 and 101 to 138 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 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."

Type D: (Proximity to Adjacent High-Density Block)

"Purchases/tenants of Units 139 to 150 are advised that due to the proximity of the adjacent high-density block located on the southeast corner of the intersection of Major Mackenzie Drive East and Vogell Road, noise from this development block may at times be audible."

Type E: (Proximity to Stationary Sources)

"Purchasers/tenants of Units 43 to 54, 93 to 100, and 139 to 150 are advised that due to the proximity of the MTO/York Region Road maintenance facility located at 1700 Major Mackenzie Drive East, Richmond Hill, noise from the facility may at times be audible."

Type F: (Class 4 Area Notification)

"Purchasers/tenants of Units 93 to 100 and 139 to 150 are advised that sound levels due to the adjacent MTO/York Region Road maintenance facility located at 1700 Major Mackenzie Drive East, Richmond Hill 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."

Type G: (Noise Barriers)

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

Corporate and Financial Services Department

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

Parks and Natural Heritage Planning Section

15. The Owner shall agree within the condominium declaration to make provisions for the ongoing maintenance of all common element landscape areas.
16. 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

17. Prior to final approval, the Owner shall provide confirmation that all of the conditions of the Site Plan Approval issued on September 18, 2023, for the subject property under Regional File No. SP.23.R.0078, have been satisfied.
18. Prior to final approval, the Owner shall have constructed to the Region's satisfaction the improvements to the intersection of Major Mackenzie Drive and Vogell Road in terms of an Engineering approval that will be issued under ENG.22.R.0005 so that access is to be obtained via Vogell Road.
19. 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.
20. The Owner shall include in all Agreements of Purchase and Sale and/or Lease, Condominium Agreement, 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), storage of bulk fuel ($\geq 2500\text{L}$) (e.g. fuel oil for backup generators, etc.) or bulk chemicals ($\geq 500\text{L}$) is not permitted without the approval of the York Region's Water Resources Group, which will require the submission of a Contaminant Management Plan for review and approval prior to granting permission.
- c. Access onto Major Mackenzie Drive East is exclusively for use by emergency vehicles only.
- d. The maintenance of the walkway connections between the buildings and the multiuse pathway within the road allowance of Major Mackenzie Drive East will be the responsibility of the Owner and not York Region.

Clearance Conditions

21. The City of Richmond Hill shall advise that Conditions 1 to 16 inclusive have been satisfied. The clearance letter shall contain a brief statement detailing how each condition has been met.
22. The Regional Municipality of York shall advise that Conditions 17 to 20 inclusive have 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, 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. 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.